

ARTICLE XXIX HISTORIC DISTRICT

[Added 3-8-2005]

133-160 Authority

This ordinance is established under the authority granted in RSA 674:46 and 674:46-a.

133-161 Purpose and Intent

- A. To safeguard the heritage of the Town of Henniker as it is represented in structures of historical and architectural value.
- B. To preserve a district in the Town of Henniker that reflect elements of its cultural, social, and political history.
- C. To guide the development so as to be consistent with the character of a particular section of town.

133-162 District areas

- A. This Historic District reaffirms the Town Meeting votes of 1975 and 1976 when the existing Historic District was initially established.
- B. Historic District(s) shall be shown on the Historic District Overlay (HDO) Map adopted March 7, 2005, or as it may be amended, and is on file with the Town Clerk. [Amended 3-13-2012]
- C. An Historic District or Districts shall be superimposed upon other established Zoning Districts as an Overlay District.

133-163 Uses

Uses permitted in the underlying Zoning District are permitted in the Historic District(s).

133-164 Certificate of approval

- A. The activities set forth in subparagraph D below shall not be authorized until and unless a Certificate of Approval is issued by the Historic District Commission.
- B. A Certificate of Approval is required for all work within the purview of the Commission regardless of whether such work required a building permit or any other permits issued by the Town or other authorities.
- C. Any person wishing to construct, alter, move or demolish any building or structure, which lies within a Historic District, must first obtain a Certificate of Approval from the Historic District Commission in the manner prescribed in Article 133-165.
- D. For the purposes of this article, the following activities shall be subject to a Certificate of Approval by the Historic District Commission:
 - 1. Erection, alteration, relocation, or demolition of a structure in the Historic District,
 - 2. Alteration, construction, or removal of stone walls, fencing, curbing, lighting, or signage within the Historic District,
 - 3. Any repairs, alterations, or improvements to the interior of all structures within the Historic District,
 - 4. Landscaping all property within the Historic District,
 - 5. Elements which are appurtenant to a building, including antennas, satellite dishes, flagpoles, mailboxes, window air conditioning units, and similar elements.

133-165 Activities Not Requiring Certificates of Approval

The following activities or elements are exempt from review by the Historic District Commission and a Certificate of Approval shall not be required.

- A. Work that had been done prior to the adoption of the Ordinance. Property owners are not required to bring any existing conditions into conformity with this Ordinance, except in cases where improving certain existing conditions may be integrally related to a proposal presented by the applicant.
- B. Construction, alteration, or demolition of any structures or element of a structure which is certified by the Town as being required for immediate public safety.

133-166 Guidelines for Review

The purpose of these guidelines is to preserve the distinctive character and integrity of the Historic District when rehabilitation and new construction are proposed.

A. Changes to Existing Structures

- 1. Routine maintenance of existing structures within the District shall be deemed of no interest to the Commission,
- 2. When determining the appropriateness of all other alternatives, restorations, or remodeling of existing structures within the District the following criteria shall be used:
 - a. When an exterior or interior change is proposed, significant existing materials and elements shall be retained,
 - b. Where glass, plastic, wood, masonry elements are an integral part of a structure's historical architectural character, consideration shall be given to preservation of these elements so as to retain their original appearance,
- 3. Any new design elements introduced shall respect the character, age and history of the structure,
- 4. Existing historical doors, door frames, windows, and window frames shall be retained and rehabilitated whenever possible. When replacement is essential, new doors, door frames, windows, and window frames shall be in character with the structure,
- 5. Features which give a roof historical character shall be preserved or restored to the extent that such features are visible from the ground,
 - a. Essential outdoor mechanical equipment shall be installed in locations which create the least disturbance to the historical appearance of the structure and which involve minimum alteration and impact to its structure.

B. Construction of New Structures

- 1. Construction shall be complementary to the configuration of existing structures in the District,
- 2. Structures shall utilize exterior materials in keeping with the exteriors of structures in the District,
- 3. Structures shall respect and reflect the traditional scale and proportions of other existing historical structures, taking into consideration the height, width, setback, roof shapes or pitches and facade patterns of existing structures within the District.

