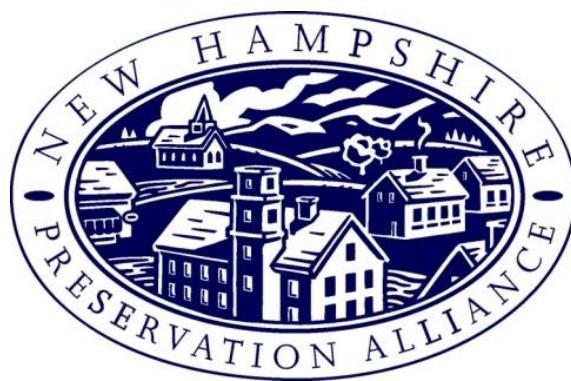


Preservation Tools for Your Town: Regulatory Tools



Martha Cummings

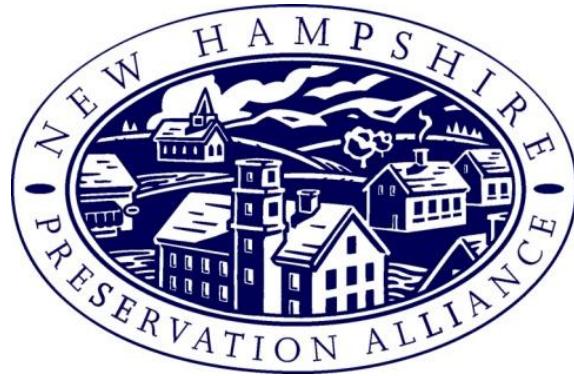


Brandee Loughlin



Maggie Stier

January 24, 2026, Wolfeboro Town Hall



Thank you to these Preservation Alliance Sponsors



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Why do we preserve historic resources?



- To honor our diverse heritage
- Support sound community planning & development
- Maintain community character & support livability
- Support sustainability



What does Historic Preservation mean?

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

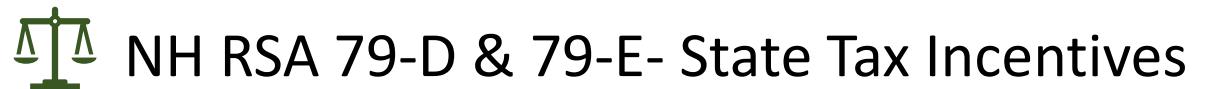


What does Preservation NOT mean?

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



Historic Preservation Tools for NH Communities



Why create a historic district?



To manage change in a historic area through a single effective and comprehensive tool, AND

To ensure that new construction and significant alterations are respectful of existing character.

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

Purposes of a Local Historic District

“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 a municipality will be safeguarded.” RSA 674:45



1. Preserving districts which reflect a town's cultural, social, economic, political, community and architectural history
2. Conserving property values in such districts
3. Fostering civic beauty
4. Strengthening the local economy
5. Promoting the use of historic districts for the education, pleasure and welfare of the citizens

