THE NEW HAMPSHIRE DIVISION OF HISTORICAL RESOURCES

Preservation 101: The Basics of Preservation Commissions

Office of Planning and Development Spring 2024 Conference

NEW HAMPSHIRE DIVISION OF HISTORICAL RESOURCES

Who We Are

The NH Division of Historical Resources (DHR) is the State Historic Preservation Office (SHPO)

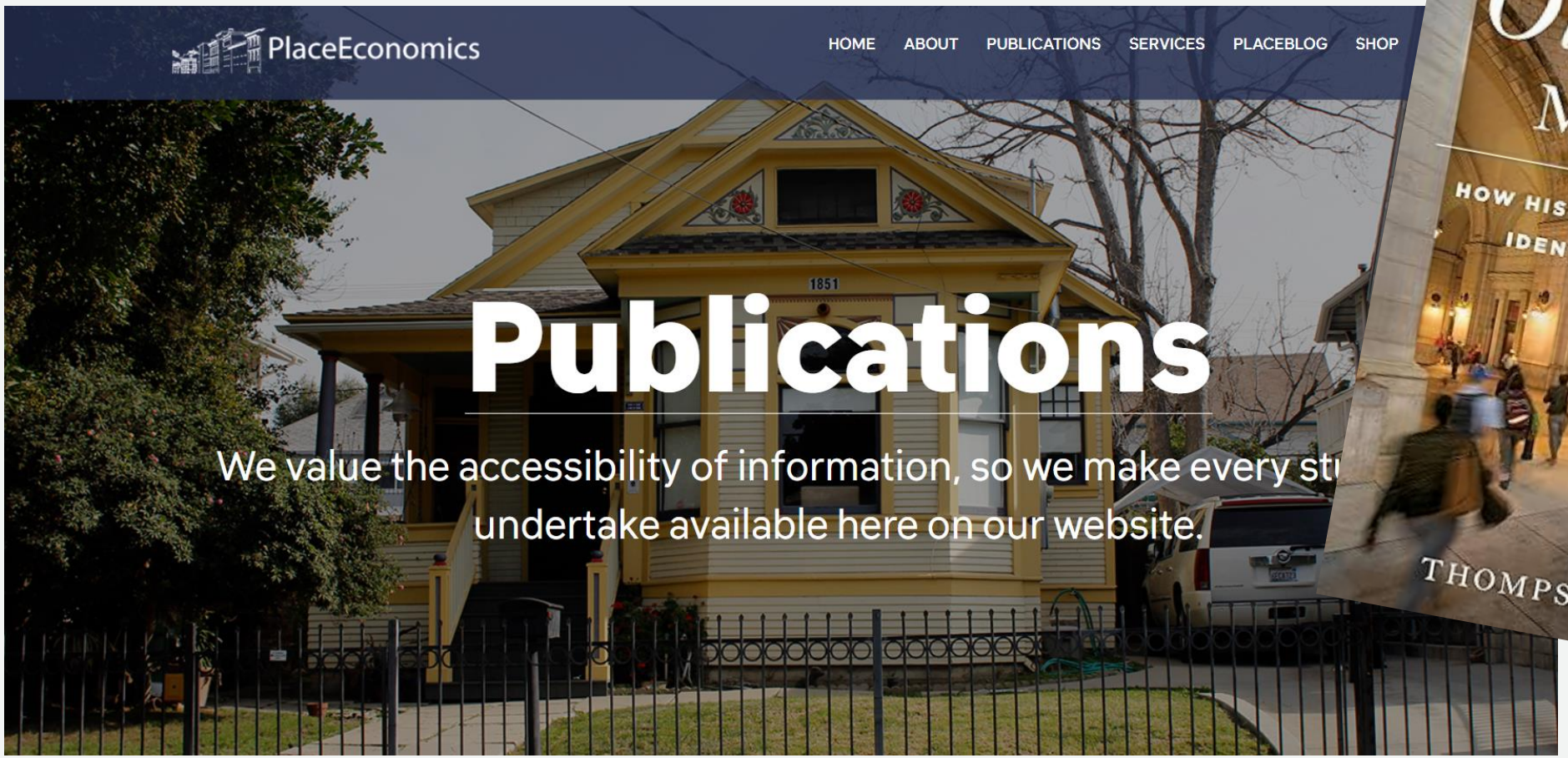
- Acts as liaison to the National Park Service for programs like the National Register of Historic Places and the Federal Rehabilitation Tax Credit Program, and Certified Local Government Program
- Provides consultation for Federal undertakings under the Section 106 provision of the National Historic Preservation Act

The NH Preservation Alliance is the statewide preservation non-profit.

- Promotes preservation through advocacy
- Recognition of historic properties through the *Seven to Save* program and Preservation Achievement Awards
- Biennial conference and Old House & Barn Expo
- Grants and field service assistance

Why do we preserve historic resources?

- Connects us to people and place
- Sound community planning & development
- Support sustainability
- Economic reasons
- Beauty and character



The New Hampshire Division of Historical Resources

NEW HAMPSHIRE DIVISION OF HISTORICAL RESOURCES

What does Preservation mean?

- Managing change
- Keeping buildings in active use
- Saving resources for future generations
- Ensuring a record of yesterday's materials, designs, and craftsmanship

What does Preservation NOT mean?

- Keeping buildings and neighborhoods under a bell jar
- NIMBY nonsense
- Aesthetic policing
- Promoting a false sense of history

The Nuts & Bolts of Preservation Commissions

- Difference between a Heritage Commission and a Historic District Commission
- Make up of the Commissions
- Ordinances
- Rules of Procedure
- Support for Commissions

Heritage Commission vs. Historic District Commission

- Definitions found in RSA 674: Local Land Use and Regulatory Powers
- Heritage Commissions under 674:44-b
- Historic District Commissions under 674:46-a

Why Historic District Commissions?

