



Somersworth Historic District Commission

One Government Way
Somersworth, NH 03878

Minutes of the Workshop Meeting on 18 April 2017: Adopted as Amended

Praesens:

Laura Barry
Richard Brooks
Jenna Dunham
Pius Charles Murray, Chair and Secretary

In absentia:

Arthur Hendrickson
Martin P Dumont Sr.
Beth Poulin
George Poulin
TimMetivier

Agenda & Minutes

I. Call to Order: At 6:14pm by the Chair.

II. Workshop Business:

This was scheduled originally as a workshop of the entire HDC. Given the attendees present, the Workshop received an update from Mr. Brooks's workshop on Historic District Boundaries during which he presented additional maps with more detailed color coding that offered alternatives for

including non-contiguous historic places. The majority of the this Workshop was concerned with the Proposed Ordinance Changes.

Following the advice that Mr. Metivier had offered at a previous workshop, Ms. Barry recommended that the Workshop assume scrapping the entire present city ordinance dealing with the Historic District (cf. 19.14) and substituting an entirely new ordinance. The changes discussed may be found on the edited in-process version on Google.docs and attached to these minutes.

III. Next Meeting:

The Workshop decided to wait for input from the entire HDC on several controversial proposed changes before scheduling another meeting.

IV. Adjournment:

Meeting was adjourned by the Chair at 9:08pm.

Respectfully submitted,

Pius Charles Murray

(Mr.) Pius Charles Murray, MLS, MPA
Chair and Secretary

Attached (1)

Section 1 Authority

HISTORIC DISTRICT COMMISSION. There is herein established a seven member Historic District Commission with the power and duties as set forth in New Hampshire Revised Statutes Annotated Chapter 674:46, as the same may be subsequently amended, and as may be needed to carry out the purposes of this section.

MEMBERSHIP

The Historic District Commission shall consist of seven (7) members and three alternates, one of whom shall be a member of the City Council and all of whom shall be residents of the City and who have demonstrated interest and ability to understand, appreciate and promote the purposes of the Historic District.

If possible, membership shall be comprised of duly authorized representatives of the following:

- a. Planning Board and/or Zoning Board of Adjustment, or Conservation Commission;
- b. The Historical Society;
- c. A Licenced Realtor;
- d. A registered architect or licensed engineer or builder
- e. A resident of the district; and
- f. A person owning a firm/business in the district

All members shall submit an application demonstrating their interest and qualifications and after review shall be nominated by the Mayor and confirmed by a majority of the City Council. The application of each applicant shall be kept on file and made available to the public.

Term

Members shall be appointed for three (3) year terms. The current membership of the Historic District Commission is maintained for the duration of their appointments. The City Council shall act within sixty days to fill a vacancy, including expired terms; vacancies shall be filled as needed. Members may be removed for cause in manner as provided by NH RSA Chapter 673:13, as the same may be subsequently amended.

Officers/Quorum

The Commission shall annually elect a Chair, Vice-Chair, and Secretary from its own membership. Officers shall serve no more than two (2) consecutive terms.

Four members of the Commission shall constitute a quorum for the conduct of business.

Powers and duties of the Commission

The Historic District Commissioner shall have the following powers and duties:

- a. The Commission will maintain a system for the survey and inventory of historic properties. This survey will be the system for comprehensive historic planning within the City. It will be consistent with the technical standards issued by the United States Department of the Interior to produce reliable, understandable and up-to-date information for decision making, related to the identification, evaluation and protection/treatment of historical resources;
- b. Establish rules and regulations for the conduct of business which are consistent with the purposes of the Historic District and in conformance with applicable State statutes. Members shall be governed by a code of conduct, in conformance with State statutes, to prevent real and apparent conflicts of interest in the performance of the Commission's responsibilities;
- c. Establish, adopt and make available to applicants and the public, guidelines and standards to be used by the Commission in reviewing and passing on applications for Certificate of Approval to construct, alter, modify, repair, move or demolish any building and/or structure within an Historic District;
- d. Approve, disapprove, in whole or in part, applications for which a Certificate of Approval is required per the Zoning Ordinance;
- e. Request reports and recommendations from City departments and agencies and from other organizations and sources who may have information or can provide advice pertinent to the application or its impact to the district;
- f. Retain professional consultants as may be necessary to carry out the purpose of this section, subject to the availability of funds for this purpose;
- g. Investigate and recommend to the City Council new areas for designation as historic districts.
- h. Act in an advisory role to other officials agencies, departments, boards, commissions, and committees of the local government, regarding the identification, protection and preservation of local resources;
- i. Act as liaison on behalf of the local government to individuals and organizations concerned with historic preservation;
- j. Work toward continuing education of citizens within the Historic District Commission's jurisdiction, regarding historic preservation issues and concerns;
- k. Recommend and propose amendments and/or revisions to the boundaries and limits of any Historic District to the City council; and
- l. Keep or cause to be kept accurate and complete records and minutes of meetings, findings of the Commission and records of each application, all of which shall be part of the public record.