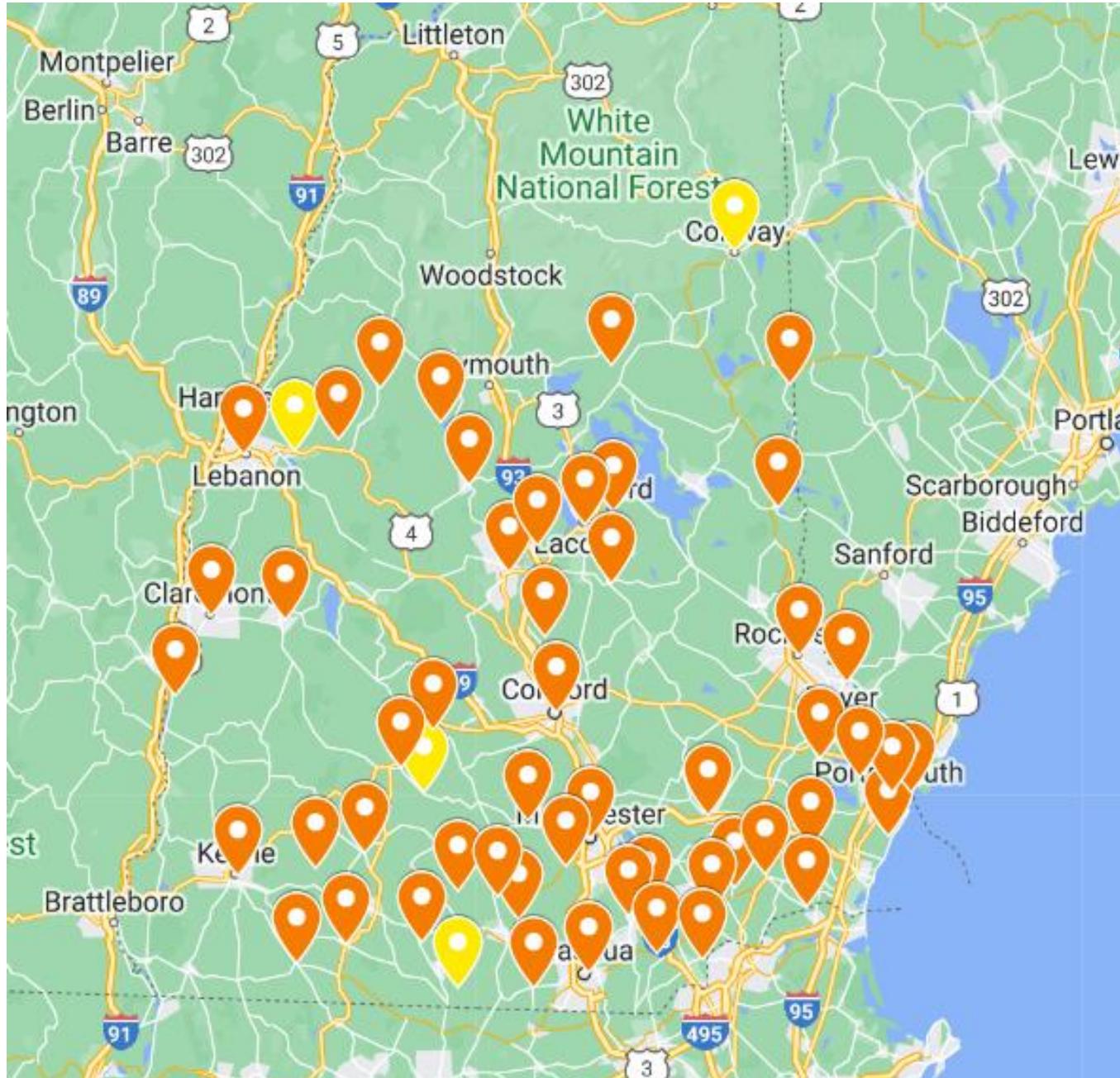
Local Historic Districts in NH

Enabling legislation passed in the 1960s.

Some districts contain only a few buildings while others regulate entire neighborhoods.

Currently, there are approximately 80 local historic districts throughout NH, from Dorchester (pop. 339) to Manchester (pop. 115,644)

Only a few north of the Lakes Region



What is the Historic District Commission's role?

- ➊ Ordinance Enforcement
- ➋ Planning
- ➌ Stewardship



Creating the Historic District and Commission

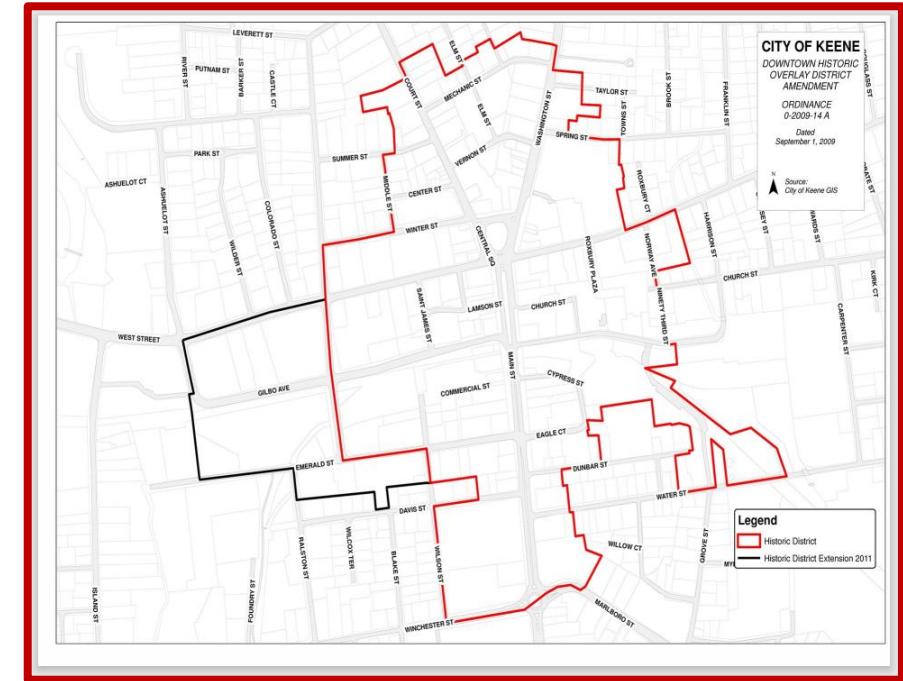
1. First, define the goals & purposes of the HD/HDC
2. Municipal council or town vote creates the commission
3. Delineate the HDC's review powers
4. Define the district's boundaries and the rationale for them
5. Selectboard or town council appoints members & alternates
(or assigns authority to existing Heritage Commission)
5. Members draft and adopt Rules of Procedure