RSA 674:45

The preservation of cultural resources, and particularly of structures and places of historic, architectural and community value is hereby declared to be a ***public purpose***. The heritage of the municipality will be safeguarded by:

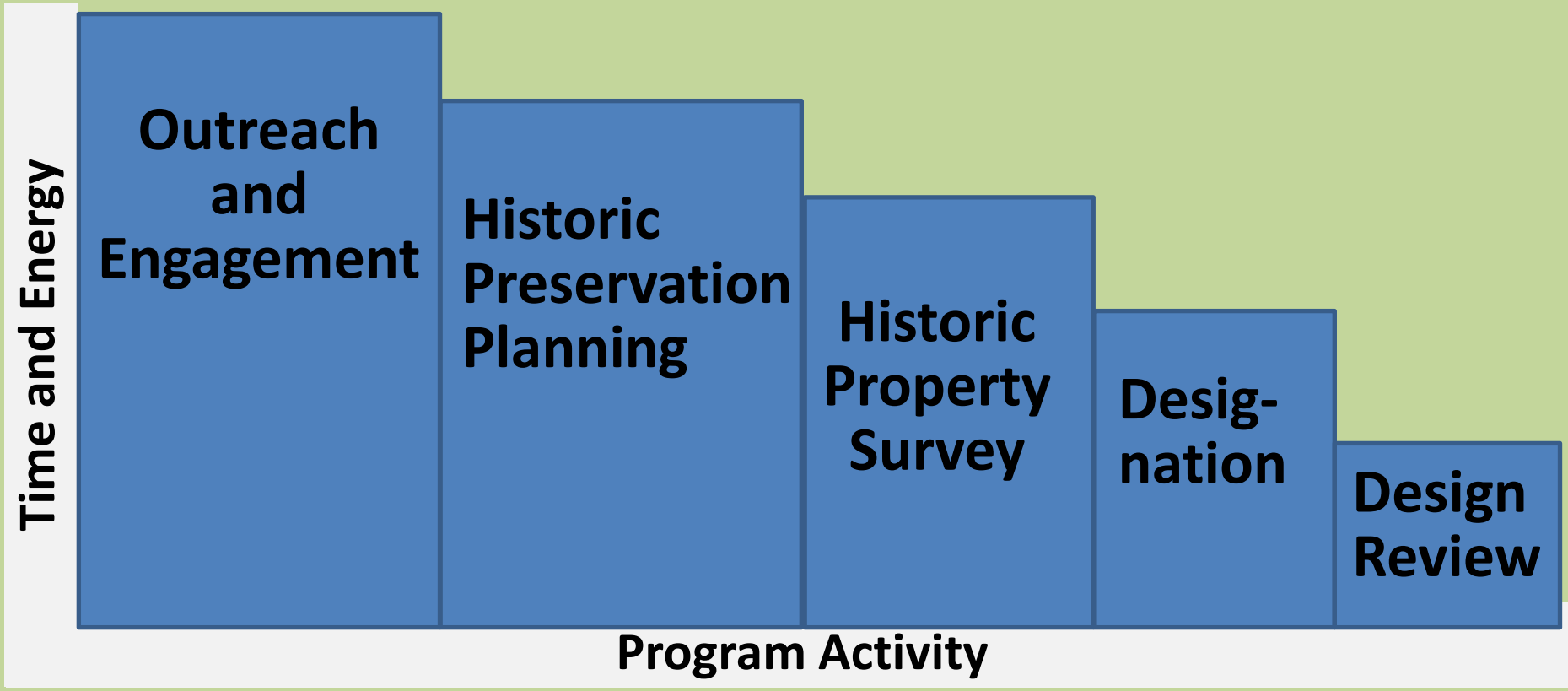
I. Preserving districts in the municipality which reflect elements of its cultural, social, economic, political, community and architectural history;
II. Conserving property values in such districts;
III. Fostering civic beauty;
IV. Strengthening the local economy; and
V. Promoting the use of historic districts for the education, pleasure and welfare of the citizens of the municipality.

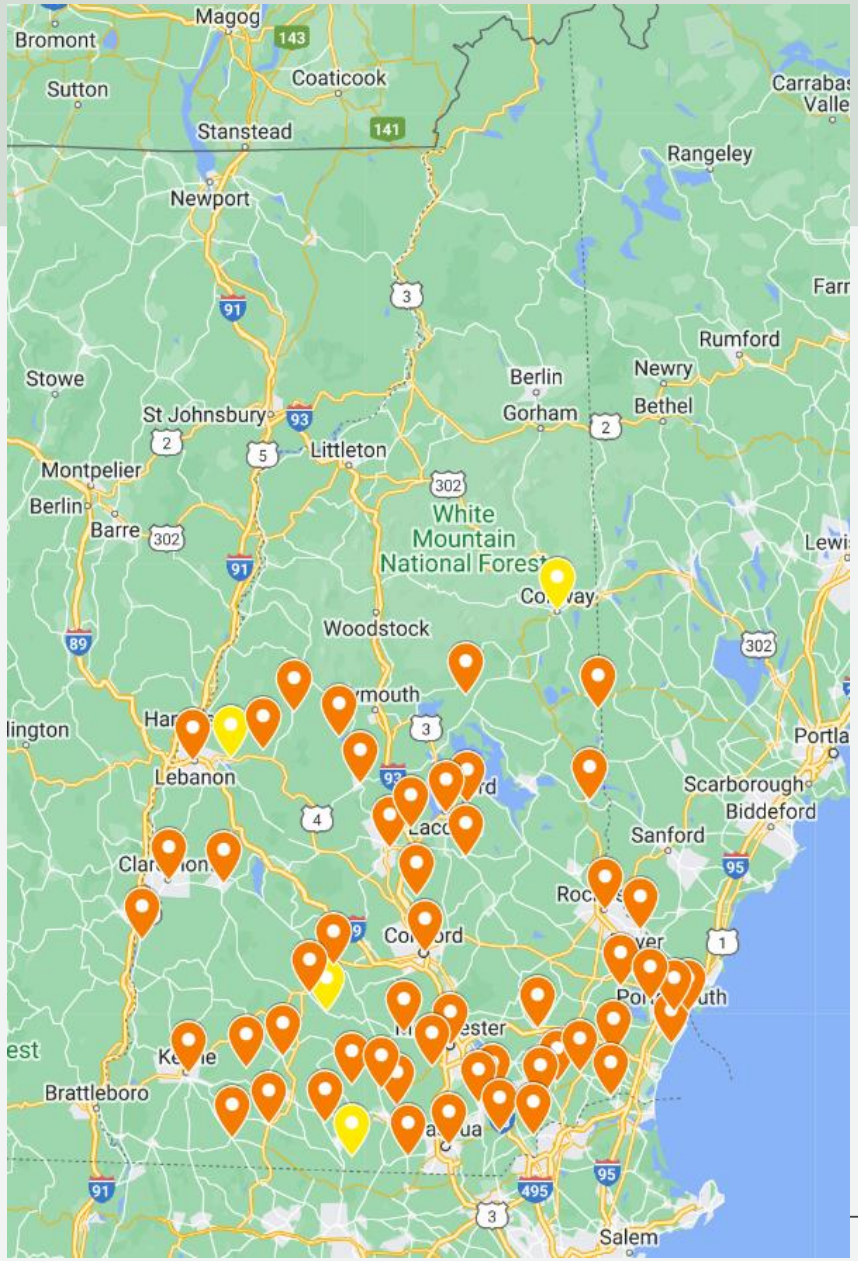
What is the HDC's role?

