

## **28-3-4 - Historic (HI) District.**

(a) *Purposes of the HI District.* The HI District is established for the purpose of preserving and safeguarding the heritage of the City by:

- (1) Providing for the protection of buildings, structures, sites, and areas that represent significant elements of the City's cultural, social, political, and architectural history;
- (2) Enhancing the visual character of the City by encouraging new construction to respect established architectural traditions;
- (3) Fostering public appreciation and civic pride in the City's historical resources;
- (4) Strengthening the City's economy through protection and enhancement of the attractiveness of the community to residents, tourists, and visitors;
- (5) Conserving property values within the City of Concord; and
- (6) Promoting the use of the HI District for the education, pleasure, and welfare of the citizens of Concord.

(b) *Authority for the HI District.* The HI District is established in accordance with the provisions of RSA 674:46, Authority Granted.

(c) *Certificate of Approval Required in the HI District.* Within the HI District, no construction or activity shall occur which will affect the exterior appearance of a building, structure, or site, and that is or will be visible from a street or limited access highway, unless a Certificate of Approval shall have been issued therefor by the Heritage Commission in accordance with the procedures specified in Section [28-9-5](#), Decisions by the Heritage Commission, of this ordinance. Activities which require a Certificate of Approval include the following:

- (1) The erection, construction, alteration, reconstruction, restoration, relocation, sandblasting, abrasive cleaning, siding, or demolition of a building or structure;
- (2) The erection, alteration, or removal of any exterior feature of a building or structure;
- (3) The erection, construction, alteration, reconstruction, restoration, relocation, or removal of any stone wall, fence, granite work, walkway, pavement, exterior lighting fixture, or sign; and
- (4) Any site work including excavation, grading, or paving, or the removal of any significant tree.

(d) *Activities Exempt from a Certificate of Approval in the HI District.* The following activities are exempt from the requirement for the issuance of a Certificate of Approval by the Heritage Commission:

- (1) The ordinary maintenance and repair of a building or structure provided that there is no change in the design, dimensions, materials, or appearance of the architectural features of the building or structure;
- (2) The painting or repainting of a building or structure including changes in color;

(3) The construction of accessory structures provided that no accessory structure has a gross floor area in excess of one hundred twenty (120) square feet; and

(4) Interior alterations of a building or structure to the extent that such alterations are not visible from the exterior of the building or structure.

(e) *Notification of Other Applications in the HI District.* Whenever an application or appeal to the Zoning Board of Adjustment, the Planning Board, or the Technical Review Committee directly concerns or involves a property within the HI District, notification of said application or appeal, including the date of any hearing thereon, shall be given to all owners of property in the HI District by first class mail at least ten (10) days before the date of the meeting at which the Board or Committee will consider the application or appeal. For parcels added to the HI District after the date of adoption of this ordinance, the notification for an application or appeal related to such parcel shall be limited to owners of property within the HI District that are within three hundred (300) feet of the exterior boundary of the parcel.

#### **28-9-5 - Decisions by the Heritage Commission.**

(a) *Requirement for a Certificate of Approval.* A certificate of approval is required from the Heritage Commission pursuant to Section [28-3-4](#), Historic (HI) District, of this ordinance, prior to the issuance of a permit within the HI District for any construction or activity which will affect the appearance of a building, structure, or site, and that is or will be visible from a street or interstate highway.

(b) *Application and Review Procedure.*

(1) *Application Form, Fees, and Submission Materials.* The application form and fees for a certificate of approval in the HI district shall be as provided in the Historic District Regulations, duly promulgated and adopted by the Heritage Commission. An application shall be accompanied by any and all plans and materials submitted pursuant to this ordinance and to the Building Code. The Heritage Commission may request supplemental information as may be necessary to clearly understand and consider the location, use, materials, colors, and the nature and extent of improvement or change relative to the activity for which the application is filed. Supplemental information may include site plans, building elevations, samples of materials, photographs, sketches, or other information that may assist the Commission in reaching a decision on the application.

(2) *Notification.* A notice of a public hearing on an application shall be given to the applicant and to all property owners in the HI District by first class mail not less than ten (10) days before the date of the hearing. Notice shall also be given to each member of the Heritage Commission. A public notice shall be posted in two (2) separate and distinct public places, or placed in a newspaper of general circulation in the City, not less than ten (10) days before the date of the hearing.