Section 2 Designation of Historic District

DESCRIPTION. The Historic District is an overlay zoning district, meaning that it is a zoning district which is superimposed over other zoning districts. In all cases where the Historic District is superimposed over another zoning district, that district whose regulations are more restrictive shall apply.

PURPOSE. It is hereby declared as a matter of public policy that the recognition, preservation, enhancement and continued use of structures, sites, areas, and districts within the City of Somersworth having historic, architectural, cultural or design significance is required in the interest of the health, economic prosperity, cultural enrichment and general welfare of the community. The purposes of this ordinance are to:

- a. Safeguard the heritage of Somersworth by providing for the protection of the structures and areas representing significant elements of its history;
- b. Enhance the visual character of the City by encouraging and regulating the compatibility of architectural styles within Historic Districts reflecting unique and established architectural traditions;
- c. Foster public appreciation of and civic pride in the beauty of the City and the accomplishments of its past;
- d. Strengthen the economy of the City by protecting and enhancing the City's attractions to residents, tourists and visitors;
- e. Stabilize and improve property values within the City; and
- f. Promote the private and public use of structures and areas within Historic Districts for the education, prosperity and general welfare of the community.

DISTRICT BOUNDARIES. The location and boundaries of both the Hilltop Historic District and the Industrial and Commercial Historic District are hereby established as shown on a map entitled "Historic Districts, City of Somersworth, New Hampshire, January 1992", and as amended, which is hereby declared to be part of this ordinance. TO BE UPDATED.

Section 3 PURVIEW OF THE COMMISSION

EXEMPT ACTIVITIES. Exempt activities described in this section do not require review of the applicant's proposed projects or HDC approval. This section does not exempt any property owner from being required to obtain any other permit prescribed by the State of NH or the City of Somersworth.

Any interior construction, alteration, or repair that does not change in any way the outward appearance or any exterior details of the building.

Ordinary maintenance, repair, or painting of any exterior architectural feature which does not involve a change in design, materials, or outer appearance. If any element of a structure must be temporarily removed for painting or repair, it must be reinstalled within 1 month. Painting must be of standard workmanship quality.

Minor landscaping that does not affect the current grade of the site, if there is no change to any vertical structure, such as walkways and patios, this includes planting of vegetation or removal of vegetation, except in the case of removing a healthy or undamaged tree in excess of 12 inches in diameter when measured 4 feet above grade.

Cleaning of any structure, provided the cleaning is performed with proper care and will not harm any element of the structure. (Discouraged paint removal processes: sandblasting, chemical paint removers, high pressure water wash, heat tools, and rotary tools). The gentlest process is always preferred.

PROJECTS OF MINIMAL IMPACT. For the purpose of this section, the following activities shall be considered to be projects of minimal impact and shall be reviewed and approved, conditionally approved or disapproved by the Planner, Building Inspector, and HDC Chair.

Erection, construction, or repair of any fence or fence like structure. A fence that is less than 30 percent open such as a stockade fence should not be located in front of the house. Chain Link fence is not allowed unless necessary in cases such as but not limited to ball fields.

Erection, construction, or repair of any signs provided the proposed signage adheres to both the HDC Sign Standards for Review and other City Sign Ordinances.

Simple roof replacements that involve no alterations to the roof, roof trim, or any roof features. Any changes to the pitch, size, angle, addition, roof feature or any other change to any feature of the roof shall require HDC approval.

Sheds less than 120 square feet provided they match the style and texture of the other structures on the property.

Installation or removal of storm doors or windows provided the size and shape match the existing window/door and it adheres to the HDC Storm window and door standards for review under fenestration.

Essential outdoor equipment

The Planner, Building Inspector, and HDC Chair shall have final authority to approve conditionally approve, or disapprove applications for projects of minimal impact. However, if the Planner, Building Inspector, and HDC Chair do not unanimously agree that the application is minimal impact, the application shall be forwarded to the Historic District Commission for full review and action. Furthermore, the decision of the Planner, Building Inspector, and HDC Chair may be appealed to the

Historic District Commission provided that notice of the appeal is filed within ten (10) workdays of the staff's decision.

Projects of Major Impact. Development activity not specifically listed as an exempt activity or as a project of minimal impact shall be considered a project of major impact and shall go through the review process of the Historic District Commission as outlined in the sections below.