- Stewardship
- Planning
- Ordinance Enforcement

Where is your commission?

Make sure your commission does more than design review.





Historic District Commissions

Enabling legislation passed in the 1960s

Relevant RSAs: 673:4, 674:45-50, 675, 676:8-10

~55 HDCs exist in NH, from Dorchester (pop. 339) to Manchester (pop. 115,644)

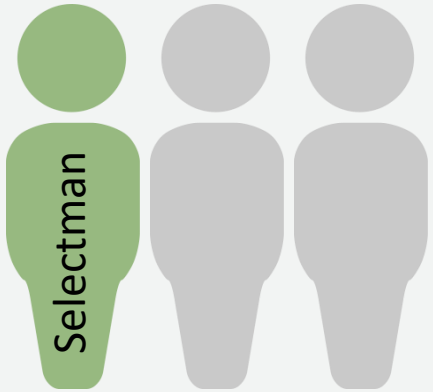
Some HDCs regulate only a few buildings, others regulate entire neighborhoods

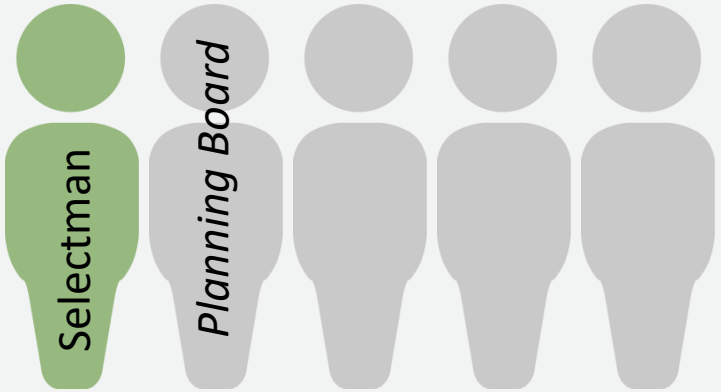
Can be combined with a Heritage Commission

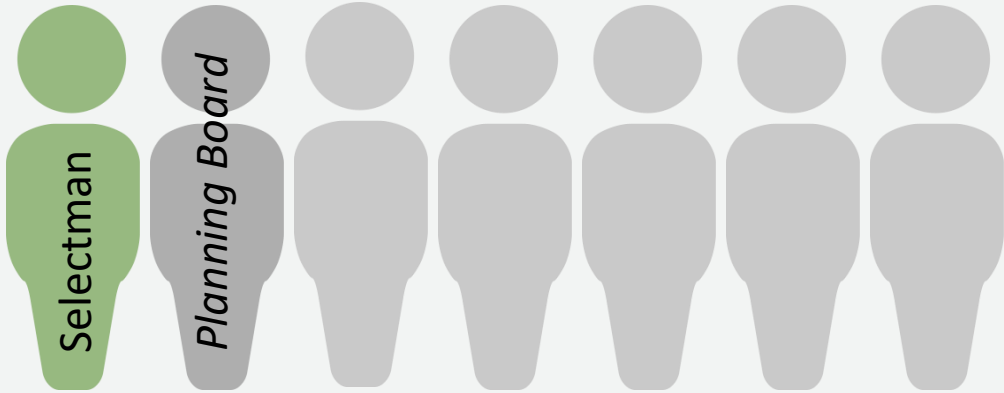
Make Up of HDCs

- Appointed members
- Not less than 3 and no more than 7 members
- Must be a resident of the city or town
- One **shall** be a member of the local governing body and one commission member **may** be a member of the planning board
- Qualifications: demonstrated interest and ability to understand, appreciate and promote the purposes of the historic district commission.

--RSA 673:4







Historic District Commissions

RSA 674:46 – gives the local legislative body the authority, by ordinance, to create and regulate local historic districts.

- One of the most effective and comprehensive tools for managing change in a historic area
- Ensure that new construction and significant alterations are respectful of existing character

Brief Overview: Creation of a Historic District Commission

- Define the goals & purpose of the HD/HDC
- Municipal council or town vote creates the commission.
- For HDC this will also include the delineation of the HDC's review powers, geographically and otherwise.
- Members & alternates appointed by town council or selectmen
- Request administrative support from town
- Members draft and adopt official rules of procedure
- Recommend no fewer than 4 meetings/yr

HDC Checklist

- Ordinance
- Regulations & Procedures
- Application and COA
- Design Guidelines

Key Foundations of a Preservation Ordinance

- Must not be so restrictive that it deprives a property owner of all reasonable economic use of the property
- Must honor a citizen's constitutional right to due process – fair hearings must be provided and rational procedures must be followed
- Must comply with relevant state laws
- Preservation ordinances generally take the form of a historic area zoning overlay
- Regulations and design guidelines are tailored to the community
- Currently, there are approximately 55 local historic districts throughout NH, representing more than 1/4 of NH communities

Recommended Elements of a Preservation Ordinance

STATEMENT OF PURPOSE

8.2 PURPOSE AND INTENT

8.2.1 The purposes of the Historic District Commission of Exeter are: A. To safeguard the heritage of the Town as it is represented in structures of historical and architectural value located, or which may be located, in an historic district; B. To preserve and reflect elements of the community's architectural, cultural, social, economic and political history; C. To conserve property values; D. To foster civic pride; and E. To promote use of an historic district for the education, pleasure and welfare of the citizens of Exeter.

