

**Article X. HISTORIC DISTRICT** (Rewritten 2/1/99)

**A. Historic District:**

An historic district shall be superimposed upon the other districts established in this zoning ordinance. The regulations and procedures of Section B, Historic District Regulations, shall apply in addition to the regulations of the underlying districts and other applicable ordinance. Procedures for designation of local historic districts, shall be in conformance with RSA 674:46, and other applicable statutory requirements. There shall be no exemption of these regulations for municipal, school and religious structure located within an historic district.

1. Boundaries:

An historic district shall be shown on the Zoning Map as from time to time adopted and amended by the Town of South Hampton. It may coincide with, cross, or include all or part of one or more of the underlying districts.

2. Verbal Boundary Description:

**Hilltop:**

Starting at a point off Jewell Street at the southeasterly corner of Marsh property, extending northerly along property lines to Main Avenue, across Main Avenue to the southeasterly corner of what is now Spear property, continuing to the northeasterly corner of this property; turning westerly following property lines or at a distance of 200 feet from Main Avenue, whichever is less, to a point which meets an extended line which is the westerly line of the Old Cemetery including the Old Pond; turning southerly to Main Avenue, across Main Avenue, continuing along the rear line of the Old Cemetery and Pound, across Hilldale Avenue, continuing to a point which meets a line extended from the rear line of the Center Cemetery; turning easterly across property of Buxton and Fraser, along the rear line of the Center Cemetery, across property of the Baptist Church to Jewell Street, across Jewell Street to the corner of Marsh property and continuing along this property line to the starting point. Tax map reference; Page 2-20, 21,23,24,25,45,46,47,48,71,72, and 73. (Adopted March 5, 1974 and Amended 3/11/87)

**Highland Road Area:**

Starting at a point on the Old Exeter Road, formerly Route 150, four hundred feet northerly from Highland Road westerly four hundred feet from Highland Road or the Kensington Line whichever is less, continuing southwesterly across Highland Road to a point four hundred feet south then running easterly 400 feet from Highland Road to Route 150 or to the starting point. Tax map reference; Page 6-7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 36, 37, 39 and 40. (Adopted September 10, 1974 and Amended March 11, 1987)

## **Jewell Town:**

Starting on Jewell Street at the northwest boundary of Amsler, thence along a line following the northerly and easterly Amsler boundaries to the Powwow River easterly shore water line, thence southerly along this water line to the New Hampshire/Massachusetts state boundary to its point of intersection with Capp property on the southerly side of Whitehall Road, thence northerly along a line drawn from this intersection point to the southwest corner of Capp property lying on the northerly side of Whitehall Road, thence northerly following the westerly, northerly and easterly Capp boundaries to the intersection with Coffin boundaries, thence easterly along Coffin northerly boundaries to Jewell Street and crossing Jewell Street to the original starting point. The land and buildings described above shall be known as the Jewell town Historic District. This District includes the properties of Amsler, Oldak, Rice, Miller, Morse, Capp, Merrill, Parkman and Coffin. Tax map reference: Map 2; Lots 11, 12, 13, 14, 75, 76, 77, 78, 79, 80 and a portion of 81). (Adopted March 8, 1994)

## **Currierville:**

Starting at the southwesterly corner of Dodge property and following a line along the easterly, northerly and westerly boundary of Riecks to Currier Street, thence westerly along Currier Street to the Newton/South Hampton town line, thence along town line through the Currierville cemetery to Riecks boundary, thence along Riecks boundary to intersection with properties of the Benj. Currier heirs, thence along Currier heirs property boundaries on the Newton side to Lone Goose Road, thence southerly along westerly boundary of Lone Goose Road to a point directly opposite the southernmost point of Currier heirs property on easterly side of the road and following the southerly boundaries of Currier heirs and Verge to the easterly boundary of Verge, thence along Verge easterly boundary to a mulberry tree and thence along a line crossing Hilldale Avenue to the original starting point. The land and building enclosed within these boundaries excluding the Bartley property on Lone Goose Road, to be known as the Currierville Historic District. This District includes the properties of Dodge, Riecks, Currier heirs, Strickland, and Verge. The bounds as described include Map 1; Lots 3, 4, 6, 44, and 45. The last sentence adds in addition Map 4; Lot 56. (Adopted March 8, 1994)  
(Adopted 3/10/81 and Amended 3/11/87)

3. Use:

Use permitted in the underlying zoning districts are permitted in the historic district.

4. Certificate of Approval Not Required:

Within the historic district a Certificate of Approval from the historic district commission is not required for routine maintenance work, repairs, and exterior alterations, which do not change the architecture normally, found in that type of facade whether it be Federal, Georgian, or Greek revival.

5. Certificate of Approval Required:

Within the historic district a building permit for significant change, alteration, construction, demolition, or relocation (into, out of, or within the district) shall not be issued until and unless the historic district commission in accordance with the provisions of Section B.15 issues a Certificate of Approval.

