

CHAPTER 147

HISTORIC DISTRICT RULES

[**HISTORY:** Art. I, adopted by the Annual Town Meeting of the Town of Hillsborough 3-13-1979 as Art. 3; Art. II, adopted by the Historic District Commission of the Town of Hillsborough 10-24-1988. Amendments noted where applicable.]

GENERAL REFERENCES

Historic District Commission — See Ch. 38.

Zoning — See Ch. 229.

ARTICLE I

General Regulations

[Adopted by the ATM 3-13-1979 as Art 3]

§ 147-1 Permitted uses.

Single-family dwellings and detached accessory buildings for the purpose of storing cars, boats, tools and purposes other than human occupancy are permitted, provided that no building or structure shall be erected, reconstructed, altered, restored, moved or demolished unless, upon application, in writing, a certificate of approval shall have been issued therefore by the Historic District Commission.

§ 147-2 Special exceptions.

Professional offices or studios of architects, artists, attorneys, dentists, engineers, physicians, writers or other recognized professional persons, home sales or shops, churches, schools, libraries, museums or community centers may be permitted by special exception granted by the Historic District Commission, provided that the following conditions are met:

- A. Such uses shall be carried on by a resident of the premises employing not more than two additional persons.
- B. Such use must be secondary to the dwelling function of the building.
- C. The Historic District Commission must find that the specific site is an appropriate location for the proposed office, studio or use.
- D. The use as developed will not adversely affect the neighborhood.
- E. There will be no nuisance or serious hazard to vehicles or pedestrians.
- F. Adequate and appropriate facilities will be provided for the proper operation of the proposed use.

G. The proposed use will comply with all the lot size, frontage, setback, sanitary protection, sign, parking and/or other applicable requirements of any ordinance, regulation or statute of the town and state.

§ 147-3 Certificates of approval.

A. Certificate required. In the Historic District, no building permit shall be issued for any purpose or for any alteration, construction, demolition or use of land or of building(s) until a corresponding certificate of approval or appropriateness has been issued by the Historic District Commission. Certificates of approval shall not be required for normal repairs, maintenance and preservation of the exteriors and roofing of existing structures and outbuildings when such repairs, maintenance and preservation shall duplicate the existing exterior texture and color of the structure or that of a majority of the buildings in the Historic District. Certificates of approval shall not be required for normal repairs and preservation of stone walls, fencing, signs and landscaping, provided that additions, removal, demolition or changes in texture, color, size or use of existing or new stone walls, fencing, signs and landscaping shall require certificates of approval.

B. Application information. Certificates of approval shall be applied for in writing to the Hillsborough Centre Historic District Commission, stating the location, use, nature and, where pertinent, the materials, color and texture of the matter or item for which such certificate is sought. Any site plans, building plans, elevations, samples, photographs, sketches or other information reasonably required by the Commission to determine the appropriateness in question shall be made available by the applicant.

C. Public hearing. The Commission may hold a public hearing on the certificate of approval and shall hold a public hearing if one is requested by the owner(s) of property(ies) materially affected by the application, in the following manner: Within 10 days after the filing of an application for a certificate of approval or application for demolition, the Commission shall determine the properties deemed by it to be materially affected by such application and shall forthwith cause its Secretary to give by mail (postage prepaid), to the applicant and to the owners of all such properties as they appear on the then most recent real estate tax list, nor less than 10 days' notice of a public hearing before the Commission on such application.

D. Considerations.

(1) The Historic District Commission, in considering each application, shall consider the appropriateness of proposed features, buildings, structures and appurtenant fixtures, location on the lot and the removal or demolition of any building or structure or appurtenant fixture in the district, wherever such features, buildings, structures and appurtenant fixtures are subject to public view.