8.2.2 The intent of the Downtown Historic District is to preserve the scale and unique character of Exeter's downtown, while permitted new construction of a size, scale and design that will be in harmony with the old. It is intended that the Water Street commercial area retain and enhance its commercial character, and that residential portions of the districts retain their residential qualities. 8-2

Recommended Elements of a Preservation Ordinance

ESTABLISHMENT OF REVIEW BOARD

These regulations are promulgated under the authority of and in accordance with RSA 674 and 675.

§ 285-2. Authority and adoption. Pursuant to the authority vested in the Bedford Historic District Commission (HDC) by the voters of the Town of Bedford on March 10, 1970, in accordance with the provision of RSA Chapter 31, Section 89a and b, of the New Hampshire Revised Statutes Annotated, 1963, as amended,1 the Bedford Historic District Commission adopts the following rules governing the review of sites, buildings and signs for the Historic District of the Town of Bedford as depicted on the official Zoning Map.

Recommended Elements of a Preservation Ordinance

COMMISSION POWERS & DUTIES

13.6 Historic District Commission (Amended 2007, 2009, 2013, 2020) In order to carry out the purpose of this Ordinance, the March 2005 Town Meeting gave the authority to create an Historic District Commission (HDC).

Powers and Duties

1. It shall be the duty of the HDC to develop regulations for accomplishing the goals of this Article within the Historic District, alongside other Town Ordinances and in conformance with the Bristol Master Plan.

2. Notwithstanding any inconsistent Ordinance, local law, code rule or regulation concerning the issuing of Land Use Permits, no change in any architectural feature in the district shall be commenced without a Certificate of Approval from the HDC nor shall any Land Use Permit for such change be granted without such a Certificate of Approval having first been issued. The Certificate of Approval required by this section shall be in addition to and not in lieu of any Land Use Permit that may be required by any Ordinance, local law, code, rule or regulation of the Town of Bristol. Exceptions are declared in Section 13.6.B.4.

Recommended Elements of a Preservation Ordinance

CRITERIA FOR DESIGNATION & RESULTING BOUNDARIES

Examples of Criteria for designation:

A geographically definable area in which:

a majority of the properties in the district are at least 50 years old and

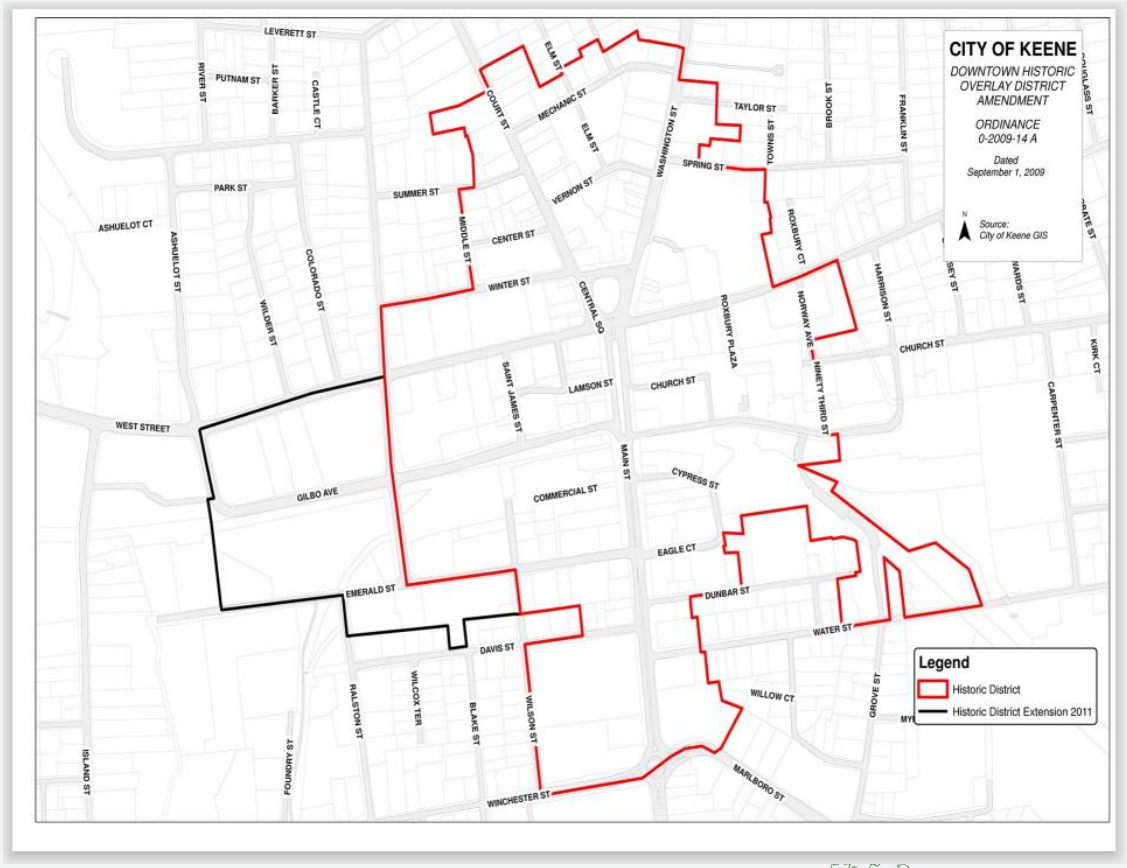
a majority of the properties in the district retain a high degree of integrity, that clearly conveys its historical significance

And which

possess a significant concentration, linkage, or continuity of buildings, structures, sites, or objects united by past events, plan, or physical development.

display significant character, interest, or value as part of the development, heritage, or cultural characteristics of the community.

exemplify the cultural, political, economic, social, or historical heritage of the community.