**B. Historical District Regulations:**

1. Grant of Power:

Pursuant to RSA 673:1, the Town of South Hampton established in 1975 an historic district commission, and pursuant to RSA 674:46, the Town at Town Meeting has [with] this ordinance established 4 (four) historic districts within the boundaries of the Town of South Hampton.

2. Definitions:

Routine maintenance is repairing/preserving original work with like materials or colors to match what is original so that the repair is virtually invisible.

Significant change is substituting a different feature, material or adding or subtracting from the original fabric or structure.

3. Purposes:

(a) Enhance the visual character of South Hampton by encouraging and regulating the compatibility of new construction within the historic district to reflect and respect established architectural traditions.

(b) To preserve for generations to come the unique collections of historically, architecturally and culturally significant buildings and structures which characterize the town of South Hampton, to encourage their maintenance and restoration, and to insure that new buildings and structures, and alterations to existing buildings and structures, and uses of buildings and structures within the Districts are in visual harmony with their neighbors in order that districts be preserved which will reflect the cultural, social, economic, political and architectural history of the town of South Hampton, conserve and maintain property values in such Districts, foster civic beauty, strengthen the local economy, and annually provide an opportunity to benefit the education, pleasure and welfare of all the citizens of the municipality.

4. Membership:

(a) The historic district commission shall consist of five members and up to three alternatives. All members and alternatives:

(1) Must be residents of South Hampton; and

(2) Must have demonstrated interest and ability to understand, appreciate, and promote the purposes of this Article.

- (b) One member shall be a member of the board of selectmen, and at least two members shall be residents of a historic district.
- (c) Whenever a regular members of the Commission is absent or whenever a regular members disqualifies himself or herself, the chairperson shall designate an alternative to act in the place of the absent members as provided by RSA 673:13.

5. Terms of Office, Vacancies, and Removal:

- (a) Members shall be appointed by the selectmen.
- (b) The selectmen shall act within sixty days to fill a vacancy, including expired terms. Vacancies shall be filled as provided by RSA 673:13.
- (c) Members may be removed for cause in a manner as provided by RSA 673:13.
- (d) The chairperson may request the resignation of any member who fails to attend three consecutive meetings without just cause.

6. Officers/Quorum:

The commission shall annually elect a chairperson from the appointed members and may create other officers, as it deems necessary. The term of every officer and chairperson elected by the historic district commission shall be one year. Both the chairperson and officers shall be eligible for re-election. Three members of the commission shall constitute a quorum for the conduct of business.

7. Disqualification:

Disqualification of a member of the South Hampton Historic District commission shall be per RSA 673:14.

8. Meetings:

Meetings of the historic district commission shall be held at the call of the chairperson and at such other times as the commission members may determine, but not less than once a year. Public notification of meetings and of the commission's actions shall be in conformance with RSA 91-A and other applicable statutory requirements.

9. Powers and Duties of the Commission:

In accordance with RSA 674:46-a the historic district commission shall have the powers and duties to:

- (a) Establish rules and regulations for the conduct of business, which are consistent with the purposes of this Article, and in conformance with RSA 674, RSA 676, RSA 677, and RSA 91-A.
- (b) In accordance with the provisions of Section A.5, of this ordinance, establish, adopt and make available, to applicants and the public, Guidelines to be used by the commission in reviewing and passing on applications for a Certificate of Approval to construct, alter, repair, or move or demolish any building or structure within the historic district.
- (c) Approve or disapprove, in whole or in part, applications for Certificates of Approval for which a permit is required under Section B.11, and files said Certificate of Approval or Notice of Disapproval with the building inspector following the commission's findings.
- (d) Request reports and recommendations from town departments and from other organizations and sources, which may have information or can provide advice pertinent to the application or the proposal's impact on the district.
- (e) Retain professional consultants as may be necessary to carry out the purposes of this Article, subject to the availability of funds for this purpose.
- (f) Act in an advisory role to other officials, departments, boards, commissions, and committees of the town, regarding the identification, protection and preservation of local historical resources.
- (g) Act as a liaison between the local government and individuals and organizations concerned with historic preservation.
- (h) Work toward continuing education of citizens regarding historic preservation issues and concerns.
- (i) Recommend and propose amendments and/or revisions of this article and of the boundaries and limits of any historic district to the planning board.
- (j) Keep or cause to be kept accurate and complete records of each application, all of which shall be a part of the public record.

10. Scope of Review and Certificate of Approval:

It is unlawful for any person to construct, alter, repair, move or demolish any building, structure which lies within the South Hampton Historic District without

first obtaining a Certificate of Approval from the historic district commission in the manner prescribed in this Article. Exceptions are declared in Section B.12.

11. Activities Requiring Review:

For the purpose of this article, the historic district commission shall review the following activities:

- (a) Significant change, erection, alteration, demolition, or relocation (into, out of, or within the district) of a building or structure, and construction on any site;
- (b) Construction or reconstruction of any stonewall or fencing;
- (c) The use of “nontraditional” building materials may be utilized within the district provided the outward appearance of said materials meets the approval of a majority of the commissioners.

