

HISTORIC DISTRICT ORDINANCE DEERING, NEW HAMPSHIRE

SECTION I, PURPOSE

The purpose of this ordinance is to promote the educational, cultural, economic and general welfare of the public for the protection, enhancement, perpetuation and preservation of the Historic District. It is hereby declared that it is a public purpose that the

heritage of Deering will be safeguarded by:

1. Preserving districts in Deering which reflect elements of the cultural, social, economic, political and architectural history;
2. Conserving property values in such districts;
3. Fostering civic beauty *and* rural character
4. Strengthening the local economy;
5. Promoting the use of an historic district for the education, pleasure, and welfare of the citizens of Deering (RSA 674:45)

SECTION II. THE HISTORIC DISTRICT BOUNDARIES

The Historic District is defined on the town zoning maps, which are on file in the Town Clerk's office of the Town of Deering. The proposed district includes: on the north side of Route 149: the hotel lot, Deering Community Church and Gamache house. On the south side of Route 149: Huggard, Dimotta and Dishong houses, town hall, old school house and the Sittig House. The town sheds and ____ house are excluded from the district. A five hundred foot set back around the historic district perimeter will be required.

SECTION III. DEFINITIONS

1. ALTERATION: any repair, reconstruction, restoration, replacement, rehabilitation, demolition, addition, or new construction proposed for the exterior of a building or its site. The work may involve changes in materials, dimensions, design, configuration, texture, color, or visual appearance.

2. ARCHITECTURAL FEATURE: the architectural style, design, detail or general arrangement of outer surfaces of a structure and or building that, if altered or removed, would affect its appearance and character. Examples of architectural features include, but are not limited to, building materials, windows, doors, cornices, roofs, porticos and signs..

3. ABUTTER . Any person whose property is located in the Amherst Village Historic District and adjoins or is directly across the street or stream from the land under consideration by the Commission. For purposes of receiving testimony only and not for purposes of notification, the term abutter shall include any person who is able to demonstrate that his property will be directly effected by the proposal under consideration.

4. ALTERATION . Any act or process that changes one or more of the exterior architectural features of a structure, including, but not limited to, the erection, construction, reconstruction, or removal of any structure.

5. APPEARANCE . The architectural character and general composition of the exterior of a structure, including, but not limited to, the kind, color, and texture of the building material and the type, design, and character of all windows, doors, light fixtures, signs, and appurtenant elements.

6. APPURTENANCE . Property that is situated on, but subordinate to, the structure or place, such as a hot tub, swimming pool, antennae, satellite dish, etc.

7. BUILDING . Any structure that has a roof and is intended to shelter people, animals or chattel.

8. CERTIFICATE OF APPROVAL (OR CERTIFICATE). A certificate issued by the Historic District Commission indicating its approval of an application to alter, repair, construct, add onto, move, demolish, or change the use of a structure or a site within an Historic District.

9. CHANGE OF USE . A change in how a structure or place is utilized or developed, whether for industrial, commercial, residential or agricultural purposes.

10. CHARACTER. The aggregate of visible historic and architectural features and traits that together form the individual nature of an historic district.

11. COMMERCIAL USE: any use that requires site plan review under the zoning ordinance and regulations of the planning board

12. CONSTRUCTION . The act of adding an addition to an existing structure or the erection of a new principal accessory or structure on a lot or property.

13. DEMOLITION: Any act or process that destroys in part or in whole a landmark or structure. The razing, destruction, removal, or relocation, entirely or in significant part and including its facade, of a building, structure or other resource

14. DESIGNATION. Act of identifying historic structures and districts subject to regulation in historic preservation ordinances or other preservation laws.

15. DESIGN GUIDELINES (OR GUIDELINES) . Standards of appropriate design and activity developed by the Commission which offers property owners guidance in preserving the historic and architectural character of a structure, setting, or place, and which standards shall include the *Secretary of the Interior's Standards for Rehabilitation*. (See *Regulations*.)

16. ELEVATION . The orthographic projection of an object or structure on a vertical picture plane parallel to one of its sides, and usually drawn to scale.

15. HISTORIC DISTRICT . An area designated by ordinance of the Town of Deering and which contains within definable geographic boundaries a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united by past events or aesthetically by plan or physical development.

16. HISTORIC PROPERTY (OR HISTORIC RESOURCE) . Any prehistoric or historic site, place, building, structure, or object that is deemed by the Commission to have historic, cultural, social, economic, political, or architectural significance.