C. Demolition

1. No demolition permit may be issued by the Town until the Commission has either filed with the Town a signed letter of approval or has failed to file a Notice of Disapproval within the specified time period of forty five (45) days.
2. Where public safety needs require the immediate removal of a structure within the District, as determined and certified by the Town, the Historic District Commission shall allow removal if notice was provided to the Commission within 24 hours by certified mail of such determination.

D. Relocations

1. Structures within the Historic District shall be retained on their present sites whenever possible. Relocation shall be considered as an alternative to demolition.

E. Signs/Plaques

1. All new signs/plaques and all changes to existing signs/plaques within the Historic District shall require review and approval by the Historic District Commission;
2. New signs/plaques shall be constructed of wood, metal or stone, exhibiting historic sign design and color, and have no internal illumination;
3. Size shall be determined given the context of the site and building(s);
4. Portable/seasonal/temporary signs/plaques may be permitted for up to 30 days per year;
5. If there is a conflict between the requirements of the Historic District Ordinance and the Town of Henniker Sign Ordinance, this section of the Historic District Ordinance shall supersede the Sign Ordinance.

F. Streetscape

1. Off street parking shall be placed to the rear of the structures where possible and appropriately screened;
2. Historical and traditional marking for property boundaries and grounds, such as stone walls, fences, and tree borders shall be preserved. Replications or extensions may be introduced where appropriate.

133-167 Application Procedure

The following procedures and any Rules of Procedure duly adopted by the Historic District Commission shall be followed in processing applications for Certificates of Approval.

- A. Applications must be submitted to the Historic District Commission for a Certificate of Approval prior to any work to be performed,
- B. Applications shall be submitted to the Commission, through the Henniker Town Hall offices, in a timely manner and format prescribed by the Historic District Commission,
- C. The application to the Commission may be filed simultaneously with any other application or request for Town land use approvals or permits.

133-168 Public Hearings

- A. The Historic District Commission shall conduct a public hearing on all applications for Certificates of Approval. The applicant and all abutters shall receive a notice of the public hearing by certified mail, and a public notice of the hearing shall be posted in at least 2

public places and shall be published in a newspaper of general circulation in the Town of Henniker. Said notice shall be given not less than 10 days before the date of the hearing.

- B. At its meeting, the Commission shall review the application for completeness, as specified in the A Historic District Application. If the application is determined to be complete, then the Commission shall vote to accept the application and commence with the public hearing. If the application is not complete, then consideration of the application shall be suspended until the next scheduled meeting,
- C. The Commission shall review the application using the criteria set forth in Section VII and then shall act to approve, approve with conditions, or disapprove the application.

133-169 Issuance of Certificate of Approval or Notice of Disapproval

- A. At the conclusion of its review, the Commission shall issue in writing a Certificate of Approval or Notice of Disapproval within forty five (45) days of the filing of the application, unless the applicant agrees, in writing, to a longer review period.
- B. Failure to render a decision within the specified time period shall be deemed to constitute approval by the Commission,
- C. A Certificate of Approval will be issued if, in the opinion of a majority of the Commission members present and voting, that the applicant's proposal meets the criteria of Section VII.
- D. The Certificate of Approval, together with any changes, conditions or stipulations deemed necessary by the Commission for the applicant to comply with the provisions of this Ordinance, shall be signed by the Chairperson of the Commission.
- E. A Notice of Disapproval shall be issued if, in the opinion of a majority of the Commission members present and voting, that the applicant's proposal does not meet the criteria of Section VII.
- F. The Notice of Disapproval, together with the written reasons for such disapproval, shall be signed by the Chairperson, or a designee,
- G. If a Notice of Disapproval is issued, the applicant may make modifications to the proposed plan and submit a new application for review by the Commission,
- H. Decisions of the Commission shall be made available for public inspection within seventy two (72) hours and placed on file at the Town Hall.

133-170 Appeals

As per RSA 677:17, any person or persons jointly or severally aggrieved by a decision of the 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.

133-171 Enforcement/Penalties

Violation of this Ordinance shall be subject to the remedies provided in RSA 676:15 and 676:17.

133-172 Validity/Severability

If any section, clause, provision or phrase of this Ordinance shall be held to be invalid 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 the Ordinance.