NEW HAMPSHIRE DIVISION OF HISTORICAL RESOURCES

Recommended Elements of a Preservation Ordinance

REVIEWABLE ACTIONS & PROCEDURES

•**Sec. 22-404. - Scope of review.**
It is unlawful for any person to construct, alter, modify, repair, move or demolish any building, structure, sign, or improvement which lies within an historic district without first obtaining a certificate of appropriateness from the historic district commission in the manner prescribed in this division.
(Ord. No. 299, § 2(3-15.7), 12-14-88)

•**Sec. 22-405. - Activities requiring certificates.**

•For the purpose of this division, the following activities shall be reviewed by the historic district commission whether or not such activity requires the issuance of a permit.

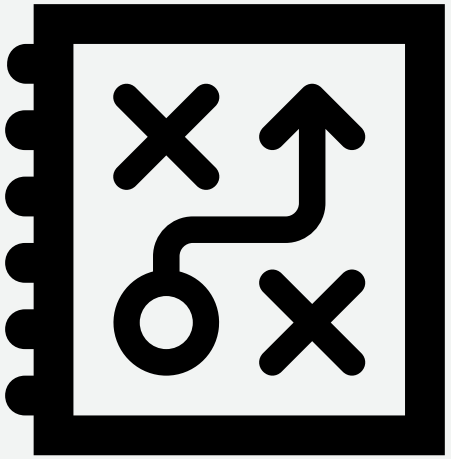
•Erection, construction, alteration, major repair or razing of a building or structure.

•Erection, alteration or removal of any exterior, visible feature of a building or structure.

•Alteration, including grading, excavating, tree removal, and/or paving of a site.

•Erection or alteration of a sign affixed to a building, painted on a building or windows, or hanging inside of the window. Temporary signs shall not be in place for more than three (3) months.

•Addition or alteration of exterior siding (e.g. vinyl, aluminum, stucco, wood, glass, etc.) of a building or structure.



Recommended Elements of a Preservation Ordinance

STANDARDS FOR REVIEW

ARTICLE III — PRESERVATION GUIDELINES

A. For guidance and recommendations on rehabilitation, preservation, and maintenance homeowners are encouraged to refer to the U.S. Secretary of the Interior's Standards for Rehabilitation.

B. The Commission shall be guided by the following principals:

1. Every reasonable effort shall be made to provide a compatible use for a property which requires minimal alteration of the building, structure, or site and its environment, or to use a property for its originally intended purpose.

2. The distinguishing original qualities or character of a building, structure, or site and its environment shall not be destroyed. The removal or alteration of any historical material or distinctive architectural features should be avoided when possible, and additions or changes inconsistent with these goals should be discouraged.

3. All buildings, structures, and sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance shall be discouraged.

4. Changes which may have taken place in the course of time are evidence of the history and development of a building, structure, or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.

5. Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure, or site shall be treated with sensitivity.

6. Deteriorated architectural features shall be repaired rather than replaced, whenever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features substantiated by historical, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.

Recommended Elements of a Preservation Ordinance

APPEALS

677:17 Appeal When Zoning Ordinance Exists. – Any person or persons jointly or severally aggrieved by a decision of the historic district commission shall have the right to appeal that decision to the zoning board of adjustment in accordance with the provisions of RSA 676:5 and RSA 677:1-14.

677:18 Appeal When no Zoning Ordinance Exists. – In municipalities which do not have a zoning board of adjustment, motions for rehearing and appeals from decisions of the historic district commission shall be governed by the applicable provisions of RSA 677:1-14.

Recommended Elements of a Preservation Ordinance

ENFORCEMENT & REMEDIES FOR VIOLATION

The enforcement of the provisions of this subdivision shall be made through the zoning ordinance of the municipality. Any local legislative body which has established a historic district commission under RSA 673 shall include provisions for the enforcement of the commission's administrative decisions in the zoning ordinance of the municipality.

--RSA 674:49

In case of the violation of any ordinance or regulation made under the authority conferred by this subdivision, the historic district commission, in addition to other remedies, may institute any appropriate action or proceedings to prevent, restrain, correct or abate such violation.

--RSA 674:50

HDC Regulations & Procedures

ADOPTION OF REGULATIONS

The historic district commission may adopt or amend regulations only after the commission has held a public hearing ***within the district***. Notice for the time and place shall be as provided in RSA 675:7. The adopted regulations shall be certified by a majority of the historic district commission members and filed with the city clerk, town clerk, or clerk for the county commissioners.

--RSA 675:6

HDC Regulations & Procedures

ROLE IN APPROVAL OF BUIDING PERMITS

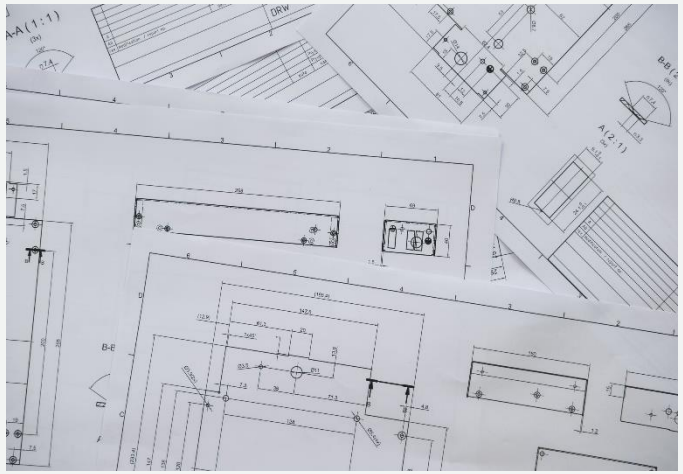
The historic district commission shall review applications for building permits within the historic district for their impact on the historic district and its objectives by:

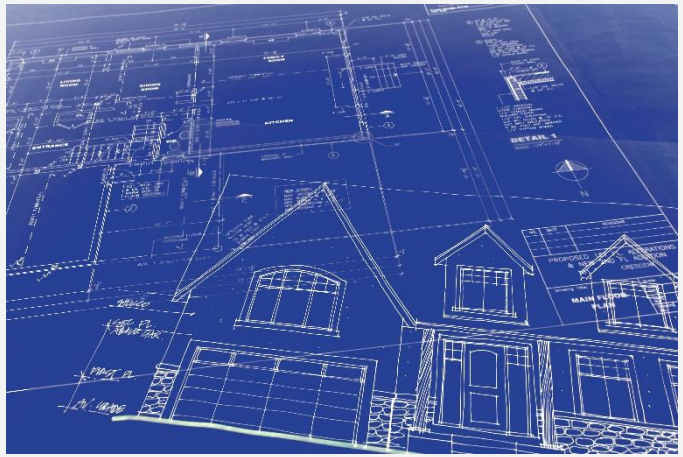
I. Requesting reports and recommendations regarding the feasibility of the applicant's proposal from the planning board, fire chief, building inspector, health officer and other administrative officials who may possess information concerning the impact of the proposal on the historic district.