17. LANDSCAPING: The use of existing vegetation and terrain, or new permanent plantings, grade separations and/or fences intended to screen a building, structure, or place

18. MAINTENANCE. Ordinary maintenance and repair of any architectural feature that does not involve removal or a change in design, dimensions, materials or outer appearance of such feature.

19. MASSING. The interplay of a building's height, length, and width that determines its overall shape.

20. MOVING . Any relocation or removal of a structure on its site or to another site.

21.. NATIONAL REGISTER OF HISTORIC PLACES (OR NATIONAL REGISTER) .

Official inventory of "districts, sites, buildings, structures, and objects significant in American history, architecture, archaeology, engineering and culture."

22. PLACE . An open space of land within the historic district.

23. PRESERVATION . The act or process of applying measures necessary to sustain the existing form, integrity, and materials of an historic structure, place, or feature.

24. PRESERVATION RESTRICTION: A right to prohibit or require, limitation upon or an obligation to perform, acts on or with respect to, or uses of, a structure or site historically significant for its architecture, archaeological associations, whether stated in the form of a restriction, easement, covenant or condition, in and deed, will or other instrument executed by or on behalf of the owner of the structure or site or in any order of taking, which right, limitation or obligation is appropriate the preservation of restoration of such structure or site

25. RECONSTRUCTION . The act or process of reproducing by new construction, the form, features, and detailing of a non-surviving site, landscape, building, structure, or object for the purposes of replicating its appearance at a specific period of time and in its historic location.

26. REGULATIONS . Local design guidelines and standards of review promulgated by the Commission that interpret and implement statutory requirements and are in conformance with the Historic District Zoning Overlay.

27. REHABILITATION . The process of returning property to a state of utility, through repair or alteration, which makes possible an efficient contemporary use while preserving those portions and features of the property which are significant to its historic, architectural, and cultural values.

28. REPAIR . Any change that is not construction, addition, demolition, moving, or alteration.

29. RESTORATION. The act or process of accurately recovering the form, features, and character of a property and its setting as it appeared at a particular period of time by means of removal of features from other periods in its history and reconstruction of missing features from the restoration period.

30. SCALE . A certain proportionate size, extent, or degree, usually judged in relation to some standard or point of reference.

31. SETBACK. The minimum required distance from every structure to the property lines of a lot, established by the Zoning Ordinance to provide for air, light, solar access, and privacy.

32. SITE PLAN. Proposed plan for development, submitted by the property owner for review by the Commission, that shows the form, location, and orientation of a building or group of buildings on a site, usually including dimensions, landscaping and other significant features of the plot.

33. STREET . Relates to and includes street, avenue, boulevard, road, lane, alley, viaduct, highway, freeway and other ways.

34. STRUCTURE . Anything constructed or erected, the use of which requires permanent or temporary location on or in the ground, including, but not limited to: buildings, fences, stone walls, gazebos, signs, backstops for tennis courts and ballparks, antennae, above ground pools and hot tubs, air conditioning units, propane tanks, playground equipment, etc.

35. TEXTURE . The visual and tactile quality of a surface, apart from its color or form.

SECTION IV. GENERAL CRITERIA:

The major criteria is to retain in general perceptions the architectural style of the existing buildings in the HISTORIC DISTRICT, particularly the Town Hall and the Deering Community Church.

1. ARCHITECTURAL DETAILS. Elements such as windows, doors, light fixtures, storm gutters, molding should closely resemble or compliment those of the buildings in the HD

2. BUILDING MATERIALS. For exterior walls that are visible to passers by should closely resemble clapboard style of the major buildings in the district. However, this does not prohibit the use of aluminum, vinyl or other materials that would have the same appearance as wooden clapboards.

3. DESIGNS. All requests for building renovation, demolition and significant alterations must meet the following standard: consistency with the architectural style of existing buildings in the historic district. These styles include Colonial, Georgian, Federal and cape styles of New England building.

4. EXTERIOR ARCHITECTURAL FEATURE. The architectural style and general arrangement of such portions of the exterior of the structure as is designed to be open to view from the public way, including but not limited to color, kind and texture of the building material, type of wall, windows, dormers, lighting fixtures, walks, terraces, exterior walls, fencing and other fixtures appurtenant to such portion.

