

SECTION D

**Town of Amherst
HISTORIC DISTRICT COMMISSION REGULATIONS**

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SECTION D

Historic District Commission Regulations

(Adopted January 17, 1991; Amended: 03/2000, 10/2000, 05/2003, 05/2005 and 06/2009)

These regulations are promulgated under the authority of and in accordance with RSA 674 and 675.

ARTICLE I — PURPOSES

- A. The purpose of these Regulations is to guide construction, maintenance, and rehabilitation of properties in the Amherst Historic District so as to preserve the distinctive character and integrity of the district. The Regulations are intended to ensure that properties in the district are not altered inappropriately. The goal in developing these Regulations is to set up clear and objective rules so that decisions and permits are not based on the personal tastes and preferences of Commission members reviewing proposals for change.
- B. Whenever an application for the construction, maintenance, or rehabilitation of a property in the Amherst Historic District is received, the Historic District Commission shall consider said application; and if the commission finds that the applicant meets the general criteria set forth herein, it shall grant the requested permit.

ARTICLE II — GENERAL CRITERIA

In making a determination on an application, the Historic District Commission shall take into account these Regulations as follows:

- A. The historical, architectural, or cultural value of subject buildings, structures, or landscapes and their relationship and contribution to the setting;
- B. The compatibility of the exterior design, arrangement of elements, texture and materials proposed to be used in relationship to existing buildings or structures and their setting;
- C. The scale and general size of new construction in relationship to existing surroundings, with consideration of such factors as height, width, street frontage, number of stories, roof type, (windows, doors etc.), and architectural details;
- D. Other factors including yards, off-street parking, screening, fencing, entrance drives, sidewalks, signs, lights, and/or landscaping which might affect the character of any building or structure within the district and similar factors which relate to the setting for such structure or grouping of structures;
- E. The impact that the applicant's proposal will have on the setting and the extent to which it will preserve and enhance the historical, architectural, and cultural qualities of the district and community.

- F. Structures or sites which are architecturally important as unique constructions or as exceptionally fine examples of their period, region, or style (Significant Structures) should be altered only so as to conform more closely to their original or most characteristic appearance. In such cases, the original appearance must be determined through convincing documentation by the applicant.
- G. These regulations shall be most strictly enforced for structures, facilities, and conditions within the public view. The public view shall include neighboring properties to the extent that the structure, facility, or condition may be reasonably observed from neighboring property.
- H. The Commission shall have the discretion to waive any condition contained in these Regulations for good cause shown. A waiver of these Regulations will be granted if each of the following conditions is found (07-18-13):
 - 1. Granting the waiver would benefit the public interest.
 - 2. By granting the waiver substantial justice would be done.
 - 3. Granting the waiver would not be contrary to the spirit and intent of the regulations.
 - 4. Granting the waiver would not be detrimental to the historic character, environment, scenic value, or general welfare of the Town.

ARTICLE III — PRESERVATION GUIDELINES

- A. For guidance and recommendations on rehabilitation, preservation, and maintenance homeowners are encouraged to refer to the U.S. Secretary of the Interior's Standards for Rehabilitation.
- B. The Commission shall be guided by the following principals:
 - 1. Every reasonable effort shall be made to provide a compatible use for a property which requires minimal alteration of the building, structure, or site and its environment, or to use a property for its originally intended purpose.
 - 2. The distinguishing original qualities or character of a building, structure, or site and its environment shall not be destroyed. The removal or alteration of any historical material or distinctive architectural features should be avoided when possible, and additions or changes inconsistent with these goals should be discouraged.
 - 3. All buildings, structures, and sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance shall be discouraged.
 - 4. Changes which may have taken place in the course of time are evidence of the history and development of a building, structure, or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.
 - 5. Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure, or site shall be treated with sensitivity.

6. Deteriorated architectural features shall be repaired rather than replaced, whenever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features substantiated by historical, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.

ARTICLE IV — RELOCATION AND DEMOLITION

Buildings shall not be demolished or removed from their present sites except for good cause shown. Applicants shall have made a reasonable effort to maintain the existing structure on the existing site.

ARTICLE V — MINIMUM MAINTENANCE

- A. Owners of all buildings shall provide sufficient maintenance to keep such buildings from falling into a state of disrepair. Owners shall therefore be responsible for taking at least the minimum steps necessary to prevent the deterioration of components which could cause an unsafe condition or a detrimental effect upon the character of the Historic District or which could lead to a later claim that deterioration has become so advanced that demolition or removal of architectural features is necessary.
- B. In cases where deterioration has already progressed to an advanced state and where immediate removal is requested by the owner, the standards for review of demolition contained in the U. S. Secretary of the Interior's Standards for Rehabilitation shall be applied. In all cases, where at all applicable, non-structural architectural features shall be repaired. In situations where it is impracticable to repair these features or prohibitively expensive to replicate them, they shall be stored and not discarded.