II. Seeking advice from professional, educational, cultural or other groups or persons as may be deemed necessary for the determination of a reasonable decision.

III. Filing with the building inspector or other duly delegated authority either a certificate of approval or a notice of disapproval following the review and determination of the application.

--RSA 676:8





PROCEDURE FOR APPROVAL FOR BUILDING PERMITS

I. The historic commission district shall file a certificate of approval or a notice of disapproval pursuant to RSA 676:8, III within 45 days after the filing of the application for the certificate, unless the applicant agrees to a longer period of time.

II. No building permit shall be issued until a certificate of approval has been filed with the building inspector; but, in the case of disapproval, notice of disapproval shall be binding upon the building inspector or other duly delegated authority, and no permit shall be issued.

III. Failure to file the certificate within the specified period of time shall constitute approval by the commission.

--RSA 676:9

Recommended Elements of HDC Regulations

APPLICATION PROCEDURES

•The following procedures shall be observed in processing applications for a certificate of appropriateness under this division.

•The applicant shall make written application to the historic district commission through the planning and development office for a certificate of appropriateness. The application shall include:

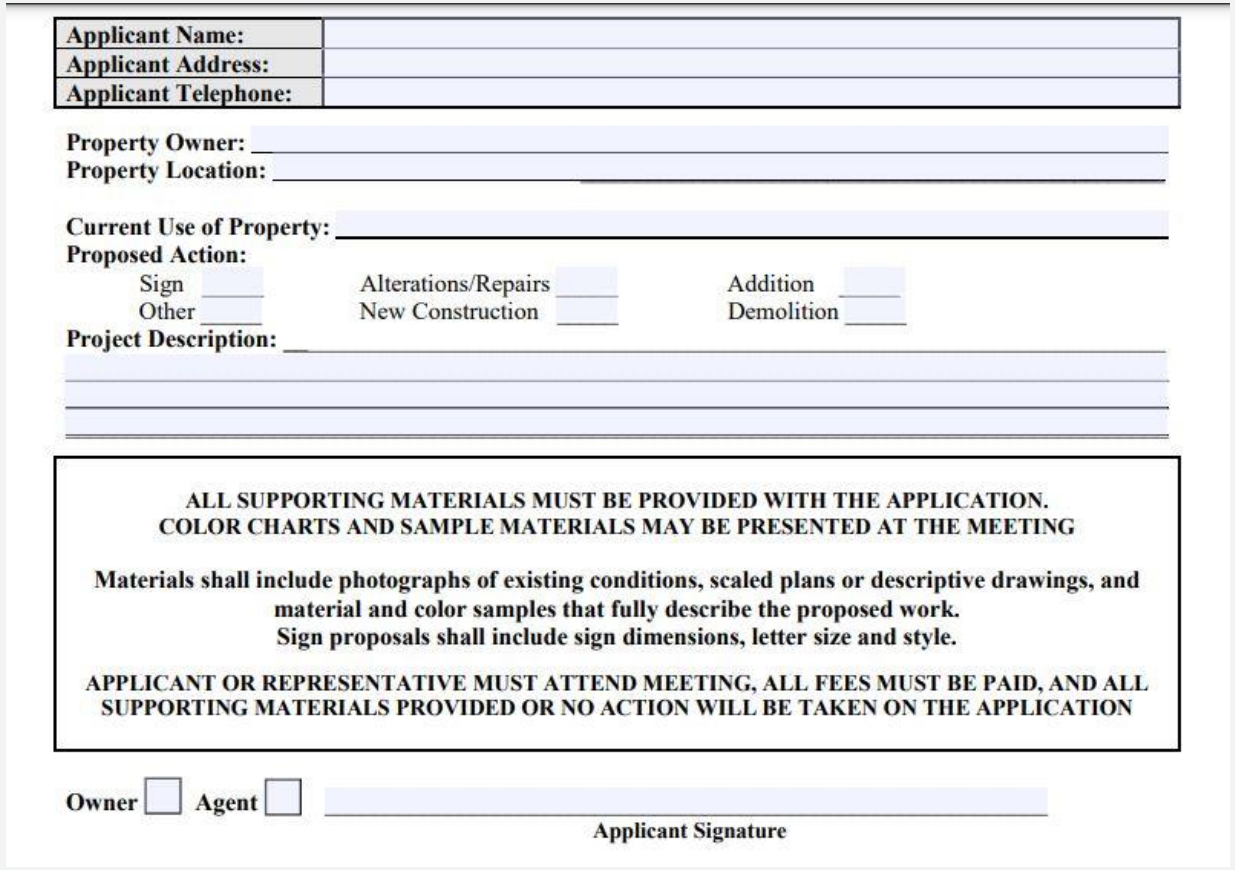
•Completed standard city application form.

•Narrative description of the project.

•Graphic materials of sufficient clarity and detail that the commission will have a clear understanding of what the applicant intends to do.

•Completed abutters list.

•Any site plans, building plans, elevations, perspective sketches, photographs, building materials samples reasonably required by the commission to make its decision shall be made available to the commission by the applicant.
•(Ord. No. 299, § 2(3-15.10), 12-14-88; Ord. No. 515, § 3, 7-14-2010)



Applicant Name:	
Applicant Address:	
Applicant Telephone:	

Property Owner: _____
Property Location: _____

Current Use of Property: _____
Proposed Action:
Sign ____ Alterations/Repairs ____ Addition ____
Other ____ New Construction ____ Demolition ____
Project Description: _____

ALL SUPPORTING MATERIALS MUST BE PROVIDED WITH THE APPLICATION.
COLOR CHARTS AND SAMPLE MATERIALS MAY BE PRESENTED AT THE MEETING

Materials shall include photographs of existing conditions, scaled plans or descriptive drawings, and material and color samples that fully describe the proposed work.
Sign proposals shall include sign dimensions, letter size and style.