The Preservation Ordinance

- Generally adopted as a zoning overlay district.
- 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.
- Regulations and Design Guidelines are tailored to the community.

Recommended Elements of a Preservation Ordinance

- Statement of purpose
- Commission's powers, duties, and authorities
- Establishment of a review board
- Criteria for designation and resulting boundaries
- Reviewable actions
- Clearly defined Standards for Review
- Appeals process
- Enforcement and remedies for violation



Next steps for commission members:



- Draft and adopt official rules of procedure.
- Write regulations and design guidelines that are tailored to the community.
- Prepare application form and Certificate of Appropriateness (COA)
- Set meeting schedule (generally at least 4 / year)
- May request administrative support from the town.

Reviewable Actions, Procedures, & Standards for Review

All Historic District Ordinances should be **explicit about what kind of activities will trigger review by the HDC, and what standards or requirements should be met for approval by the HDC.**



- Ensure that your jurisdiction and authority are not left open to various interpretations.
- Create transparency and predictability for property owners in the district.
- Apply to activities such as obtaining a building permit, construction of a new building or addition, changing of roof, siding or windows, and in some cases, signage.

Design Guidelines

- **Nothing will create more goodwill than clear design guidelines and applying them with consistency and fairness.**
- Provide illustrations and clear examples of what is appropriate, including scale, massing, location, materials, and design elements.
- Provide property owners with clear direction for their project.
- Create the foundation for predictable and defensible decisions by the HDC.



Ordinance: Defining the Area & Creating Its Boundaries

Must be 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 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.

Ordinance: Establishing the Review Board



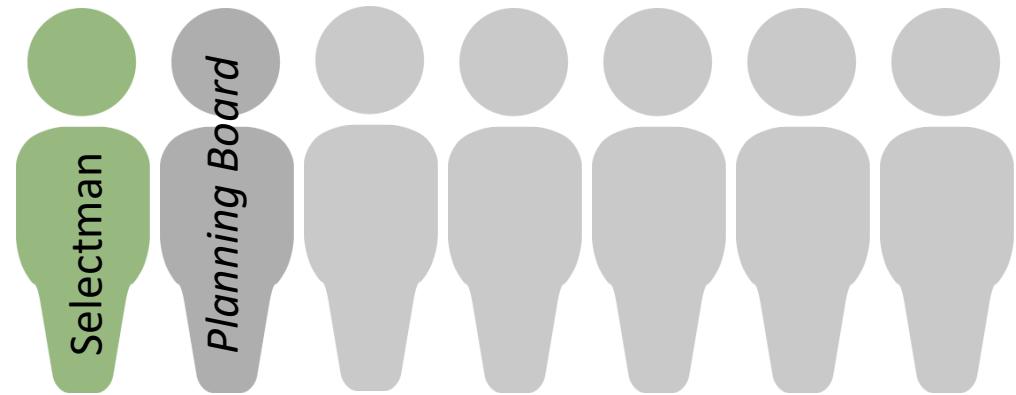
- A preservation ordinance should also have language establishing and designating the body that will have oversight in the historic district.
- This can take the form of a Historic District Commission, or the Heritage Commission can be designated to take on these powers. Both these methods are acceptable per NH RSAs.