5. FENCING AND SCREENING. Should be in conformity with other buildings in the HD. Wood or painted, white aluminum storm windows are acceptable. Recommended fencing is white picket, however other materials such as iron or other metal are possible if approved by the HDC

6. HUSBANDRY: Small animals such as cats and dogs are not restricted by this ordinance. Other large animals such as horses, cows, Alpacas, etc., must be housed in structures out of the general view of passers by on the roads and streets of the HD. Sheds and barns for animals should be generally consistent in outward appearance to the architectural styles within the HD.

7.. LIGHTING. Should be consistent and/or complimentary with houses in HD. Many types of electrical features are possible if approved by the HDC

8. MASSING. The size, shape, and massing of the structure or building is suitable in relation to the site and in relation to the structures and buildings in the HD.

9. PAINT COLOR: Should mimic the colors of the existing buildings in the district. White exterior walls are preferred, however other colors commonly found on colonial and cape houses (colonial blue, grey or yellow) may be used on approval of the HDC. Trim colors are also to be approved by the HDC.

10. PAVINGS. Materials such as asphalt, gravel and rock dust are recommended, however, other materials will be considered upon approval of the HDC.

11. ROOF DESIGN. Should be consistent with the styles and pitches of the buildings in the HD, for Colonial type buildings (gable, saltbox, hip, gambrel). Gable roofs should be between 10 and 12 pitch.

12. TRASH RECEPTICALS. Should be out of sight of people passing on streets and roads within the historic district. Garbage cans should be concealed in small structures with siding similar to the general architecture of the district.

13. TREE PLANTING AND REMOVAL. For trees with more than a 12" diameter at four foot level, permission to cut is required. New plantings should be of the maple or oak family, however other species may be acceptable to the HDC.

INTERPRETATION

As set forth in RSA 674:48, nothing in this subdivision shall be construed to prevent ordinary maintenance or repair of any structure or place within any historic district nor to prevent the construction, alteration, repair, moving or Demolition of any Structure under a permit issued by the building inspector or other duly delegated authority prior to the establishment of any historic district**1.1**

SECTION V. MEMBERSHIP

1. Members and alternates shall be appointed by the Board of Selectmen consistent with RSA 673:4, 5, 6, 12 and 13.
2. In the event of a vacancy on the commission, interim appointments shall be made within 60 days by the appointing authority to complete the unexpired term of such position.
3. Members and alternates shall be governed in their conduct by RSA 673:14.

SECTION VI. POWERS AND DUTIES

1. It shall be the duty of the Historic District Commission to develop a policy for the accomplishment of the purposes of this ordinance within said Historic District and within the provisions of the ordinances and to relate said policy to the Master Plan for Deering.
2. The Commission shall have the power to accept, review, and act upon all residential building permits and the issuance of certificates of appropriateness for applications situated within the boundaries of any Historic District established hereunder. Such power of review and approval or disapproval shall be limited to those considerations which affect the relationship of the applicant's proposal to its surroundings, to the location and arrangement of structures, to the treatment of exterior architectural features and finish of structures, and the compatibility of the land uses within the district as may be deemed to affect the character and integrity of said district to achieve the purposes of this ordinance.
3. Any involved party may appear before the Historic Commission for conceptual consultation. A consultation session would focus on sharing information and smoothing the way for applicant's plans to meet Commission requirements.
4. It shall be the duty of the Historic District Commission to provide reports and recommendations regarding feasibility of the applicant's proposal to the Planning Board and other administrative officials who may require information pertinent to the application. It shall be the duty of the commission to seek advice from such professional, educational, cultural, and other groups of persons whose analysis and comments may be deemed necessary in the determination of a reasonable decision. The commission shall have the power to engage such technical assistance and consultants as may be deemed necessary to carry out the purposes of this ordinance.