APPLICANT OR REPRESENTATIVE MUST ATTEND MEETING, ALL FEES MUST BE PAID, AND ALL SUPPORTING MATERIALS PROVIDED OR NO ACTION WILL BE TAKEN ON THE APPLICATION

Owner ☐ **Agent** ☐ _____
Applicant Signature

Recommended Elements of HDC Regulations

REVIEW PROCEDURES

The Commission is composed of seven (7) members appointed by the Board of Selectmen for staggered three year terms. One member shall be a member of the Board of Selectmen and not less than four (4) members shall be residents of the Historic District. A quorum shall consist of four (4) members, except that a lesser number may adjourn any legally called meeting to a later date, giving public notice of the adjournment.

1. Meetings: The Commission shall meet on the third Tuesday of each month in the Town Hall at 5:30 p.m. Three consecutive or six total unexcused absences is cause for removal from the Commission. Emergency meetings may be convened on request of the Chairman or three members of the Commission. All meetings are to be conducted with the reference of the Right to Know Law RSA 91-A.

2. Applications and Fees: Applications for Certificates of Appropriateness shall be made on application forms available from the Selectmen's Office and here. For consideration at a scheduled meeting of the Board, the application must be filed with the secretary or designated agent of the Board at least fifteen (15) days before the date of that meeting. Copies of plans or sketches or drawings shall accompany applications. Fees in the amount of $3.00 per abutter may be required for any major reconstruction, new construction, or exterior construction at the discretion of the Historic District Commission.

3. Commission Findings: The Commission shall notify the applicant (and the building inspector/selectmen) of its decision within a reasonable period of time, not to exceed 45 days and, in the event of a negative decision, shall furnish the applicant with a copy of its decision with reasons. If the applicant brings in professional consultants, the cost for such consultants shall be borne by the applicant. Further, if the Commission has to retain professional consultants, the cost for such consultants shall be borne by the applicant.

4. Appeals: Appeals may be made to the Sandwich Board of Adjustment and must be filed within 30 days of a decision by the Commission.

5. Enforcement: Enforcement shall be through the provisions of the Zoning Ordinance of the Town of Sandwich and shall be enforced by the Selectmen, in case of a conflict with the Zoning Ordinance, the more stringent ordinance applies.

6. When Application Required: Application for Certificate of Appropriateness must be secured for change of land use and for all alterations, restoration, moving, demolition or construction involving change of exterior appearance, including, but not limited to, change of roof materials, siding, chimneys, porches, fences, signs, windows, doors, outdoor lighting, garages, outbuildings, barns, and landscaping, even though a building permit is not required. Routine repairs and painting that do not alter the present design or materials do not require a certificate.

Design Guidelines

ADDITIONS TO EXISTING BUILDINGS

Historically, the need for increased space was often addressed by constructing additions to existing buildings. Additions to existing historic buildings can provide increased space while maintaining the historic character of the original building and streetscape.

Consistent with *The Secretary of the Interior's Standards for Rehabilitation*, an addition to a historic building should be subordinate to the historic building and read as an addition. The subordinate appearance of an addition can be achieved through its placement, form, size, massing, materials, and details. Traditional or contemporary design and additions to existing properties should not obscure, damage or destroy significant architectural material, and should be compatible with the design of the property and the neighborhood. Whenever possible, additions should be constructed in a manner that, if removed in the future, the essential form and integrity of the historic building would be unimpaired.

It is Generally Appropriate to...

- Locate additions at rear or side elevations that are subordinate to the historic building and consistent or compatible with the design of the property and surrounding neighborhood wherever possible
- Construct additions so that the historic building fabric is not radically changed, obscured, damaged, or destroyed
- Review *Guidelines* to better understand the historic context and appropriate design and materials
- Consult zoning requirements at the beginning of the design process

The addition to the left has a scale, proportion, overall form and window pattern similar to the existing building. The addition to the right is significantly larger than the existing building and is visually overwhelming and inappropriate.

Wall signs should be proportional and fit their location. Lighting, such as these gooseneck lights, should be directed towards the wall sign.

Wall Signs are single sided signs mounted parallel to and generally flat against a wall of the building. Wall signs can have information displayed on a board or by mounting individual letters directly on the wall surface..

Wall signs should be proportional and fit their location. Lighting, such as these gooseneck lights, should be directed towards the wall sign.

Freestanding signs are mounted to a post, in this case granite, set in the landscape. The formal lettering style and gold leaf suggests the building's prominence. Light fixtures, if incorporated, should be minimally visible and light should be directed towards the sign surface.

Freestanding Signs are not attached to the building. They are most appropriate when a building is set back from the street, and often reflect the building's style. They can include information on one or two sides, mounted on the ground or suspended from a rail or bracket that is supported by one or two posts that are set in paving or landscape areas.

- **Maintaining and repainting exterior woodwork on a regular basis**. A high-quality paint job can last 5 to 8 years. For best results, address any moisture or deterioration problems prior to painting. Hand scrape and sand where possible to avoid removing or damaging decorative details with power tools or burning. Apply high quality and compatible primer and paint to clean and dry surfaces. Paint colors and luster should be appropriate to the building style. (Refer to *Exterior Paint*, page 03-8.)
- **Repairing smaller areas of deterioration by reinforcing or patching as required**. Small cracks and checks can be repaired with an exterior wood filler, glue, or epoxy. Loose elements can be refastened with careful nailing or drilling and screwing. (Refer to *Wood Repair Options*, page 03-4.)
- **Selectively replacing deteriorated wood elements when they are beyond repair**. Replacement wood pieces should be the same size, profile and character as the historic wood element. It might be helpful to take a sample of the historic wood to the lumber yard or millwork shop for the best match. Wood filler in the joints between the new and old wood will help provide a smooth finish. (Refer to *Wood Repair Options*, page 03-4.)
- **Replacement wood elements should have the same visual characteristics as the historic woodwork including its dimensions, profile, and materials.** Large scale or significant replacement of exterior wood might be necessary if deterioration of exterior woodwork is severe and extensive. Replacement wood elements should have the same visual characteristics as the historic woodwork, including its size, profile and visual characteristics. Replacement wood siding materials should be installed in the original pattern being as careful as possible to match the original exposures and alignments relative to historic building elements such as door and window frames. Select replacement wood species appropriate for exterior use and location.