(3) *Public Hearing.* At the public hearing, the Heritage Commission shall hear or receive oral or written testimony from the applicant and HI District property owners, and any others who can demonstrate that they are directly affected by the application upon which the hearing is being held. The Commission may convene or reconvene the public hearing at the site of the proposed action in order to allow observations concerning the building and/or site to become part of the record of the hearing and decision by the Commission.

(4) *Requests for Reports.* Before taking final action on any permit application, the Heritage Commission may request reports and recommendations from the Planning Board, administrative officials of the City, or such professional, educational, cultural, or other organizations or persons as the Commission deems necessary in order to reach a decision on the application.

(5) *Action on the Application.* The Heritage Commission shall vote to approve, disapprove, or approve with conditions, each application upon which a hearing has been held. Action on the application may be tabled by the Commission from the date of the hearing to another meeting of the Commission. A majority vote of a quorum of the Commission members shall be necessary for a decision on an application. Only members who were present at the hearing may vote on the application.

(6) *Issuance of a Decision.* Within forty-five (45) days after the submittal of the application, the Heritage Commission shall issue a Certificate of Approval or a Notice of Disapproval. Failure to make a decision on an application within the forty-five (45) day period shall constitute approval by the Commission. A Certificate of Approval shall describe any conditions or stipulations of the approval, and a Notice of Disapproval shall state the reasons for the decision. Within seventy-two (72) hours after a vote on an application, a written record of the decision shall be available for public inspection at the office of the Commission. The record of decision shall state whether the application was approved or disapproved, include any conditions of approval, and in the event of disapproval, state the reasons for the decision.

(c) *Standards for Review of Applications.* In reviewing an application, the Heritage Commission shall take into account the purposes of the District, and give consideration to the following:

(1) The historical and architectural significance of the building or structure and its setting;

(2) The general compatibility of the proposed exterior modifications including design, scale, arrangement, textures, colors, and materials in relationship to the existing building or structure and its setting, and to the HI District as a whole;

(3) The general size and scale of proposed new construction in relationship to the existing surroundings, including such factors as the building height and mass, orientation to adjacent streets, type of roof, fenestration, materials, colors, and architectural details;

(4) The design, scale, arrangement, textures, colors, and material of site features and improvements including yards, parking lots, driveways, walkways, signs, and landscaping as they affect the setting for a building or structure and the character of the HI District;

(5) Where the application involves a partial demolition, the extent to which such demolition will diminish the historical and architectural significance and disrupt the integrity of the design of the overall structure; and

(6) Where the application involves a complete demolition, the structural condition of the building, the extent to which it is a contributing element to the historical and architectural significance of the HI District, and the foreseeable or reasonable uses for the building within the context of the permitted uses in the HI District.

(d) *Appeal of a Decision of the Heritage Commission.* Any person aggrieved of a decision of the Heritage Commission shall have a right to appeal to the Zoning Board of Adjustment (ZBA) in accordance with Section [28-9-3](#), Decisions by the Zoning Board of Adjustment (ZBA), of this ordinance.

(e) *Expiration of Certificate of Approval.* If a permit, for which a Certificate of Approval has been issued, has not been exercised within two (2) years from the date of the decision of the Heritage Commission to issue the Certificate, or, in the event of an appeal of that decision to the ZBA, within a two-year period from the date of the decision of the ZBA, then the Certificate shall be deemed to have expired and the Heritage Commission's decision rendered null and void. Upon request, submitted prior to the date of expiration, the Heritage Commission may extend the period of validity of a Certificate of Approval for one additional year provided that the applicant presents evidence of a good faith effort made to commence the use or construction so authorized by the Certificate of Approval, that the delay in commencement was beyond the applicant's control, and that the circumstances relating to the property and the surrounding neighborhood have not changed substantially since the date of the original decision. Once an extension has been granted, should the use or construction so authorized by a Certificate of Approval not be commenced within the one-year extension period, then the Certificate of Approval shall be deemed to have expired and the Heritage Commission's decision rendered null and void.