Section 4 PROCEDURES FOR REVIEW FOR COA

APPLICATION. All application packages shall include the items listed below, as outlined.

Application Form. A completed application form available from and provided by the Somersworth Development Services.

Photographs. Current photographs of each side of any building proposed for alterations, additions, or demolition. Current photographs of the streetscape in both directions of the street or streets if a corner lot.

Elements Subject to Review. It is the responsibility of the applicant and/or the contractor to describe in a clear manner every element of the proposed project that is subject to the HDC review.

Details. Detail drawings of all project specific elements. This may be limited to a detailed drawing of one window in the case of an application for replacement of only windows involving no change to the window sizes, but will need additional drawings if more than one window size is involved.

Measurements. Measurements on all plans including building heights. Measurements shall be provided in a clear manner and include dimensions building details such as but not limited to doors, windows, trim, overhangs, and siding exposure.

Revisions. When subsequent revised plans are submitted the revised plans shall clearly indicate every change from the prior set of plans. This should not be written on or over the older set of plans.

Samples. Manufacturer pamphlets, cut sheet, or samples will be needed if the material proposed is typically discouraged by the HDC.

The following are additional needs if Application proposes significant changes.

Elevation Drawings. An Application for projects involving changes to the buildings details, openings, height, roofline, mechanical units, or projections shall also provide elevation drawings. Elevation drawing shall show each affected façade of the building, structure, or sign clearly depicting existing

conditions and proposed changes. If the overall height change is proposed, adjacent buildings shall be included in a streetscape drawing to act as a fixed benchmark.

Site Plans. Any site work, new construction, demolition, or change to an existing building's footprint shall provide a Site Plan drawn to scale clearly depicting existing conditions and proposed work. This shall include topographic details in the vicinity of the building due to the steep nature of the land within the Somersworth HD. Plans shall depict any land within 15' of any retaining walls, foundation, or new construction. A streetscape drawing depicting adjacent buildings shall be included to act as a fixed benchmark.

Complete applications must be filed with the Planning Dept, 10 days prior to the HDC meeting to be placed on that meeting's agenda.

REVIEW OF THE APPLICATION

Determination of Appropriateness? Change to Approval? In deliberation whether to approve or deny an application the HDC shall consider whether or not the proposed work described in the application conforms to the Somersworth HDC Standards for Review.

Scheduling and completeness. The HDC will only consider applications at its scheduled meetings. At that time the HDC may consider denying the application if it is for any reason incomplete as outlined in the Application section. This will be decided by a majority vote of present HDC members. If denied for this reason a specific list of what was missing will be provided to the applicant within 10 days.

Presentation of the Application. Attending the HDC meeting is not mandatory, but it is strongly recommended that the applicant and/or their contractor attend the meeting and present a summary of work and answer any questions by the HDC. If the HDC is unable to obtain answers during the review of the application due to any possible questions about the application it is possible that the application may be denied due to the lack of needed information or clarifications.

Public Hearing. Each reviewed application will allow comment by any abutters, citizens, or other interested people. The public will be allowed to speak, with a limit of 5 min, after any presentation by the applicant and prior to discussion and/or decision by the HDC.

Setting Parameters. When the Commission deems it appropriate in dealing with violations of this ordinance and other matters, it may work with property owners in a flexible manner in setting timeframes and other benchmarks to guide how and when specific work must be completed.

ACTION ON AN APPLICATION

To the extent practical and appropriate, an applicant may file applications for permits simultaneously to any other board or commission. These plans should be consistent with one another. On more

complex projects involving other boards or commissions applicants should consider presenting a preliminary proposal to the HDC with simple hand sketches, prior to the final approval that will need more detailed drawings and plans. The final approval by the HDC will only happen after all other boards have approved any project.

The HDC shall render a decision within forty-five (45) days after the Commission accepts the application as complete.

The Commission shall file a Certificate of Appropriateness or a Certificate of Denial with the Planning Department. Failure to act on an application within the period of time specified above shall be deemed to constitute approval of the application as submitted. The Certificate of Appropriateness by approval or by default of the Commission to take action, shall be effective for 3 years after the date of approval. If the applicant has neither obtained a building permit (or the extension for one) nor commenced work within this timeframe then the approval shall automatically be deemed null and void.

When an application is rejected as being incomplete or denied, the reason(s) for the decision shall be conveyed to the applicant and in the Certificate of Denial and clearly stated in the minutes of the meeting.

At the Commission's discretion on larger or more sensitive projects, the Commission may recommend that Code Enforcement oversee construction of the elements and details of the building that are part of the HDC's approval to ensure the building is constructed correctly in accordance with the proposal. The HDC may request that progress reports be submitted to the City and it may identify the requested parameters for those progress reports.

