

Neighborhood Heritage Districts
A Handbook for New Hampshire Municipalities



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Introduction

From the outset, we suspected that New Hampshire's approach to districts would differ from the traditional neighborhood conservation district approach employed elsewhere in the United States. In the early stages of this project, the consultant team reviewed the method of how neighborhood conservation districts are established in other states, as well as the options already available in the New Hampshire land use statutes.

We found that other states used existing zoning provisions, rather than adopting new legislation to create neighborhood conservation districts. A search of "neighborhood" in zoning ordinances outside of New Hampshire turned up "urban renewal" and "blight" improvement provisions, but no provisions for preserving the character of existing neighborhoods.¹ While a number of states, including New Hampshire, have historic districts in their land use enabling legislation, we found none specifically for neighborhood conservation districts. Instead, conservation district ordinances were adopted under general zoning authority, as were any which are designed to preserve the character of existing neighborhoods.²

We also found that most of the existing conservation districts focus on residential neighborhoods. Furthermore, they frequently regulate changes to architectural features on a particular building, rather than limiting themselves to larger impact changes. Here in New Hampshire, we wanted to develop a program that is clearly distinct from existing local historic districts. We also wanted a program that is more far-reaching—one that could encompass non-residential, mixed and more rural areas.

For these reasons, we have chosen to call this new planning option Neighborhood *Heritage* Districts, rather than Neighborhood *Conservation* Districts, as they are called elsewhere. First, the term "conservation" is usually associated with conservation of land and natural resources, rather than buildings or the built environment. Second, the word "heritage" underscores the broad layers of history and culture that make up the built landscape that these districts are intended to protect.

Initially, we expected that New Hampshire would need special legislation to enable a municipality to adopt a neighborhood heritage district, particularly in the absence of any national models. However, as we looked closely at RSA 674:21, the state's Innovative Zoning statute, we realized it would fit this new program nicely.

RSA 674:21 was designed by the legislature to provide flexibility in the zoning process. If a municipality adopted a neighborhood heritage district, it could do so as either an overlay zoning district or a separate zoning district. The statute provides that innovative land use control may be administered by the Planning Board or by some other entity. However, if the neighborhood heritage district process were to be administered by another entity, district applications would still have to be reviewed by the Planning Board. Thus, it seemed to make sense that rather than

¹ For example, see Connecticut, Sec. 7-601; Maine, M.R.S. 30-A, Sec. 5107; New York, Priv. House. Fin. Sec. 901; Maryland HOUS. & COMM. DEV. Sec. 6-205.

² For example, see Amesbury, MA and San Antonio, TX.

create yet another land use board with decision-making authority, it would be more efficient, particularly in smaller communities, to create a Neighborhood Advisory Committee to the Planning Board, whose recommendations, while not binding, would carry weight in the Planning Board's final decision.

What is a Neighborhood Heritage District

A neighborhood heritage district is a zoning mechanism that focuses on protecting the key character of an area. The term “neighborhood” is significant: it reinforces that these districts are established as a result of direct citizen input and opportunities they have regarding the way their own neighborhood may change. It also emphasizes that a chief objective is to protect *neighborhood* character and the shared features of buildings located there, rather than *details*, such as window sash, doors, and trim, pertaining to individual buildings. The term “character” implies that rather than overseeing minor alterations to individual buildings, the district will protect those significant features that define a property or setting. What those features might be are decided by the community.

Neighborhood heritage districts are nothing new. They have been in use elsewhere in the country since the early 1980s. More than thirty municipalities across the country have programs, employing the concept to achieve a variety of goals, some of which are listed below:

- to control demolition
- 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

There is a high degree of citizen participation in creating and administering a neighborhood heritage district. They are established because property owners are seeking solutions to planning issues. Residents initiate the designation process and participate in drafting the neighborhood plan. At least one resident must also serve on the district’s advisory committee.

Purpose

The potential purposes of a neighborhood heritage district are wide and varied and should be tailored to meet the goals of the community and the district in question. The following list offers ideas to choose between:

- to protect the distinctive characteristics of the district’s setting, buildings, structures, landscape features, and public spaces in a manner that is supported by the Master Plan
- to discourage demolition of significant buildings and structures or removal of character-defining landscape features
- to guide change, reuse and reinvestment in the district
- to encourage both traditional design and building forms
- to encourage contemporary design that enhances the district
- to retain traditional development patterns
- to retain a pedestrian-friendly, accessible environment
- to retain the diversity of uses that have traditionally existed in the district

- to encourage continued residential uses (appropriate when the concern is over conversions to non-residential uses)
- to allow for adaptive reuse of existing structures for [insert specific uses] in a manner that also protects their historical and architectural character
- to serve as a buffer to a local historic district [or other zoning districts]

Benefits

There are a number of benefits to neighborhood heritage district designation:

- they may be appropriate for areas that would not otherwise qualify for a traditional local historic district, but would still benefit from some level of review and citizen input
- they may be a mechanism to introduce the concept of regulating change in a more flexible manner, without invoking the stigma that sometimes accompanies local historic district designation
- they provide some assurances to property owners concerned about out-of-scale and/or incompatible development
- they may offer property owners eligibility for low-interest loans, grants or other financial incentives, particularly if the district's bounds are tied to rehabilitation programs
- they are a means to further "green" principles, by discouraging demolition and thus reusing existing building stock and materials
- they adhere to smart growth precepts by encouraging investment within already developed areas and focusing on infill, rather than sprawl
- they increase awareness of local history and thereby foster community pride and self-image

How does it fit in with other types of zoning & planning?