Selective replacement of deteriorated woodwork should endeavor to match the visual characteristics of the historic woodwork in dimension, profile, and materials.

The New Hampshire Division of Historical Resources

NEW HAMPSHIRE DIVISION OF HISTORICAL RESOURCES

HDC Outreach & Public Engagement

Build a Presence in the Community

- Create a page on your town's website and leverage social media presence where available and appropriate
- Introduce yourselves to other town officials/board and commission members, as well as town staff – be willing and prepared to offer assistance or information about the HC's mission and goals.
- Work closely with other boards and commissions in your town – you may come to see you share more goals in common than you think!
- Reach out to community groups such as the Historical Society, Main Street organization, business groups and others.

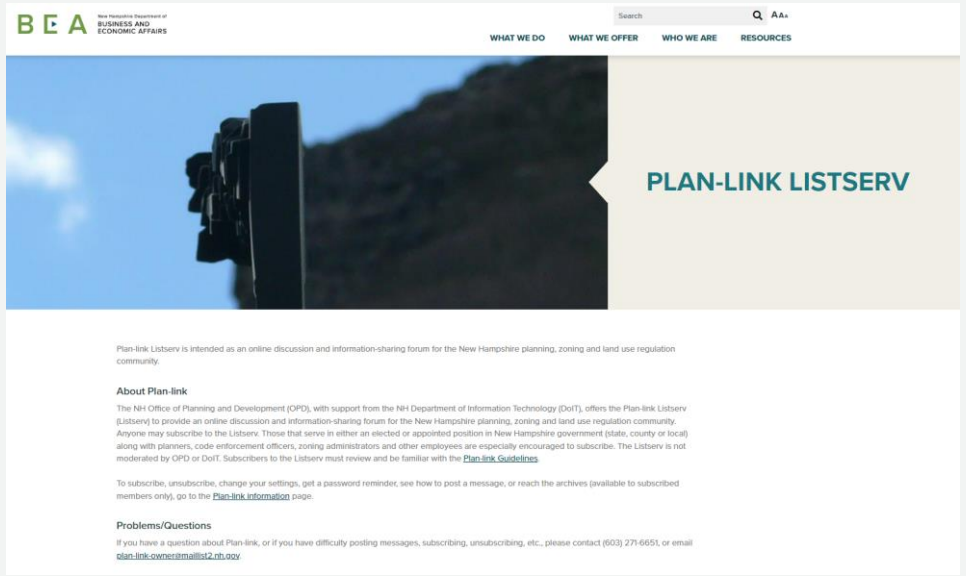
Project Ideas for a Heritage Commissions & HDCs

- Design exhibits or offer programs on local history
- Manage/start appropriate social media accounts to promote activities/historic resources
- Create a resource center for property owners in town – and know where to send them when you don't know the answers
- Encourage your town to adopt preservation-friendly legislation, like 79-E & 79-D
- Host workshops for owners of historic properties: how to research the history of your property, weatherization for historic buildings, how to identify architectural styles in the community, etc
- Partner with schools, youth programs, senior programs, etc
- Recognize historic buildings or events with a plaque program
- Start a preservation awards program
- Write articles and press releases for news media
- Design and publicize a walking tour
- Partner with other boards and commissions to create overlapping projects.

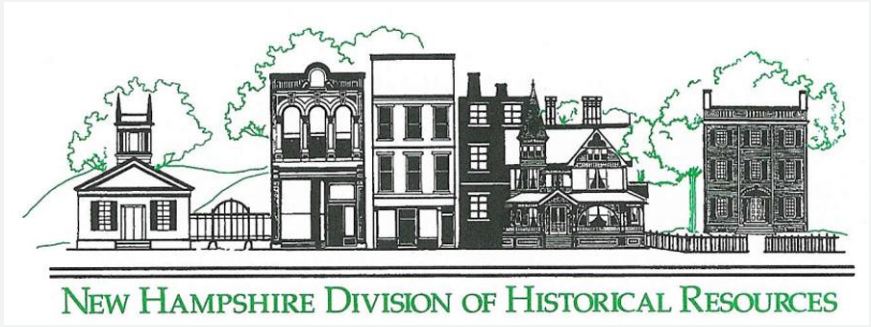
HDC Best Practices

- Familiarize yourself with the RSAs and your HDC ordinances/regulations
- Review your ordinances and regulations regularly and consider boundary changes as needed
- Attend workshops and trainings. Want more? Ask!
- Build relationships with the district residents, town staff, other town boards, statewide contacts, and nearby HDCs
- Consider becoming a CLG…if you are already one, seek funding for more survey work or design guidelines
- Host workshops or presentations to maintain and develop support for your HDC

Support for Commissions

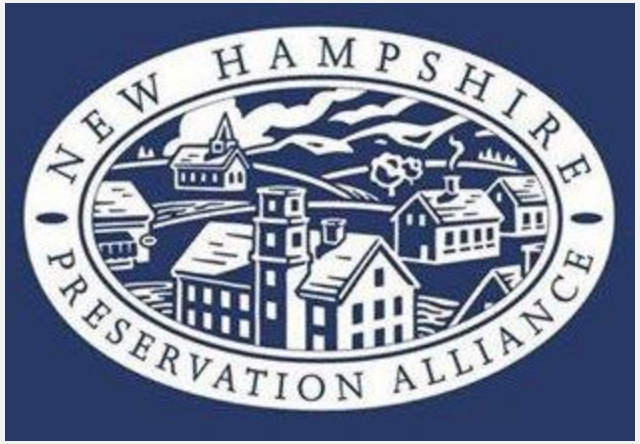


https://www.nheconomy.com/office-of-planning-and-development/what-we-do/municipal-and-regional-planning-assistance/plan-link-listserv



https://www.nh.gov/nhdhr

https://www.napcommissions.org/



https://www.nhpreservation.org/

Contact Us

https://www.nh.gov/nhdhr

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Questions

The New Hampshire Division of Historical Resources

NEW HAMPSHIRE DIVISION OF HISTORICAL RESOURCES