5. The Historic District Commission may refuse to issue a certificate of approval or certificate of appropriateness for the erection, reconstruction, alteration, demolition, partial demolition or removal of any structure within the Historic District, which in the opinion of the Historic District Commission would be detrimental to the interest of the Historic District and against the public interest of the Town.
6. Commission action on applications or any other matters brought before the commission shall be by majority vote and shall be taken in public session. Action in the form of a commission vote may be taken at the conclusion of a site visit or at a meeting or at a reconvened meeting of the commission. The Historic District Commission shall not consider interior arrangements or features not subject to any public view. In acting on applications the commission may vote to approve, disapprove, continue, or approve with conditions. If the application is disapproved the basis for the action will be explained in writing in the minutes and on the Report of Action Taken form. If requested, the commission will rehear an application, but only if substantive changes have been made to it. The commission may vote to give preliminary approval with conditions on any application where such action is appropriate, requiring the applicant to return for a subsequent meeting for final action.
7. Submission: All applications shall include the following as needed:
 - a. The completed application form and fees.
 - b. Photographs of the building or site before the proposed alteration.
 - c. All signs which are subject to view from a public street, way or place.
 - d. Elevations of the proposed building or structure with colors and materials clearly indicated.
 - e. *Drawings* sufficient to describe in detail the work proposed.
 - f. The type or types of materials to be used on the structure (board and batten, clapboard, brick, fieldstone, granite or woodshakes).
 - g. Paint color samples if the work includes repainting and specifications of the proposed colors
 - h. The type of roof (i.e. gable, salt box, hip, gambrel), samples of roofing materials and/or manufacturer's literature.
 - i. Samples, colors and/or literature on all other proprietary materials or products that will be used and visible in the alteration or construction.
 - j. Architectural Detail (the relationship of detail may include cornices, lintels, arches, balustrades, railings, entrance doors, windows, dormers, chimneys, etc.).
 - k. The type or types of materials used to construct or install paving, walks, walls, steps, etc. (asphalt, stone dust, cobbles, granite, bluestone, fieldstone, etc.).
 - l. The type or types of material used to construct fencing or screening.
 - m. The placement of and types of lighting fixtures, lights, and poles.
 - n. Trash receptacles located or screened so they are not be visible from the public way.
 - o. In the case of demolition or removal, a statement of the proposed condition and appearance of the property *before and after* demolition or removal, *including the clearing of building materials and debris from site*, as may be reasonably

deemed necessary by the Commission to enable it to make a determination on the application.

- p. Provision for the preservation of significant trees(12" in diameter 4 feet above ground.)*
- q. Provision for keeping animals, if any*
- r. The above requirements shall pertain to all structures on the site including/ barns, garages and sheds.*

The Commission may request additional information if the information submitted does not adequately describe or portray the proposed construction, renovation, or addition.

8. It shall be the duty of the commission to file with the Building Inspector or other duly delegated authority either a certificate of approval or notice of disapproval following the review and determination of any residential applicant. It shall be the duty of the commission to file with the Planning Board or other duly delegated authority either a certificate of appropriateness or notice of disapproval following the review and determination of any non-residential use applicant. Said certificate shall be filed with the Building Inspector, Planning Board, or other duly delegated authority within 45 days after filing of the application of said certificates unless the applicant shall agree to a longer period of time. No residential use building permit shall be issued until a certificate of approval has been filed with the building inspector, but in the case of disapproval such notice shall be binding upon the Building Inspector or other duly delegated authority and no permit shall be issued. Failure to file said certificate within the specified period of time shall be deemed to constitute approval by said commission.
9. Notwithstanding any inconsistent ordinance, local law, code rule or regulation concerning the issuing of building permits, no change in any architectural feature in the district shall be commenced without a certificate of approval from the Historic District Commission nor shall any building 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 building permit that may be required by any ordinance, local law, code, rule or regulation of the Town of Deering.
10. The Historic District Commission may conduct surveys of buildings for the purposes of determining those of historic and/or architectural significance and pertinent facts about them, formulate recommendations concerning the preparation of maps, brochures, and historic markers for selected historic and/or architectural sites and buildings, cooperate with and advise the governing body, the Planning Board and other municipal agencies involving historic and/or architectural sites and buildings; advise owners of the store buildings of the problems of preservation and restoration.
11. The commission shall have the power to accept and use gifts, grants and contributions for the exercise of its functions.

12. The Historic District Commission may adopt and amend regulations in the manner provided in RSA 675:6. The Historic District Commission may also adopt bylaws governing the composition and conduct of the meetings.

SECTION VI. INTERPRETATION

Nothing in this ordinance shall be construed to prevent ordinary maintenance or repair of any structure or place within any Historic District nor to prevent the construction, alteration, repair, moving or demolition of any structure under a permit issued by the Building Inspector or any duly delegated authority prior to the establishment of such district.

SECTION VII. VIOLATIONS

These rules of Procedure shall be enforced in accordance with the provisions of Article ___ of the Zoning Ordinance, and violators shall be subject to the penalty provisions contained therein.

SECTION VIII. APPEAL

Any person or persons jointly or severely aggrieved by a decision of the Historic District Commission shall have the right to appeal concerning such decision to the Zoning Board of Adjustment.