Locally designated historic districts

Local historic districts have been used throughout New Hampshire since 1963 and have served many communities well. Neighborhood heritage districts are not intended to replace these more restrictive historic districts, but to offer another option.

Neighborhood heritage districts have more flexible, less stringent standards than do local historic districts. They typically do not regulate minor alterations, such as replacement of window sash or doors, removal of cornice brackets, or application of new siding. They do review major alterations, such as demolition of structures, most new construction or additions, removal of significant landscape features, and major site work, such as increasing a parking area. They often also review major architectural alterations, such as removal of a porch or bay window that is visible from the street, altering the size of window openings that are visible from the street, and new or replacement signs. Ultimately, it is up to the municipality to determine the extent of review.

Unlike local historic districts, neighborhood heritage districts do not have to be particularly historically significant. Nor do they have to consist of buildings that are individually distinctive

or possess a high level of architectural integrity. Instead, it is heritage and character that are showcased, rather than extraordinary history and architecture.

Neighborhood heritage districts are administered differently. Instead of a separate commission charged with overseeing the district, neighborhood heritage districts are administered by the Planning Board, with major input from an advisory committee comprised of neighborhood residents and business proprietors, historians, design professionals, and others who may have a specific knowledge of the area.

Form-based Zoning (also called Traditional Neighborhood Development or New Urbanism)

Form-based zoning is generally applied to new developments, though it incorporates several of the same objectives as the neighborhood heritage district. Density, lot coverage, setback, form and massing of new construction are usually covered by this type of zoning. It can also extend to public spaces and streetscape elements such as street connectivity, street and sidewalk width, bike lanes, and other things that affect a neighborhood but are decisions made in a larger context, rather than by a property owner. One key distinction between form-based zoning and neighborhood heritage districts is that the former do not review applications for demolition, nor the design of new construction or additions—both important to retaining the character of an area.

Design Review

Design review is also a common tool employed by communities to guide change. However, it is usually tied to site plan review and thus applies only to new building construction to be used for non-residential or multi-family purposes; and additions, alterations and rehabilitation of those type of buildings. It can be imposed on specific zoning districts, be triggered by a change in use or be applied town/citywide.

How does it differ from a National Register Historic District?

An historic district that is listed on the National Register of Historic Places is part of a national program designed to identify, evaluate, and protect historic and archeological resources.

Contrary to popular perception, National Register historic districts impose no restrictions on the manner in which an owner uses or alters the property, *unless* there is federal funding, licensing or permitting involved. Thus, in most situations, National Register listing will not help to protect the character or manage change within a neighborhood.

What Type of Areas Qualify for a Neighborhood Heritage District

One of the benefits of a neighborhood heritage district is that there are many different types of areas that could become a district. A district can consist of a handful of buildings, such as a small rural village center or a crossroads anchored by old farmhouses and surrounding fields. Or it could include a large urban neighborhood with a wide range of resources. Or it could include buildings that are linked by a common natural feature, such as a lake.

Because a neighborhood heritage district is not tied to traditional preservation planning, buildings and resources that are managed through this program do not need to be at least fifty years old. Also, because it is a less rigid type of program than a local historic district, the area can have less overall integrity. However, remember that one of the operative words is “heritage.” Thus, the designated area must convey some aspect of the community’s historical, architectural, or cultural heritage. Ultimately, what determines the size and type of a district are its identifiable cohesiveness.

Criteria for a Neighborhood Heritage District

A potential neighborhood heritage district must meet at least one of the following criteria. The Neighborhood Plan (see p. 10) will provide the basis for which criteria to employ.

- The district has a distinctive character with identifiable attributes that are embodied in its architecture, use, urban or rural landscape and/or history that makes it an integral part of the municipality’s identity
- The district has a recognized identity and a definable physical character that may have a high artistic value or a relationship to the municipality’s history or function that makes its conservation important
- The district has the potential for being designated a local historic district under RSA 674:45 if its key attributes can be maintained and intrusions that would destroy their integrity can be avoided

Examples of Potential Neighborhood Heritage Districts

Urban neighborhood

This is the type of area that is most commonly designated a neighborhood heritage district throughout the country. These districts consist of a fairly large number of residences often—but not necessarily—built within a defined time frame. While strict uniformity is rare, the housing stock will have relatively consistent development patterns, such as common setbacks, height that falls within a certain range, form or shape, scale, and orientation. By their very nature, urban neighborhoods will be mostly residential, but often include other land uses that are part of the district’s heritage, such as small barns or carriage houses, churches, schools, and small stores. They may also include built or planted landscape features such as street trees, granite posts or mounting blocks, and fences, that play a significant role in establishing the district’s character.

City, town or village center

This would be an area that either presently serves as the center of civic or commercial activity for the municipality or, as in the case of a village within a larger community, for a section of it. Such centers have mixed land use and might include the town hall/offices, churches, grange, stores and commercial blocks, school, cemetery or burial ground, town pound and so forth.

Rural

Many New Hampshire towns and cities have stretches of rural roads that still convey their agricultural heritage. Farmhouses, barns and other outbuildings, stone walls, mature roadside and front yard trees, roadside fields and lower density are some of the more typical features that characterize these areas.

Corridors

Corridors typically would be roads on which a sufficiently high number of older buildings survive, so that a degree of its character is still reflected. Throughout the state, there are many commercially zoned roads that lack any means to control the loss of early resources, or to manage how new development fits into the existing character. These type of road corridors might be good candidates for a neighborhood heritage district.