Ordinance: Make Up of HDCs

Appointed members

- Not less than 3 and no more than 7 members
- Must be residents of the city or town
- One **shall** be a member of the local governing body and one **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.

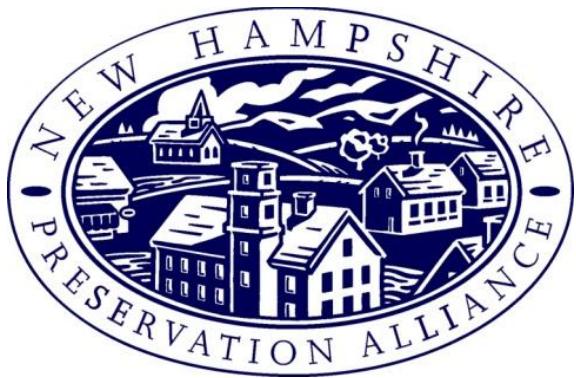
--RSA 673:4



Appeals, Enforcement, & Remedies for Violations

- **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.
- **RSA 674:49** 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 674:50** 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.

Support for Commissions

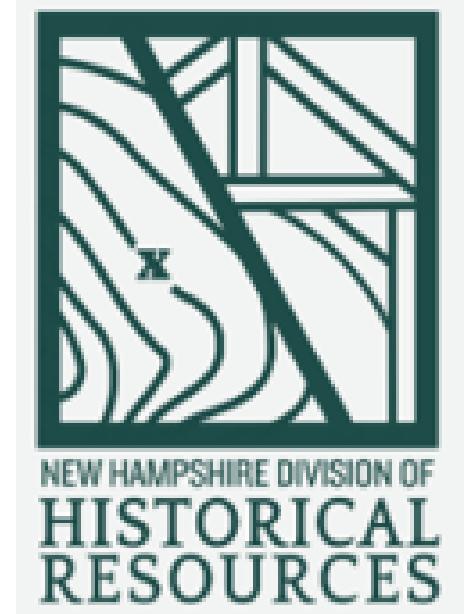


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Regulatory Tools for Your Town

BREAK



Application Procedures

A written application form goes to the historic district commission through the planning and development office requesting a certificate of appropriateness. The application shall include:

- Completed standard town or 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.
- 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.

HDC Regulations & Procedures

- The overarching zoning ordinance is adopted in the same procedure that zoning changes are made: in Town Meeting for communities with Town governments or by City Council vote in communities with City governments. Both instances require public hearings.
- In contrast, HDC regulations and/or procedures are adopted by a vote of the HDC itself – and also require a public hearing.
- In general, regulations govern the content of review and many include the procedure for review. They expand upon the details of the items in the ordinance, but they cannot expand the authority or purview of the HDC.
- Some communities adopt separate Rules of Procedure that specify how meetings will be run, establish a code of ethics for Board members, and outline other procedural items that the HDC will adhere to.
- Regardless of the form they take, these documents create additional clarity and predictability for both the board and property owners within the district.

Regulations: Review Procedures



A good set of HDC regulations will include the following:

- Makeup of the board and requirement for a quorum
- Meeting days and times, as well as acknowledgment of their need to comply with Open Meeting and Right to Know laws.
- Applications & fees
- Timeline and method of communication of Commission Findings
- Appeals process
- Enforcement
- And when applications are required

Some communities may have more detailed review procedures that include codes of ethics, references to how votes shall be made, meeting procedures, rules and terms for officers, and other items.

It can also be helpful to include a brief summary of procedures within your larger HDC Regulation document that can be used in your public engagement.

Maintenance: 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 HDC'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.

Maintenance: Best Practices & Image Management



-  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
-  Host workshops or presentations to maintain and develop support for your HDC



Demolition Review Ordinances

Demolition Review: What is it?

A legal tool to ensure that potentially significant buildings and structures are not demolished without public notice and some level of review by a heritage commission.



This Moultonborough barn was saved and moved by the historical society.



It DOES NOT PREVENT demolition but does provide a “time-out” to evaluate the significance of the building and meet with the applicant to explore alternatives to demolition.

- Allows time to evaluate the building's significance and/ or request a qualified professional to assist.
- If the building is determined to be historically or architecturally significant, the issuance of the demolition permit is delayed for a specific period of time (30, 60, 90 days or more).
- During that time, public notice is given, and the Heritage Commission, other preservation organizations, concerned citizens, and others may explore and propose alternatives to demolition.