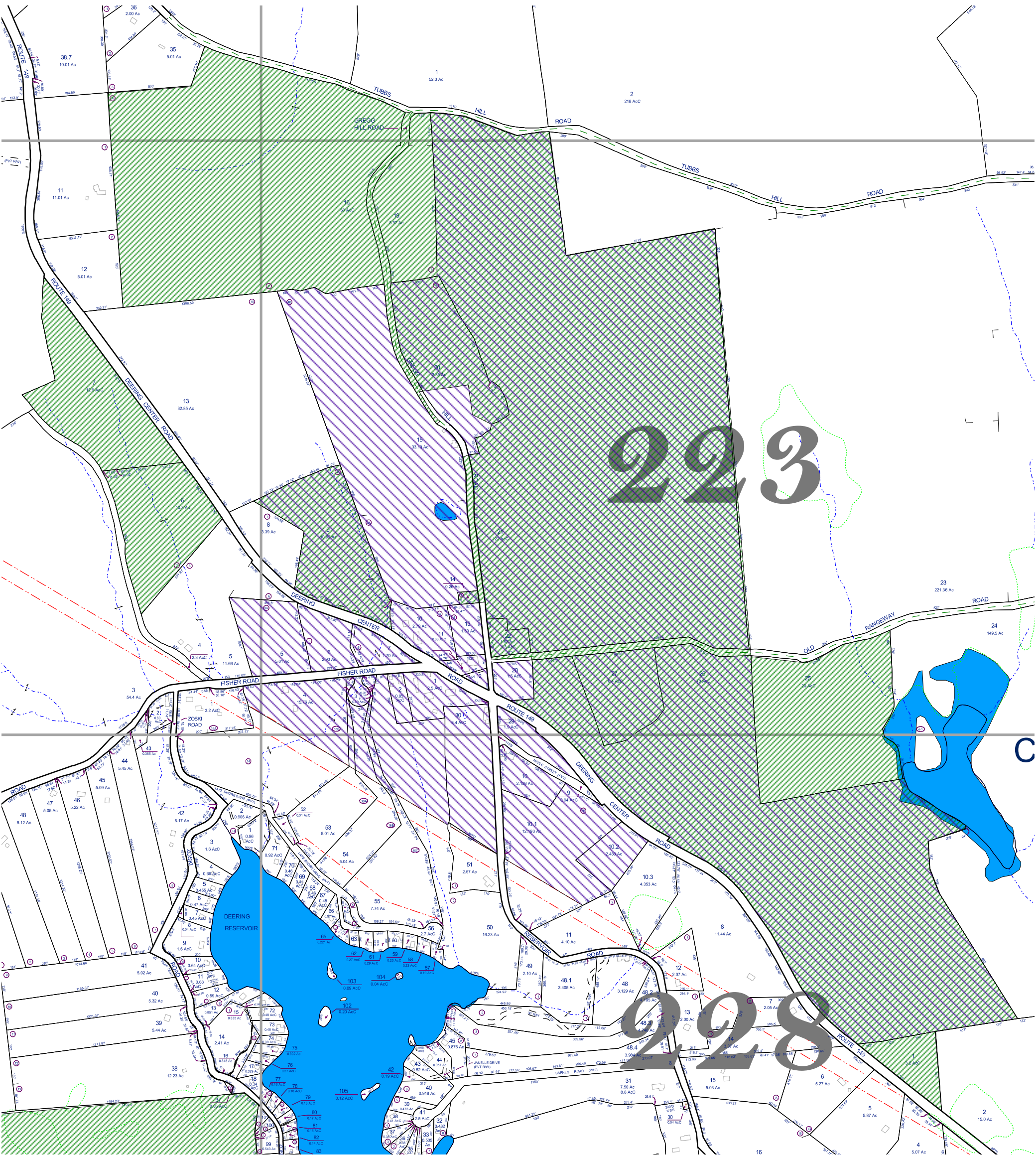
SECTION IX. VALIDITY

If any section, subsection, phrase, sentence or portion of this ordinance is for any reason held invalid or unconstitutional by any court or competent jurisdiction, such portion shall be deemed a separate distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION X. EFFECTIVE DATE

This ordinance shall take effect April 1, 2009

Deering Histroic District



Histroic District Area
322 Acres
227 Protected Acres
95 Non Protected Acres