Waterfront properties

The fragility of older waterfront properties, particularly those erected in the first half of the 20th century, make these a prime candidate for neighborhood heritage districts. The district could include frontage along an entire pond or lake, or limit it to a cove or portion of the shoreline. Depending on the visibility of the resources and the topography of the body of water, the standards for review for these types of districts will generally include sightlines from the water, as well as from the road.

How to Establish a Neighborhood Heritage District in Your Town/City

In municipalities that have zoning, the neighborhood heritage district would be adopted as an amendment to the zoning ordinance, in accordance with the applicable provisions of RSA 674. The neighborhood heritage district ordinance *must* be supported by the community's master plan, as well as contain standards that will guide the Planning Board in its administration of the ordinance. The district may be 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.

Master Plan

Ideally, the master plan will make specific mention of establishing a neighborhood heritage district within a certain section of town as a goal, objective and/or recommendation. If it does not, the best route would be to amend it to do so. This need not be a lengthy process, and taking the time and thought to create a section of the master plan to identify appropriate areas for neighborhood districts is worthwhile and undergirds the effort.

If an amendment seems like a long process, language already in place might suffice. The best case scenario would be if the plan identifies specific areas that warrant special preservation, planning or design treatment, even if it does not mention neighborhood heritage districts by name. If specific areas have not been singled out, look to see if the plan at least includes language such as “develop initiatives to protect/preserve neighborhood character;” “retain historic housing stock,” or “maintain diversity within village center” to make it clear that the planning board has already adopted, as a matter of public policy, its desire to retain certain characteristics of its community.

The Process

There are six primary steps to creating a neighborhood heritage district:

1. Representatives from the neighborhood, either alone or in concert with the heritage commission or some other board/commission, present the Planning Board with a proposal to establish a district. The proposal should state the need and purpose, as well as how it is directly tied to the objectives contained in the local Master Plan.
2. Planning Board instructs the neighborhood representatives to develop a preliminary neighborhood plan, if one does not already exist. The goal of the preliminary plan is threefold: (1) to determine the boundaries of the district; (2) to determine whether the district will be an overlay zoning district or a discrete district; and (3) to take the objectives laid out in the proposal and propose standards for review that will be part of the ordinance.
3. Planning Board accepts preliminary plan and instructs neighborhood representatives to prepare a draft ordinance.
4. Planning Board accepts draft ordinance and submits it as an amendment to the municipal zoning ordinance. It will appear as a warrant article at town meeting or will be presented to the city/town council/board of aldermen for a vote.

5. If the ordinance is passed, Planning Board creates a Neighborhood Advisory Committee.
6. Neighborhood Advisory Committee completes final neighborhood plan, and drafts rules of procedures and design guidelines for approval by Planning Board.

Drafting the Ordinance

The Neighborhood Advisory Committee is responsible for preparing a draft ordinance for review and approval by the Planning Board. A model ordinance is found in Appendix A. While it will serve as a useful start, any ordinance will need to fit within your town/city's legal framework, as well as meet the objectives outlined in the neighborhood plan. Seek advice from your town/city legal counsel before presenting the draft to the Planning Board.

The ordinance should include the following:

- Statement of purpose
- Definitions of key terms within the ordinance
- The legislative authority under which the district is established. This section will also include its boundaries (reference the town/city zoning map), and how the district will be administered (usually be by the Planning Board, with major input from a neighborhood advisory committee).
- A description of who should serve on the Neighborhood Advisory Committee and what its role is.
- The types of activities or work items that are affected by the ordinance.
- A clear statement that any proposed work must be reviewed and approved by the Planning Board prior to its start.
- Whether or not municipal buildings and structures should be subject to review, as otherwise they are automatically excluded
- The review standards that the Planning Board will use when reviewing an application. (The standards listed in the model ordinance do not dwell on architectural details, but focus on changes that could impact more than just the individual building or site involved.)
- How a district will be administered (this will generally parallel the process already used by the Planning Board, but will take into account the role of the neighborhood advisory committee)
- Outline the process for appeals and enforcement (these will parallel the process already in place for other Planning Board decisions)

Laying the Groundwork for the Vote

Any ordinance will have a far greater chance of approval by the legislative body if it is supported by the Planning Board. However, even with that support, the citizens' group needs to be prepared to take the lead on undertaking a public awareness and education program. The importance of such a campaign is integral to the successful establishment of a neighborhood heritage district ordinance.

Establishing any sort of regulatory district is a public process, and one that can be rife with misinformation. It is vital that the public understands what it is – and is not – before a proposal is brought to a vote.

Throughout all stages of establishing a neighborhood heritage district, the citizens' group should keep local residents apprised of its purpose and benefits. The group could host a public informational meeting, write newspaper articles and make presentations to other municipal boards. It should also approach property owner advocates who represent a range of likely constituents. The group could create a power point presentation or slide show that showcases the special character of the district and the pressures that are on it, by illustrating incompatible changes. It could also prepare Q&A documents describing the how the district would be administered, with contact information for citizens behind the initiative. The sheets should be available at town/city offices, library, other frequently visited spots around town and on the municipal web site.

Adopting the Ordinance

The ordinance is treated just like any other amendment to the zoning ordinance. In cities and towns operating under a council form of government, the local legislative body determines the details of how the district ordinance is adopted. In towns operating under a town meeting form of government, or within a village district that has been specifically authorized by law to enact a zoning ordinance, the neighborhood heritage district ordinance is adopted by a ballot vote of the municipality.