Drafting the ordinance: What to review



The Tamworth Inn, demolished.

- Identify your specific concerns
- Look to other municipalities where it's working
- Typically covers buildings 50 years old or older on the date the application is filed
- Pertains only to structures visible from a public right-of-way and only those of certain size (typically over 250 sf)
- A structure deemed a public hazard may be exempt from review.

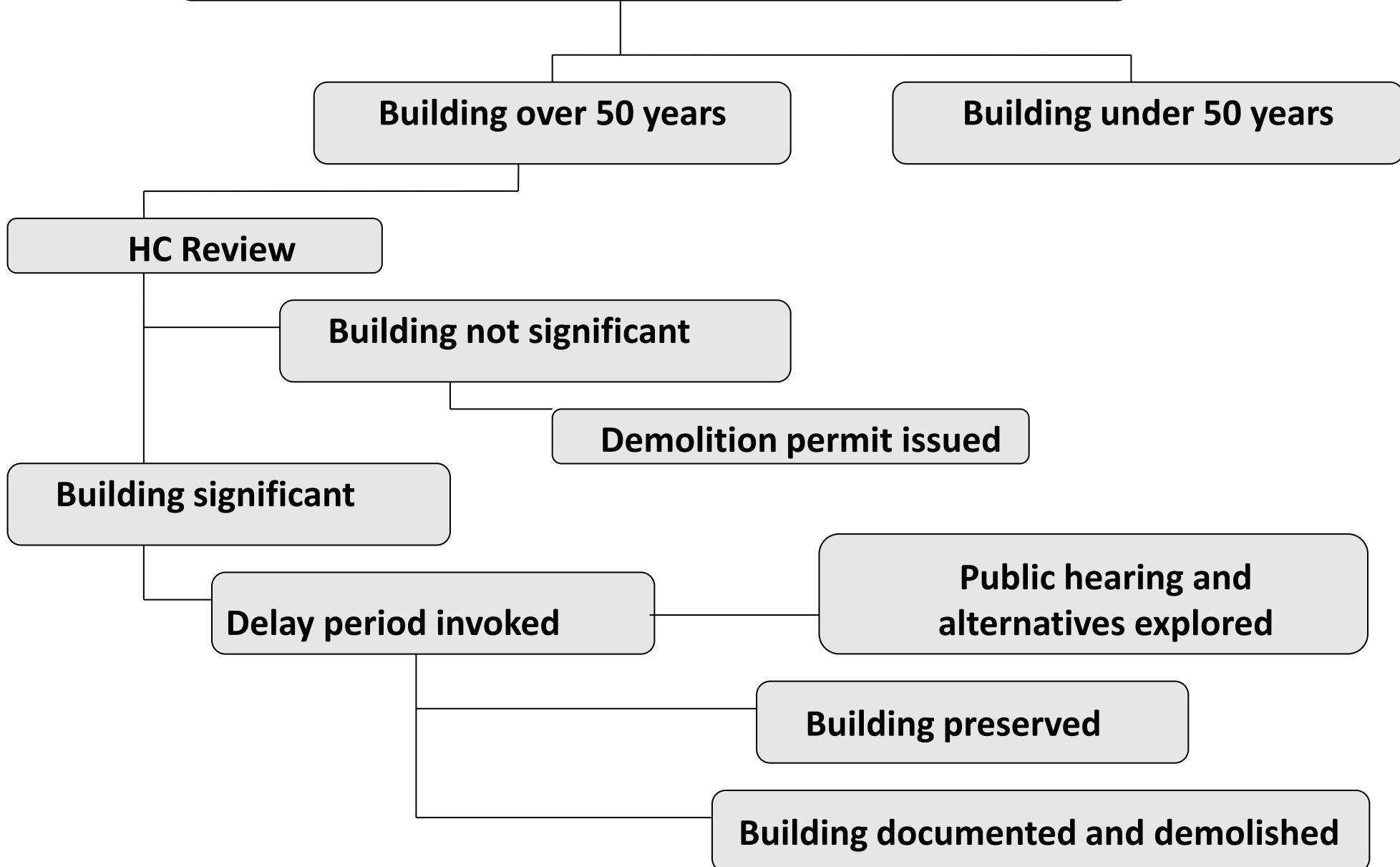
Ways to Adopt a Demolition Delay Ordinance



Hathaway House, Laconia. Demolished after review.