12. Exceptions:

The historic district commission is not required to review the following activities:

- (a) Routine maintenance and repair of any building, structure, stonewall or fencing.
- (b) Painting or repairing of buildings, structures or fences in the same color.
- (c) Installation of replacement windows of the same size and panes. Snap-in grills are not permitted.
- (d) Changes in buildings or structures not visible from any public road.

13. Application Procedures:

The following procedures shall be used in processing applications for approval of work covered by this Article:

- (a) Application forms are available from the Building Inspector, Chairman of the Historic District Commission, or Town Clerk, completed applications shall be sent to the Chairman of the Historic District Commission or the Town Clerk.
- (b) The applicant shall submit a written application for a Certificate of Approval to the Chairperson at any time or to the commission at a meeting.
- (c) Upon receipt of an application, the Chairperson of the Historic District Commission shall schedule a meeting to be held within 15 days, to review the application. The meeting shall be posted at least 24 hours in advance. The application will be reviewed and if complete will be

deemed, by the commission to be filed effective that date. If the application is incomplete, the applicant will be informed of the specific deficiencies, and a new meeting will be scheduled as soon as these are corrected. The application shall include:

- Completed building permit form, if applicable.
- Narrative description of the project.
- Graphic materials of sufficient clarity and detail to give the commission a clear and certain understanding of the applicant's intention regarding the work contemplated.

- (d) The commission may request, and the applicant shall supply, site plans, building plans, elevation, perspective sketches, photographs, building material samples or other information reasonably required by the Commission to make its determination of approval or disapproval.
- (e) There shall be no application fee. Applicant will pay in accordance with fee schedule (Appendix A).

14. Review Criteria:

In making a determination on an application, the historic district commission shall be guided by the following:

- (a) South Hampton is an historic town with its character reflected in the architecture of the structures that lie within the historic districts. The architectural styles of the buildings within the districts include Federal, Georgian, and Greek Revival. New construction should reflect and respect established architectural traditions. Contemporary architecture is not allowed in the historic district.
- (b) It is not the purpose of this ordinance to deny a citizen the right to erect, alter, relocate, or demolish a building or structure within the historic district so long as the result will not affect the character of the historic district.

15. Findings:

At the conclusion of its review of the completed application the historic district commission may determine that the application:

- (a) has little or no impact on the district and that the application is approved. The applicant will be issued a Certificate of Approval and he may proceed.
- (b) Is in conformity with the Guidelines and intent of the Historic District Commission and that the application is approved. The applicant will be issued a Certificate of Approval and he may proceed.

- (c) will have significant impact on the district or it represents a new residence. The chairman of the Historic District Commission shall schedule a public hearing, which shall be held within 30 days of the application's deemed filed date.
- (d) Is clearly out of conformity with the Guidelines of the Historic District Commission. If, after further study and attempts to bring the plan into conformity with the guidelines, a reasonable compromise cannot be reached, the Historic District Commission shall issue a Notice of Disapproval, which will include the reasons why it was disapproved.

After the issuance of the Certificate of Approval, the building inspector may issue a building, demolition or other permit for the approved project. The issuance of a Notice of Disapproval shall prohibit the building inspector from issuing a building, demolition, or other permit.

- 16. Hearing and Notices for those cases that the Historic District Commission deems to require a hearing:
  - (a) The historic district commission shall conduct a hearing on the application.
  - (b) The commission shall issue a Certificate of Approval or Notice of Disapproval in conformance with RSA 676:9.
  - (c) Failure to render a decision within the specified time shall be deemed to constitute approval by the commission in conformance with RSA 676:9.
  - (d) Public notice of the commission hearing shall be given in accordance with RSA 676:7.

All decisions of the Commission shall be made available for public inspection per RSA 91-A:2.

- 17. Appeals:

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 677:17.

- 18. Enforcement:

In case of the violation of any ordinance or regulation made under the authority conferred by RSA 676, the historic district commission, in addition to other remedies may institute injunction, mandamus, abatement or any other appropriate action or proceeding to prevent or enjoin or abate or remove such violation.

19. Penalties:

Violation of this historic district ordinance may be made punishable as provided by RSA 676:17.

20. Validity:

If any section, clause, provision, portion or phrase of these Articles shall be held to be valid or unconstitutional by any court of competent authority, such holding shall not affect, impair or invalidate any other section, clause, provision, portion or phrase of this Article.

**Article XI. ADMINISTRATION**

1. A building inspector may be appointed annually by the Board of Selectmen and he shall be the administrative officer under this ordinance; if the Selectmen do not appoint a building inspector, his administrative powers and duties shall be vested in the Board of Selectmen.
2. The Building Inspector shall require that the application for a building permit include a plot plan and contain all necessary information to enable him to ascertain whether proposed building or structure and its intended use comply with the provisions of this ordinance.
3. The Building Inspector shall make known his decision in writing within 15 days from the date he received the application and he shall make inspections of all buildings in the process of construction and report any or all violations to the Selectmen.
4. It shall be unlawful for any person to commence work for erection or alteration of any building or structure until a permit has been duly granted.