After it is enacted, the neighborhood heritage district ordinance and the accompanying regulations should be incorporated into other local ordinances and regulations pertaining to land use.

Appointing the Neighborhood Advisory Committee

It is the responsibility of the Planning Board to appoint the Neighborhood Advisory Committee, in accordance with the adopted ordinance. The model ordinance (see App. A, Sec. III) allows for a three to seven-person committee, plus up to three alternates. It also specifies the types of people who should be on the Committee.

Final Neighborhood Plan

The Neighborhood Advisory Committee is responsible for drafting the neighborhood plan, for submission, approval and adoption by the Planning Board. It is generally prepared in close concert with citizens advocating for—and directly affected by—the proposed district.

While it need not be a lengthy document, it must articulate the character and setting of the district, as well as its buildings and structures, in sufficient detail that the more generic review standards in the ordinance can be interpreted. The Planning Board, Neighborhood Advisory

Committee and applicant must all have a clear understanding of exactly what the goals of the district are and how they should be applied.

Components of the Neighborhood Plan:

- Brief historical overview, focusing on development history and patterns of land use
- Description of existing district character:
 - building character
 - types and dates of buildings (architectural styles, range of periods)
 - types of roof shapes and pitches
 - orientation to street
 - height
 - materials (clapboard, brick, stone, concrete block, etc.)
 - fenestration patterns and proportions
 - primary architectural features (bay windows, porches, cornice returns, entry brackets, etc.)
 - land use (residential, commercial, religious, civic, etc.)
 - density (lot size and coverage)
 - built landscape features (walls, fences, granite posts and mounting blocks, street lawn width)
 - natural landscape features (mature street trees)
 - streetscape (setback, height, form, massing, scale)
 - auxiliary structures (garage, carriage house, etc.)
- Boundary map and rationale for choosing the boundary (can be based on one or a variety of elements. Examples: defined period of construction; similar scale, period, style, and/or form of buildings; density, relationship to natural features, such as fronting on a lake; relationship to built and natural environment, such as bounded by railroad tracks on one side, river on another and hillside on another; lot lines; zoning district; etc.)

Rules of Procedure

The Neighborhood Advisory Committee establishes rules of procedure. Generally, the rules of procedure already in use by the Planning Board may be an appropriate model for administering Committee procedures.

Design Guidelines

The Neighborhood Advisory Committee prepares design guidelines that are used to assist them, the Planning Board and applicants. Guidelines function as a roadmap. They clarify the community's expectation for the type and quality of change and new development within the district. The information contained in the neighborhood plan, as well as the standards for review in the ordinance will serve as the basis for developing guidelines.

Guidelines offer specific suggestions for how new construction and additions can reinforce the character of the district and its individual buildings or structures, without stultifying the need for change. They also provide the basis for rational, informed and consistent decisions.

The most useful guidelines are illustrated. Photographs and line drawings of general design principles can often convey more than lengthy text.

While design guidelines can be time-consuming to prepare, they do not need to be exhaustive or fancy. There are hundreds of design guideline manuals published by other communities that are available on the internet. Start with a search of existing guidelines for a similar district and then build on them to reflect your own area and objectives. It is generally helpful to seek some professional assistance from an architect, municipal planner, or historic preservation planner.

Administering the District

The model ordinance outlines the basics of how a neighborhood heritage district is administered. Because the Planning Board is the entity ultimately responsible for approving or disapproving applications, the process will follow closely their already established procedures.

Application Form

Creating a form for applicants proposing regulated work is the responsibility of the Planning Board. However, the ordinance authorizes the Neighborhood Advisory Committee to provide written advice. Their site review application form can serve as a template.

Many Planning Boards will likely be happy to have the Committee take the initiative and develop a draft form for its review and adoption. Forms should be available at town offices and downloadable from the web.

A sample form is included as Appendix B.

Reviewing the Application

Upon receipt of an application for a regulated activity, abutters must be notified (see RSA 672:3) of the meeting at which the Planning Board will determine whether the application is complete. If it is not, the applicant is notified of the omissions, and the clock stops until the form is deemed complete.

If the form is complete, the application is immediately forwarded to the Neighborhood Advisory Committee, which has thirty days from receipt to submit its written recommendation to the Planning Board. The Committee may recommend approval with written reasons, denial with written reasons, or approval with conditions.

In the course of its review, the Neighborhood Advisory Committee must notify abutters hold one or more duly noticed public hearings. Since the Planning Board must also hold a hearing as part of its review process, it is highly desirable to hold joint public hearings. That way, the applicant and any interested parties need not attend duplicate hearings, and it facilitates efficient decision making. Such an approach is encouraged by the statutes (see RSA 676:2). If a joint hearing is held, the Committee should submit its recommendation to the Planning Board before the Planning Board deliberates and renders its decision.

As it reviews the application, the Neighborhood Advisory Committee must weigh the proposed activity against the review standards in the ordinance and the design guidelines. Its recommendation should clearly articulate how the activity does—or does not—meet those standards. It can state what measures might be taken to bring the project into compliance.

If a project is complex, the Committee should encourage the applicant to come for a pre-application consultation. This is not a public hearing, but the item needs to be on the agenda and the meeting posted in the usual fashion.

No discussion of an application should take place outside a posted meeting. Even with the best of intentions, a member of the Neighborhood Advisory Committee should never offer informal advice to an applicant except on matters of procedure.