- As an amendment to the building code (most common)
- As a stand-alone ordinance
- As a bylaw in an existing historic preservation or zoning ordinance
- May require municipal council or town meeting approval

Demolition Permit Application



Developing your Town's Program

- Have resources in place that help applicants and/or permitting officials to determine the age and significance of the building(s) in question.
- Give local officials and the heritage commission the necessary tools to negotiate a solution.
- Keep the community informed of the process.
- Keep messages positive.
- Establish an efficient, consistent process.
- Ideal to propose regulation when public awareness is high.



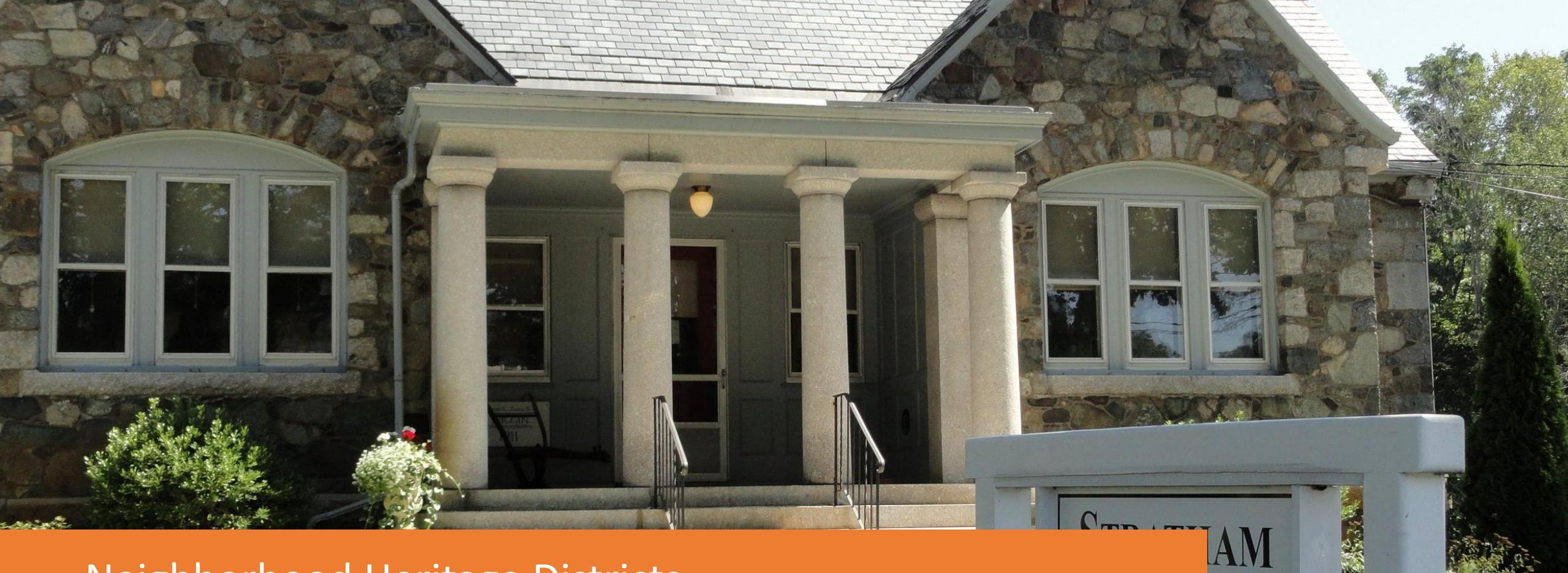
French-Taylor House, Moultonborough, 2021



Be prepared to promote the idea:

Drafting a workable ordinance and implementing it successfully can be a challenge.

- Allow plenty of time for the delay--30/60/90 days
- Town staff and other boards may resist the additional work or see it as a hindrance to development.
- Developers may strongly resist construction delays.
- Realtors may not want to jeopardize a property sale.
- Homeowners may resent “interference” with their property rights.
- A majority of voters and citizens must understand the advantages of the ordinance before they will accept it.



Neighborhood Heritage Districts

Relatively new option for NH cities and towns; in 2022 Stratham was the first in the state.

