

ARTICLE 15 HISTORIC DISTRICTS

Section 1501 Purposes

The purpose of this Article is to safeguard the heritage of Effingham by:

- Preserving structures and places of historic and architectural value;
- Preserving ~~a~~ districts which reflects elements of Effingham's cultural, social, economic, political, and architectural history;
- Conserving property values in the Historic Districts;
- Fostering Civic Beauty; and
- Promoting the use of the Historic Districts for the education and pleasure of the citizens of Effingham

Section 1502 Historic Districts

Pursuant to NH RSA 674:46, the Town of Effingham hereby establishes the Center Effingham Historic District and the Lord's Hill Historic District, which are bounded as follows: (see attached map)

Section 1503 Historic District Commission

Pursuant to NH RSA 673:1 and 673:4, the Town of Effingham hereby establishes a Historic District Commission, with all of the powers and duties authorized and required in State law (RSA 673-677).

The Historic District Commission shall consist of ~~seven (7)~~ five (5) members and two (2) alternate members. The members and alternate members shall be appointed ~~(within 30 days of the establishment of the Historic District Commission)~~ by the Board of Selectmen for the terms specified in RSA 673:5-6. In determining each member's qualifications, the Board of Selectmen shall take into consideration the appointee's demonstrated interest and ability to understand, appreciate, and promote the purposes of the Historic District Commission. One Commission member shall be a member of the Board of Selectmen, ~~at least one member from the Center Effingham Historic District and at least one member from the Lord's Hill Historic District.~~

The Commission shall adopt, and may amend, rules governing its procedures and the duties of its officers. The Commission shall adopt, and may amend, regulations for the purpose of enforcing this Article and the standards contained within it. These regulations shall provide general guidelines for ~~the~~ persons seeking to move, demolish, or change the external appearance or use of buildings, structures, and land; or to construct new buildings and structures (including signs) within the Historic Districts.

In addition to the functions authorized by State law, the commission may conduct architectural and historic surveys; prepare and publish maps, brochures, and other publications; erect historic markers; advise owners on the preservation and restoration of their properties; and cooperate with and advise other Town boards and agencies on historic sites and buildings. The Commission is empowered to accept gifts, grants, and contributions for the purpose of performing any of its functions.

Section 1504 Requirement for Certificate of Approval

No person shall alter, construct, reconstruct, repair, demolish, or change the external appearance of any building or structure, or change the use of land in the Historic Districts without a Certificate of Approval from the Commission.

Application: The application for a Certificate of Approval shall be made in writing on a form provided by the Commission, and shall be accompanied by whatever plans, elevations, sketches, photographs, samples and other information deemed necessary by the Commission. Failure to provide adequate information on the proposal shall be sufficient grounds for disapproval.

Public Hearing: The Commission shall hold a public hearing on any application (if it deems it appropriate). The Commission shall give notice of the public hearing to the abutters of the property in question (and to any other property owners the Commission deems materially affected by the proposal); by certified mail and shall post notices of the public hearing in two appropriate places in the Town (including one public place in the District) and shall publish a notice of the hearing in a newspaper of general circulation in the Town. The applicant shall be responsible for all costs of mailing, posting and publishing these notices.

Action of Commission: The Commission shall review the application and shall base its decision to approve or disapprove the proposal on the appropriateness of the proposed changes, the purposes, and standards of this Article and the regulations and guidelines adopted by the Commission.

Hardship Approval: Although the proposed change may be deemed inappropriate, the Commission may find that, owing to conditions especially affecting the lot, building or structure involved, but not affecting the District generally, failure to issue a Certificate of Approval would involve a peculiar and unusual hardship to the applicant. If, in such a case, a Certificate of Approval can be issued without a substantial departure from the intent and purposes of this Article, the Commission may approve the application and issue a Certificate of Approval, with such conditions, as the Commission deems necessary to minimize the impact of the change.

Final Action: The Commission, in accordance with the procedures established in NH RSA 676:8-9 shall issue a Certificate of Approval or a Notice of Disapproval to the applicant within forty-five (45) days, unless the applicant agrees to a longer period of time. A Notice of Disapproval shall include the reasons for disapproval.

Standards: The following standards shall apply to proposed changes of buildings, structures, land, and use in the Districts.

- Buildings, structures, and landscape features of historic, architectural and aesthetic significance shall be preserved, whenever possible.
- Alterations and additions to existing buildings and structures shall not destroy or obscure historically and architecturally significant features, or the distinguishing qualities of the building or structure.
- Additions to existing buildings and structures shall be compatible in design, character, and scale with the original building or structure.
- New buildings and structures shall be compatible in design, location, and scale with the existing buildings and structures in the Historic District.
- Uses or buildings, structures, or land shall not be:
 - ◆ Incompatible with the visual or historic character of the Historic District;
 - ◆ Detrimental to buildings or uses on adjoining lands;
 - ◆ Obnoxious because of noise, vibration, odor, smoke, dust, fumes, or similar conditions; or
 - ◆ Likely to produce congestion or heavy traffic, or to detract from the quiet enjoyment of the Historic District by its residents or the public.

•The following uses are prohibited in the Historic Districts:

Mobile home (trailers)

Dumps

Junkyards

Public storage units

Exception: This Article and the Regulations adopted under it shall not prevent:

•Timber Harvesting;

•Ordinary maintenance or repair of any structure or place, which does not change the external appearance of the structure or place;

•Any interior or underground alteration or construction that does not change the external appearance or use of the building, structure, or place; or

•Installation of monuments or markers within private graveyards.

Appeals: Any person aggrieved by the decision of the Commission may appeal that decision under the procedures established in State law (NH RSA 676:10 and RSA 677)

Enforcement: This Article and the Regulations adopted under it shall be enforced by the Historic District Commission (NH RSA 676:10)

Penalties: The penalties for violations of this Article and the Regulations adopted under it shall be those established by State law (NH RSA 676:10~~17~~)

Validity: If any section, subsection, or portion of this Article is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a distinct and independent provision and such holding shall not affect the validity of the remaining portions of the Article.