Once the Planning Board has received the Neighborhood Advisory Committee's recommendations—and unless a joint hearing has been arranged, which is highly recommended—it, too, must hold at least one public hearing. As it deliberates, the Board must take into account the recommendations of the advisory committee. The Planning Board makes the ultimate decision as to whether the proposed activity is approved: it either approves the application, approves it with conditions, or denies it with written reasons. If the Planning Board's decision is contrary to the recommendations of the Committee, the board needs to state specifically the basis for its decision.

Appeals

Any appeal of the Planning Board decision needs to be in accordance with RSA 677:15.

Enforcement

Any enforcement action will be in accordance with state statute and the town/city zoning ordinance.

Public Outreach

One of the most important responsibilities the Neighborhood Advisory Committee has is promoting awareness of the purpose and benefits of the Neighborhood Heritage District, as well as clearly outlining the application process. Even though the Committee serves in only an advisory capacity to the Planning Board, because it will hold the initial public hearing and any preliminary consultations, it will likely become the public face of the district. Furthermore, since the Planning Board's responsibilities extend far beyond the Neighborhood Heritage District, the Committee will usually need to play a central role to ensure the district functions smoothly. First and foremost, the Committee needs to be seen as working with and engaging constituents, rather than being the first step in a process that polices them. Frequent and positive communication between the Committee, Planning Board, Zoning Board of Adjustment, other local officials, neighborhood property owners and residents, and the general public will go a long way to obtaining this objective.

Keeping Property Owners & Applicants Informed

Use the Web

For most people, their first point of contact with the Neighborhood Heritage District will be when they plan to undertake an alteration to their property. One of the most effective and efficient means to reach the public is through a web site. If the municipality has a home page, there should be a direct link to the Neighborhood Heritage District ordinance, together with a downloadable application form, via the Planning Board link. Even though the activities subject to review, review standards and overall process are part of the ordinance, paraphrasing them would assist anyone looking for immediate assistance.

The home page for the Neighborhood Heritage District should also explain the purpose and benefits of the district. (This can be extracted directly from the ordinance.) Other useful items to include on the web are the Committee's rules of procedure, the district's neighborhood plan, design guidelines, a map of the district, and meeting schedule. Finally, the site can showcase successful projects, using before and after images, coupled with a brief description.

The web page could also provide links to restoration assistance, even for activities that are not subject to review. There is a plethora of articles on old building rehabilitation: painting historic buildings, the pros and cons of vinyl siding, cleaning and repointing masonry, and repairing wooden windows among the examples. Helpful web sites from New England statewide preservation organizations:

- <http://www.nhpreservation.org>.
- <http://www.ptvermont.org/treatmentissues.htm>
- <http://www.cttrust.org/d/2003/06/27/95>

Use the Media

Generally, the only time citizens hear about the district is when a reporter picks up on a controversial project. While this often cannot be avoided, the Neighborhood Advisory

Committee could be proactive and alert the paper of success stories. Small town newspapers are often looking to fill space; supply it with regular articles, together with a catchy slogan that is used regularly by the Committee in the press and at meetings.

Work with Realtors

When a property within the neighborhood heritage district changes hands, as well as while it is on the market, it is important that the new or prospective owner be fully informed about the district. If realtors understand the design review process and advantages of being within a district, they are better able to serve their clients. Everyone benefits when property owners have chosen to live within a district.

The city assessor's office could be helpful with informing the Neighborhood Advisory Committee of new owners, so that a packet of information on the district can be personally delivered to them, along with a warm welcome. And a copy of the ordinance should be on file at the county Registry of Deeds.

Other ideas

A simple pamphlet that provides basic information and is available in the town/city hall and local library is a good public relations tool. Consider including a fact sheet on the purpose of the district, an outline of the application process, a map showing district boundaries, the meeting schedule, and where to go for more information, such as the application form, and design guidelines. The pamphlet could also be included with a water bill on an annual basis.

The Neighborhood Advisory Committee could collaborate with the local historical society or heritage commission to create a resource shelf at the local library; confer preservation awards to highlight good projects; or host an annual public symposium.

Keeping Local Officials Informed

Presumably, the Neighborhood Advisory Committee and Planning Board are working in close concert throughout the year and often holding joint public hearings. Even though it is the latter that assumes regulatory responsibility for the program, it is highly recommended that the Committee develop a close relationship with the local building department and code enforcement officials, as they are often at the front or back end of a project. Both need to recognize that the district has regulations that may not apply to the community generally. They need to be familiar with the boundaries of the district, and aware of any special building code provisions affecting historic/existing buildings. The municipal zoning ordinance should also include the Neighborhood Heritage District in its enforcement section.

Appendix A

Model Ordinance for Neighborhood Heritage District

I. Purpose

A neighborhood heritage district is established under the provisions of RSA 674:21, “Innovative Land Use Controls,” to preserve, conserve and protect the health, safety, economic, cultural and general welfare of the public. Specifically, the purposes of a neighborhood heritage district are:

[choose from some or all of the following, based on applicability]

- a. To protect the distinctive characteristics of the district’s character, setting, buildings, structures, landscape features and public spaces in a manner that is supported by the Master Plan;
- b. To discourage demolition of buildings and structures or removal of landscape features;
- c. To guide change, reuse and reinvestment in the district;
- d. To enhance the livability, vitality, stability and local identity of the district for its residents and businesses and all residents of the [town/city];
- e. To retain traditional development patterns;
- f. To retain a pedestrian-friendly, accessible environment;
- g. To encourage design that is either traditional or contemporary, but is sensitive and compatible with the established character of the district;
- h. To retain the diversity of uses that have traditionally existed in the district;
- i. To develop guidelines that articulate the character and setting of the district and its buildings, structures, and landscape features and that clarify the community’s expectation for the type and quality of change and new development within the district;
- j. To further “green” principles, by discouraging demolition and thus reusing existing building stock and materials
- k. To adhere to smart growth precepts by encouraging investment within already developed areas and focusing on infill, rather than sprawl
- l. To serve as a buffer to a local historic district [or other zoning districts].

