

Follow up to the discussion on the risk of de-listing of the Historic District

From Rick Crocker

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In the interest of getting as much information as possible regarding this concern, I decided to first contact the National Park Service, which operates under the Department of the Interior. A very helpful woman at the NPS informed me that neither the DI or the NPS service have a list of requirements to maintain the listing of individual buildings or districts that they "enforce" in order to stay listed. I asked what would have to be done to a building in order for it to be de-listed? The example she used was that if a building burned down and was not rebuilt, they would de-list it. She did say that there is a list of recommended best practices, but that is in no way a list of enforced requirements on listed buildings or listed districts.

She also insisted that I contact the New Hampshire Division of Historical Resources, and speak with the individual there who would have more specific answers regarding buildings and districts in New Hampshire. The gentleman I spoke with at the NHDHR made it very clear that they are not "the preservation police". The power to enforce requirements for a listed district like ours comes from the voters in Amherst. The voters have to approve specific requirements in the form of zoning ordinances, and the Historic District Commission is the body empowered to enforce these ordinances that pertain to the HD only. The HDC has to be authorized by the voters to have the power to enforce, and again can only enforce ordinances that have been approved by the voters.

He went on to explain that a local Heritage Commission is advisory only and has no enforcement power unless the voters gave them the authorization to do so.

The NHDHR explains further on their website the Benefits and restrictions of listing a property on the National Register.

It is clearly stated that "Listing on the National Register alone does not place restrictions on the property owner, nor does it necessarily preserve a property in the future. Contrary to popular belief, listing a property on the National Register will not stop any private, local or federally funded projects or require review for any privately funded projects with no federal or state involvement. Listing will not restrict the rights of private property owners in the use, development, or sale of their property, nor will it lead

automatically to the creation of a regulated historic district".

However, use of a federal grant for a project could trigger a review of the project and the districts listing.

They go on to explain that "National Register listing is an honorific and does not come with any restrictions as to what can be done to the property by it's owners. Listing on the National Register does not overlay any regulations on a property including but not limited to the property's color and or the removal and or replacement of features like siding and windows unless federal licenses, funding, or permits are needed that elicit review & compliance".

The gentleman at the NHDHR went on to explain that in one case in New Hampshire a districts lines were changed because a historic building in a listed district burned down and was not rebuilt. In its place were built a D'Angelo's and Wallgreens. A petition was submitted and the boundary of the registered district was redrawn to exclude the property with its new use.

While we don't have all the input from the public that we hope to get, it is unlikely that we will have to deal with any issue that would be significant enough to risk our Historic District being de-listed.

The intent of this email is to provide additional information on a subject brought up earlier. In the interest of not getting into a right to know issue, It is preferred that we avoid having an online discussion regarding this information. Perhaps further discussion could take place at a future meeting of the AVSPC, if more clarification is needed.