(2) The Historic District Commission, in considering the appropriateness of any features, fixtures and usages mentioned in any such application, shall keep in mind the purposes set forth in New Hampshire RSA 31:89-a and shall consider,

among other things, the historic and architectural style, the general design arrangement, textures, materials and color of the building or structure or appurtenant fixtures in question, the relation of such features to similar features of buildings in the immediate surroundings and the position of such building or structure in relation to the street or public way and to other buildings and structures. In determining appropriateness, the Commission may request reports and recommendations regarding the feasibility of the applicant's proposal from the Board of Selectmen, Planning Board, Fire Chief, Building Inspector, Health Officer and such other administrative officials as may possess information pertinent to the concerns of the Commission. 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 article. The Commission shall not make any recommendations or requirements except for purposes of historic preservation and of preventing developments, construction or changes incongruous with the historic districts, its buildings, sites and surroundings.

E. Granting of approval certificates. Within a period of 45 consecutive calendar days after the filing of such application or within such further time as the applicant may in writing allow, the Commission shall determine whether the action or usage proposed will be appropriate in its opinion in the Historic District in accordance with the purposes of this section and shall file a certificate of approval or notice of disapproval with the Board of Selectmen, Building Inspector or other duly delegated authority. No building permit shall be issued without a certificate of approval. Failure to file said certificate or notice by the Commission within the specified period of time shall be deemed to constitute approval.

F. Peculiar and unusual hardship. Notwithstanding that the action or usage proposed may be deemed inappropriate, owing to conditions especially affecting the lot, building or structure involved but not affecting the Historic District generally, the Commission may find that failure to issue a certificate of appropriateness will involve a peculiar and unusual hardship (physical, financial or otherwise) to the applicant and that such certificates may be issued without substantial derogation from the intent and purposes of historic preservation in the Town of Hillsborough as stated above. If the Commission determines that a proposed activity is not appropriate, owing to aforesaid conditions, but that failure to issue a certificate will cause substantial hardship, the Commission shall forthwith approve such application and shall issue to the applicant a certificate of appropriateness in which the Commission may impose conditions.

G. Record of reasons for nonissuance. If the Commission determines that a certificate of appropriateness should not be issued, the reasons for such determination shall be entered in its records and may include recommendations respecting the proposed construction, reconstruction, alteration, moving or demolition.

H. Notification of determination. Whatever its findings, the Commission shall forthwith notify the applicant and the Board of Selectmen, Building Inspector or other duly delegated authority of its determination and shall furnish the applicant, in writing, a copy

of the reasons therefor and of its recommendations if any, as appearing in the records of said Commission.

§ 147-4 Appeals.

Appeals may be taken to the Hillsborough Board of Adjustment by any owner or tenant of property wholly or partly within the Historic District and by any other person, agency or group if aggrieved by a ruling of the Historic District Commission. The Board of Adjustment shall hear and act upon such appeals within the periods of time prescribed by New Hampshire statute.

§ 147-5 Enforcement.

In case of violation of this article, the municipal officers may institute any appropriate actions or proceedings to prevent such unlawful action or to restrain, correct or abate such violation.

§ 147-6 Severability.

In case any subsection, paragraph or part of this article is for any reason declared invalid or held unconstitutional by any court of last resort, every other subsection, paragraph or part shall continue in full force and effect.

§ 147-7 Lot size, setback and coverage requirements.

A. For Historic District dwelling structures, single family and all other uses:

- (1) Lot size shall be two acres.
- (2) The minimum front footage shall be 200 feet.
- (3) Front setback shall be 50 feet.
- (4) Side setback shall be 25 feet.
- (5) Rear setback shall be 50 feet.
- (6) Plot coverage shall be 25%.

B. The note at the end of Article III, Section 4, of the Town Plan, exempting existing lots from all physical specifications requirements of the Town Plan, is hereby declared not to be applicable to lots in the Hillsborough Centre Historic District.

[Note: This is a reference to the Zoning Ordinance as adopted in 1976.]

ARTICLE II

Security Illumination

[Adopted by the Historic District Commission 10-24-1988]

§ 147-8 Security illumination permitted.

To assist in the preservation of the Hillsborough Centre Historic District security, exterior elevated building security illumination is permitted. Said dusk-to-dawn (white) floodlighting will provide added protection for seasonal residents.