II. Definitions

[Definitions should reference the basic zoning ordinance, adding any terms that are not included there. This could be a separate amendment to the zoning ordinance to add necessary definitions.]

III. Establishment of Neighborhood Heritage District

[NB: If it is your intent, the ordinance should specifically include the review of municipal buildings, as otherwise they are automatically excluded.]

- a. To achieve these purposes, the town/city may designate one or more neighborhood heritage districts. A neighborhood heritage district shall be established within the zoning ordinance, in accordance with the applicable provisions of RSA 674.¹

- b. The boundaries of the neighborhood heritage district are shown on the [name of municipality] zoning map.
- c. The designation of a neighborhood heritage district is intended to accommodate unique land use, design, and other distinctive characteristics of a neighborhood and encourage flexible, but consistent design review for new construction, additions, alterations or demolition.
- d. The neighborhood heritage district shall be administered by the Planning Board with the advice of a Neighborhood Advisory Committee to be created as provided in section IV.

IV. Neighborhood Advisory Committee

- a. Upon adoption of a neighborhood heritage district as a section of the zoning ordinance, the Planning Board shall appoint a Neighborhood Advisory Committee. The committee shall consist of not fewer than three and no more than seven members who may include: one or more residents and/or landowners in the district; a person familiar with the history and character of the neighborhood; an architect; a business proprietor; a member of the Historic District Commission or Heritage Commission; and a member of the Planning Board. The Planning Board may appoint up to three alternate members to the advisory committee.
- b. In the event there is more than one neighborhood heritage district in the town/city, the advisory committee shall include a member from each district.
- c. The Neighborhood Advisory Committee shall:
 - 1). Prepare a draft neighborhood plan for submission to and approval by the Planning Board;
 - 2). Establish rules of procedure, in accordance with RSA 676:1. In addition to procedures for review of applications referred by the Planning Board, the committee may provide for informal preliminary non-binding discussion and review of activities subject to regulation under this ordinance;
 - 3). Adopt design guidelines for construction activities within the neighborhood heritage district;
 - 4). Advise the Planning Board on creating an application form for activities subject to review;
 - 5). Submit written recommendations to the Planning Board to guide its decision on applications received;
 - 6). Where applicable, the advisory committee may make recommendations to the zoning board of adjustment regarding applications for variance or special exception for properties within the neighborhood heritage district.

V. Activities Subject to Review

[choose from some or all of the following, based on applicability:]

- a. Demolition, partial demolition, or removal of a building or structure
- b. Any new exterior construction. (Construction of a new accessory structure, such as a clothesline, tree house, playhouse, flagpole, play equipment, providing the structure does not exceed 100 square feet in area, is exempt from review.)
- c. Any addition visible from the street to an existing building or structure. (If the addition is not visible from the street and is less than 100 square feet or

- constitutes less than XX% of the existing buildings on the lot, whichever is less, it is exempt from review.)
- d. Removal of a porch, portico, doorhood or bay window visible from the street
 - e. Altering the size of window or door openings visible from the street
 - f. Removal of landscape features that define the streetscape, including but not limited to mature trees, granite retaining walls & posts, fences
 - g. Site work that increases the amount of paved surface, such as increasing a parking area
 - h. New or replacement signs

VI. Standards for review

[choose from some or all of the following, based on applicability:]

The application for proposed work shall demonstrate that the project as proposed is consistent with the neighborhood plan and the following standards. The Planning Board may require that the proposed work application be reviewed by a licensed architect or historic preservation consultant at the cost of the applicant.

- a. New construction shall be compatible with the distinct characteristics that define the area.
- b. Setback, height, scale, mass, fenestration and spacing of new construction shall be compatible with adjacent traditional buildings and the context of the district. Buildings shall be spaced in a manner that is consistent with the traditional development patterns of the street.
- c. Architectural features in new construction or additions should be used to enhance visual interest and provide a pedestrian scale. Details that reference, but do not necessarily mimic, traditional buildings are encouraged.
- d. New construction or additions shall have rooflines that are similar to those traditionally seen in the district, in terms of type, shape, pitch and orientation.
- e. Building materials for new construction shall contribute to the visual continuity of the district.
- f. Building materials for major additions shall be consistent with, or similar to, those already on the building or structure.
- g. New construction shall preserve character-defining landscape features of the district.
- h. Parking shall be set back from the primary front wall of the building. Garages shall be set back from the front plane of the building; if that is not possible, they shall be rotated so that the vehicular doors do not face the street. Driveways that are double wide are discouraged. Shared parking is encouraged.
- i. Demolition, partial demolition, or removal of buildings and structures, as well as removal of landscape features will be considered only under the following circumstances:
 - 1). Replacement structures or other use of the site must meet the intent of the design guidelines and shall not have a negative impact on the character or cohesiveness of the district; or

- 2). The applicant for a demolition permit shall demonstrate that reasonably feasible alternatives to demolition have been considered. Alternatives shall include renovation or adaptive reuse of an existing building; or
- 3). The applicant can demonstrate that retaining the resource would constitute economic hardship due to unavoidable quantifiable and verifiable expenditures or a fiscal loss that would ensue should the resource not be demolished; or
- 4). The building, or structure has been determined structurally unsound, based upon a written technical report prepared by an architect or professional engineer registered in the State of New Hampshire that clearly demonstrates that the building or structure presents a risk to public health, safety and welfare; and the structurally unsound condition has not been caused by willful or negligent acts by the owner or failure to perform normal maintenance and repairs; or
- 5). In the case of a mature street or front yard tree, it has been determined by a professional arborist or other qualified professional that its removal is necessary for safety reasons.