Once a Certificate of Appropriateness has been issued, any changes in construction, due to any reason shall be brought back to the HDC for review and approval. However if a proposed change is very minor, then Code Enforcement and HDC Chair may approve the proposed change if:

- a. The change is deemed to be insignificant
- b. The change would be barely noticeable, if at all, from a public street and
- c. The change would be consistent with the intent of the earlier approval.

DECISIONS / FINDINGS. For a project of minor or major impact, a building or demolition permit shall not be issued until and unless a Certificate of Appropriateness is issued by the Historic District Commission in accordance with the provisions of this section. At the conclusion of its review, the Historic District Commission shall issue in writing one of the following:

If in the opinion of a majority of Historic District Commission members present and voting the applicant's proposal meets the purpose of this section, then the Historic District Commission shall issue a Certificate of Appropriateness signed by the Chair together with any changes, conditions and/or

stipulations necessary to secure the public health, safety and general welfare. After the issuance of this Certificate, the Building Inspector may issue any building, demolition or other permit for the approved project; or

If in the opinion of the majority of the Historic District Commission members present and voting the applicant's proposal does not meet the purposes of this section, then the Historic District Commission shall issue a Notice of Disapproval in writing together with the reasons for such decision signed by the Chair and the Commission. The issuance of a Notice of Disapproval shall prohibit the Building Inspector from issuing a building, demolition or other permit.

If a vote results in a tie, it shall be considered not a majority and will not approve the motion. Waiting for RSA verifying this...

Section 5 STANDARDS FOR REVIEW

The Standards for Review articulates how and why a building should be similar to surrounding buildings and what may not have to be, to properly blend a new, altered, or remodeled building into the existing historic streetscape or context. Due to the vast variety of buildings located within Somersworth Historic Districts the standards of review are a very convoluted and complex set of parameters that to articulate and describe in plain English that will often need lengthy and extensive wording. Secondly these Standards for Review are not rigid unbendable stipulations such as ordinances are treated, but may have slight allowable variations dependant on certain situations. The HDC should have the ability to adjust these Standards for Review in the future to address any possible needs or changes for the HDC to effectively fulfill its purpose. The Standard for Review will be dated and filed with the City Clerk as a supporting document and provided to the public and will include a revised date on any future versions.

Section 6 APPEALS AND ENFORCEMENT

Resubmittal. If the applicant's proposal is denied, the applicant may, and is encouraged to, make modifications to the proposed plans and shall have the right to resubmit the application at any time after so doing.

Appeal Process. Any person aggrieved by a decision of the Historic District Commission shall have the right to appeal, by filing a motion for rehearing before the Historic District Commission. Such an appeal when taken shall stay all proceedings in furtherance of the action appealed, unless the Historic District Commission shall certify that by reason of facts stated in a certificate issued by it, a stay would cause imminent peril of life or property.

The appeal shall be made within thirty (30) days after the decision of the Commission. The 30-day time period shall be counted in calendar days beginning with the date upon which the Commission issued the decision. After appeal, if said person or persons are still aggrieved by the Historic District Commission. They have the right to appeal that decision to the Zoning Board of Adjustment or to pursue any other remedy accorded by State law.

Required Maintenance

Responsibility. A property owner in the HD is prohibited from allowing his or her property to deteriorate in the manners specified here and failing to correct those conditions.

Conditions. Property owners shall maintain their property to prevent the following from occurring. The HDC may take any appropriate measures on its own, or in coordination with any Somersworth Enforcement Officer, to affect conformance with this requirement. When one or more of the following is significant and the integrity of the property is threatened, the HDC may make a finding that the property is subject to Demolition by Neglect.

- a. Deterioration of foundations, exterior walls, vertical supports, flooring, flooring supports, roofs, horizontal members, or chimneys that causes leaning, sagging, splitting, listing, buckling, or collapsing.
- b. Deterioration or crumbling of exterior plaster or mortars
- c. Ineffective waterproofing of exterior walls, roofs, and foundations, including broken windows or doors.
- d. Defective protection or lack of weather protection for exterior wall and roof coverings, including paint, or weathering due to lack of paint, peeling paint, or lack of other protective coating.
- e. Rotting, holes, and other forms of decay
- f. Deterioration of exterior stairs, porches, handrails, window and door frames, cornices, wall facings, and architectural details that causes delamination, instability, loss of shape and form, collapsing, or crumbling.
- g. Deterioration of fences, gates, accessory structures, or retaining walls.
- h. Severely peeling or deteriorating exterior paint.
- i. Deterioration that has a detrimental effect upon the special character of the Historic District
- j. Other conditions as determined by the Code Enforcement Officer or the HDC