Generally begins at the grass roots level

Planning board administers, with a specially appointed Advisory Committee

Comparison with Historic Districts

Also a zoning overlay district

More flexible, less stringent standards

Protects neighborhood or area characteristics rather than specific details pertaining to individual buildings

Initiated at the grassroots level by residents

Allowed by state statute under Innovative Land Use Controls

An appointed Advisory Committee makes recommendations to the Planning Board which holds the decision-making authority.



Goals Might Include:

- to control demolitions
- to increase or preserve the supply of affordable housing
- to revitalize neighborhoods close to downtowns
- to prevent commercial development that is out of scale with the district and whose use is incompatible with existing uses
- to guide small business expansion into residential areas
- to prevent larger commercial encroachment



Many Different Areas Could Qualify

- Buildings do not have to meet the 50-year age requirement.
- A handful of buildings, such as a small rural village center or a crossroads anchored by old farmhouses and surrounding fields.
- A large urban neighborhood with a wide range of resources.
- Buildings that are linked by a common natural element, such as a lake.
- Agricultural properties, and landscape features such as trees and fences.



The neighborhood heritage district ordinance *must*



- be supported by the community's master plan,
- Contain standards that will guide the Planning Board in its administration of the ordinance, and
- May be either a separate zoning district for purposes of determining permitted uses, or it may be an overlay district, with uses determined by the underlying zoning district.

Route 33 Legacy Highway Heritage District, Stratham, NH



Purpose: encourage historic preservation and private investment and advance recommendations from the [2019 Stratham Master Plan](#).

In recognition of the high maintenance costs and other burdens that ownership of historic buildings entails, this allows more flexibility in the re-use and re-purposing of properties in exchange for enhanced architectural and dimensional standards.

Tailored to specific community needs

To **foster greater private investment** along Portsmouth Avenue/Route 33, particularly in the **nearly three dozen historically significant properties** identified along the heavily traveled corridor.

To **promote mixed-use development** while maintaining a buffer to adjoining residential neighborhoods and protecting the historic fabric including structures, landscapes, features, and overall character.

To **incentivize the creation of a greater diversity of housing types**, styles, and sizes. Multi-Family and Workforce Housing is permitted in the District by Conditional Use Permit. It shall be designed such that these uses are indiscernible from the single-family housing and agricultural uses that characterize the Corridor.

To **preserve existing agricultural uses and to encourage new ones** that are central to Stratham's existing character and provide new venues for the creation of locally prepared or produced goods, foods, and services.

The Route 33 Heritage District Advisory Committee (HDAC) includes 3 appointees:

- 1 appointed by the Planning Board
- 1 appointed by the Heritage Commission
- 1 appointed by the Select Board

They meet monthly, in public session, to review any new applications, then make their written recommendations to the Planning Board.

(Typically, at least one member of the Advisory Committee (3-7 ppl) is a resident of the district.)



The Advisory Committee reviews projects in the District and provides recommendations to the Planning Board...

- On site design and architectural characteristics
- On waivers
- Whether an application meets the Conditional Use Permit criteria of the Zoning Ordinance; may provide recommended language for conditions of approval.
- Recommended final action on applications including approval, denial, or conditional approval.
- After a public hearing, the Planning Board makes final decisions on applications.



What is subject to review?

Demolition, partial demolition, or removal of any structure that is at least 50 years old and over 100 sf

Construction of new structures, incl accessory structures over 100 sf, or addition to an existing structure.

Site work that increases impervious surface coverage by more than 2,500 sf; removal or clear cutting of existing vegetation more than 12,000 sf in area.

Replacement of siding or roofing materials, if not in-kind

Any activity which requires Site Plan Review.

New or replacement permanent signage

The siting of ground-mounted **solar energy facilities** with exceptions.

Permitted Land Uses



The District shall permit residential and agricultural uses and limited commercial uses that do not detract from the residential and rural character of the corridor.



Mixed-use properties, particularly those where a business proprietor maintains his/her or their residence on the same property, are permitted and encouraged.

An NHD...



Is adopted by the town as part of Zoning Regulations, not as a stand-alone ordinance.

Requires an individualized approach for each town, and lots of public outreach and stewardship.

Needs detailed and carefully written rules and review standards, but can also be flexible.

Demands a willing and strong Planning Board and Planning Director to administer successfully.

Contacts:



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