VII. Procedure.

- a. The Planning Board, with the written advice of the advisory committee, shall establish an application form in accordance with its procedure for site review applications. The procedure shall provide for notice to abutters as required by RSA 672:3.
- b. Upon receipt of an application for a regulated activity in the neighborhood heritage district, the Planning Board shall determine whether the application is complete for review in accordance with the provisions of RSA 676:4.
- c. The completed application shall immediately be referred to the Neighborhood Advisory Committee. The Committee must hold one or more duly noticed public hearings and shall, within 30 days of receipt of the application, submit its recommendation to the Planning Board. The Committee may recommend approval with written reasons, denial with written reasons, or approval with conditions.
- d. The Planning Board, upon receipt of the recommendation of the Neighborhood Advisory Committee, shall hold at least one public hearing.² The Planning Board in its deliberations shall consider the recommendations of the advisory committee. The Planning Board shall approve the application, approve with conditions, or deny with written reasons. If the Planning Board's decision is contrary to the recommendations of the advisory committee, the board shall state specifically the basis for its decision.

VIII. Appeal.

Appeal of a decision of the Planning Board shall be in accordance with RSA 677:15.

IX. Enforcement.

Decisions of the Planning Board shall be enforced in accordance with the provisions of the zoning ordinance.

Endnotes

1. An amendment to the zoning ordinance designating a particular neighborhood as an neighborhood heritage district may be initiated by the Planning Board or by petition. See RSA 675. Uses within the district may be governed by the ordinance, or the district may be created as an overlay district with uses controlled by the underlying zoning district.
2. In order to avoid duplicate hearings and facilitate efficient decision-making, the Planning Board and advisory committee may provide for joint public hearings. The Neighborhood Advisory Committee should submit its recommendation to the Planning Board before the Planning Board renders its decision. The statutes encourage this procedure. See RSA 676:2.

Appendix B
Sample Application Form

PLANNING BOARD
TOWN OF GRANITEVILLE

APPLICATION FOR CERTIFICATE OF APPROVAL
CENTRAL VILLAGE NEIGHBORHOOD HERITAGE DISTRICT

Address of property: _____	
Owner of property: _____	
Owner's mailing address: _____	
Tel: _____	Email: _____

1. **TYPE OF WORK PROPOSED** – Check all that apply.

- Demolition, partial demolition, or removal of a building or structure
- New exterior construction
- An addition to an existing building or structure (NB: if it is less than 100 square feet or constitutes less than XX% of the existing buildings on the lot, whichever is less, the project is exempt from review)
- Removal of landscape features that define the streetscape, including but not limited to mature trees, granite retaining walls & posts, historic fences
- Removal of a porch, portico, doorhood or bay window visible from a public way
- Altering size of window or door openings visible from a public way
- Site work that increases the amount of paved surface, such as increasing a parking area
- New or replacement signs

2. **DESCRIBE PROJECT** – Describe and locate on drawings, plans or photographs any work checked in #1 above. Attach additional sheets as needed.

3. **ZONING RELIEF**

Will this project require a variance? _____ a special exception? _____

If yes, nature of zoning relief sought: use _____ setback _____ height _____ parking _____
other (specify) _____

4. **CONSTRUCTION OF AN ADDITION**

_____ Gross Floor Area of All Existing Construction on Lot

_____ Gross Floor Area of Building(s) Affected by Addition

_____ Gross Floor Area of Proposed Construction

_____ Existing Total Lot Coverage

_____ Proposed Total Lot Coverage

5. **REQUIRED ATTACHMENTS**

For all applications:

- A statement that demonstrates how the proposed activity meets the Standards for Review in Sec. VII of the Neighborhood Heritage District ordinance

For new construction and additions:

- Dimensioned site plans of existing and proposed conditions, including the footprints of all existing and proposed buildings, parking areas, and driveways, and built landscape features, such as stone walls, fences, and granite posts. Please indicate compass orientation and removal of any mature trees.
- Detailed, dimensioned elevations and floor plans for any proposed construction, including rendering of window treatment and schedule of materials
- For new construction only: Streetscape elevation at 1/8th scale showing relative heights and distances of the surrounding buildings in comparison with any proposed new construction

For demolition, partial demolition, or removal of buildings, structures or landscape features (mature trees, granite retaining walls & posts, historic fences, etc.):

- Photographs of each elevation of building proposed for demolition
- Photographs of all landscape features impacted by the demolition
- Site plan showing proposed conditions following demolition
- A statement that addresses the rationale behind the demolition, referencing the conditions specified in Sec. VII of the Neighborhood Heritage District ordinance

For removal of a porch, portico, doorhood or bay window on the front of a building; or altering the size of window or door openings (NB: If these are not visible from the street, landscaping aside, they are not subject to review):

- Detailed photograph of affected feature
- For windows & doors: Scaled drawing showing proposed work, including type of replacement window and/or door

Signature of owner:_____ **Date:**_____

Name of proponent, if not property owner:_____

Instructions for Completing This Application

This application must be filed at the offices of the Graniteville Planning Board, which administers the Central Village Neighborhood Heritage District, before any work is undertaken. **Seven copies** of the completed application and all required attachments must be submitted by the filing deadline. Filing deadlines for applications may be obtained by contacting the Graniteville Planning Board at 603-XXX-XXX or www.XXX.gov. Incomplete applications cannot be scheduled for consideration. Applications must be signed by the record owner of the property.

The application will initially be reviewed by the Neighborhood Advisory Committee. **It is highly recommended that the applicant consult informally with the Committee before completing plans and filing the application.**

Once a complete application has been received, the Committee will hold a public hearing on the project and submit its recommendation or approval, approval with conditions, or denial, to the Planning Board within 30 days of receipt of the application. The Planning Board will then hold at least one public hearing. When at all possible, the Committee and the Planning Board will hold a joint hearing. In its deliberations, the Planning Board shall consider the recommendations of the Neighborhood Advisory Committee. If its decision is contrary to the recommendations of the Committee, the Board shall state specifically the basis for its decision.

Owners should plan to attend all meetings at which their applications will be considered. If the applicant has professional consultants, such as architects, contractors, landscape architects, engineers, or attorneys, they are invited to attend as well.

for office use only

Date application received: _____

Date application determined complete: _____

Date of hearing: _____

Neighborhood Advisory Committee recommendation: Approve Approve with conditions Deny

Planning Board decision: Approve Approve with conditions Deny

Appendix C

Municipalities with Neighborhood Conservation Districts

This list includes examples of Neighborhood Conservation Districts around the country with links to their ordinances or program details.

Annapolis, MD

<http://municipalcodes.lexisnexis.com/codes/annapolis/>

Atlanta, GA

<http://www.atlantaga.gov/Government/urbandesign.aspx>

Austin, TX

<http://www.ci.austin.tx.us/zoning/npcd.htm>

http://www.ci.austin.tx.us/zoning/hyde_park1.htm

Bethlehem, PA

http://www.bethlehem-pa.gov/dept/planning_zoning_permits/historicdistricts.htm

Boise, ID

http://www.cityofboise.org/Departments/City_Clerk/PDF/CityCode/Title11/1119.pdf

Boone, NC

<http://www.townofboone.net/departments/development/occ/>

Boston, MA

http://cityofboston.gov/environment/pdfs/BLC_preserv_act.pdf

<http://www.cityofboston.gov/environment/downloads.asp>

<http://brighton02135.tripod.com/arca/id8.html>

Boulder County, CO

www.bouldercounty.org/lu/info_center/handouts/planning/pdf/39neighborhood.pdf

Bryan, TX

http://www.bryantx.gov/departments/?name=plan_rncd

Cambridge, MA

<http://www.cambridgema.gov/Historic/districts.html>

Chapel Hill, NC

<http://www.townofchapelhill.org/index.asp?NID=144>

Dallas, TX

http://www.dallascityhall.com/development_services/index.html

Davis, CA

<http://cityofdavis.org/cmo/citycode/chapter.cfm?chapter=40>
<http://cityofdavis.org/cdd/design/>

Greenville, SC

<http://www.greatergreenville.com/development/zoning/Neighborhood%20Conservation%20Overlay%20Districts.pdf>

Huntington Beach, CA

http://www.ci.huntington-beach.ca.us/files/users/city_clerk/chp224.htm

Indianapolis, IN

<http://www.indy.gov/eGov/City/DMD/IHPC/Districts/Conservation/Pages/home.aspx>

Iowa City, IA

<http://www.icgov.org/default/?id=1487>

Jackson, TN

<http://www.cityofjackson.net/departments/planning/gconsrv.pdf>

Jefferson Parish, LA

<http://www.jeffparish.net/index.cfm?DocID=1214>

Knoxville, TN

<http://www.knoxmpc.org/historic/comm/commiss.htm>

Lincoln, MA

www.lincolntown.org/NCD%20Proposed%20bylaw%20030506.pdf

Miami, FL

http://www.municode.com/Resources/ClientCode_List.asp?cn=Miami&sid=9&cid=3288

Napa, CA

<http://www.cityofnapa.org/municipalcode/title15.htm>

Nashville, TN

<http://www.nashville.gov/mhc/districts.htm>

Oklahoma City, OK

<http://www.municode.com/>

Oregon City, OR

<http://ordlink.com/codes/oregonci/index.htm>

Philadelphia, PA

<http://www.preservationalliance.com/programs/neighborhood.php>

Phoenix, AZ

<http://www.ci.phoenix.az.us/planning/plnpubs.html>

Portland, OR

http://www.portlandonline.com/planning/index.cfm?c=39750&a=133983#cons_dist

Raleigh, NC

www.raleighnc.gov/publications/Planning/City_Code_Excerpts/Neighborhood_Conservation_Overlay_District_Code.pdf

Rockville, MD

<http://www.rockvillemd.gov/masterplan/lpnp/index.html>

San Antonio, TX

<http://www.sanantonio.gov/planning/neighborhoods/urbandesign.asp>

San Jose, CA

<http://www.preservation.org/inventory/invconsareas.html>

Springfield, MO

<http://ci.springfield.mo.us/egov/planning/nco/orgs.html>

Wellesley, MA

http://www.wellesleyma.gov/pages/wellesleyma_HistComm/DRNCD/DRNCC

Wilmington, DE

<http://www.ci.wilmington.de.us/departments/planning.htm>