ARTICLE VI — CHANGES TO EXISTING STRUCTURES

- A. The historical architectural character of a building or structure -- expressed by design, style rhythm, form, massing, scale, proportions, features, and materials -- shall be maintained or restored. When a change is proposed, significant existing materials and elements shall be retained whenever possible.
- B. Use of synthetic (typically, aluminum or vinyl) siding shall not be permitted. Structures including fencing shall be constructed from natural materials (i.e. no vinyl, plastic, PVC or chain link) (03-99)
- C. Any new design elements introduced shall respect the character and history of the building. The design of such elements shall not seek to create an appearance earlier than that appropriate for the building.
- D. The choice of color is not regulated, but it is recommended that colors be compatible with those used on other historical buildings in the neighborhood.
- E. Existing historical doors shall be retained and rehabilitated wherever possible. Where doorways must be altered, doors and entranceways shall be designed to respect the exterior architectural integrity of the

building. Storm doors and screen doors shall have plain -- not scalloped or cross buck -- stiles, rails, and panels and shall not have false “historical” hardware.

- F. Existing historical windows shall be retained and repaired wherever possible. Where replacement is essential, new windows should match the originals or be in character with the building as may be reasonably achievable. The original window type (hung sash, casement, pivot, etc.) should be retained as should the configuration of the individual panes of glass formed by the muntin grid. Multi-paned sash should have true panes formed by true muntins and should not utilize applied or embedded muntin grids. The original width and depth of the individual elements (such as exterior molding and/or casing, exterior frame, exterior sash members, and exterior muntins) should be reproduced or be closely approximated. For windows added as a part of an addition or new windows in the existing structure, the above regulations are recommended practices.
- G. Features which give a roof historical character shall be preserved or restored to the extent that such features are visible from the ground. Principal considerations include the original roof shape; original roofing materials or materials compatible with the old in composition, size, shape, color, and texture; architectural details such as dormer windows, monitors, cupolas, cornices, bargeboards, brackets, chimneys, cresting, and weathervanes.
- H. Outdoor mechanical equipment (ducts, fans, air conditioners, etc.) shall be installed in locations which create the least disturbance to the historical appearance of the building and which involve the minimum alteration to its structural integrity. Landscape buffers may be used.
- I. All existing historical elements such as windows, doors, moldings, etc., shall be retained and rehabilitated whenever possible. Replacement is not permitted for the purposes of greater convenience or energy efficiency unless it can be demonstrated that the great convenience or energy efficiency is substantially more than what can be achieved through rehabilitation. Such demonstration shall be consistent of documentation from recognized preservationists, craftsmen, or architects who have expertise in historical rehabilitation or other such experts as appropriate. The applicant has the burden to provide such documentation. (One resource for locating experts is the “Old House & Barn Resource Directory” that is published by the New Hampshire Preservation Alliance.) In the case of windows, the use of storm windows is encouraged to both preserve the existing historic windows and to provide energy efficiency. (06-2009)

ARTICLE VII — CONSTRUCTION OF NEW BUSINESS

- A. New construction shall be complementary to the configuration of existing buildings and streetscapes, including in height and width, and shall be governed by these Regulations as appropriately interpreted for new construction.
- B. Construction of New building: New building massing and style shall be distinctly residential in character, drawing on local historical design elements that are consistent with rural village characteristics of Amherst Historic District architecture. Place garage entrances on an inconspicuous side or rear elevation out of the public view or, failing this, well set back from the house façade. (06-2009)
- C. Each housing development shall be designed and constructed to complement and harmonize with the

Amherst Historic District, particularly with regard to size and scale of the development and its prominence and visibility to the community generally and to surrounding neighborhoods in particular. Housing developments shall include a wide variety of house sizes and lots, a mix of styles, and open spaces, reflecting the same in the Historic District. Housing developments shall be landscaped to enhance their compatibility with surrounding areas, with emphasis given to the utilization of natural features wherever possible. (06-2009)

- D. New construction that replaces a previous structure that was recently destroyed or removed shall have consistency in scale and style with the previous structure, where the degree of consistency in scale and style shall be highest for previous structures that were:
1. Historically significant in style or architectural details, or
 2. In a prominent location. (06-2009)

ARTICLE VIII — STREETScape (05-2003)

Section 8.1 General.

- A. The establishment of off-street parking shall be encouraged to be placed to the rear of buildings where such is reasonable and available, and fenced or screened with appropriate plantings.
- B. Any alterations requiring changes to the topography of any property which shall materially change the landscape shall require an application to the Historic District Commission. Where changes in the existing ground level are necessitated by installation of foundations or sewage systems, etc., the Commission may require appropriate fill, grading, or planting to render the altered area compatible with its surroundings.
- C. Reasonable efforts to preserve historical and traditional markings for property boundaries and grounds -- such as stonewalls, fences, and tree borders -- should be undertaken. Replication or extensions may be introduced where appropriate. Extensions such as fencing must be made of natural materials. (03-1999)
- D. The visual impact of telephone and electrical wires and meters as well as all other utility structures and equipment shall be minimized. Meters shall not be placed on the primary facade of a building but shall be located so as not to limit access by public service personnel. Personal wireless service facilities, as defined by the Telecommunications Act of 1996, and including accessory and related structures must use concealment techniques and/or engineering designs which minimize the height and visibility of any structures including designs which promote the use of any existing structures to the extent technologically the character and integrity of the Historic District. Applicants must demonstrate that they have met or attempted to meet this standard utilizing state of the art technology and alternatives before approval by the Board.
- E. Public visibility of any of the following may be ordered to be minimized or concealed where the condition is to not be in character with the Historic District:
1. Man-made decorative objects, large or obtrusive personal property, equipment, and machinery such

as bulldozers, storage sheds or outbuildings, landscaping features, and modern appurtenances such as above-ground pools, tennis courts, antennae, and trash receptacles.

- F. Mailbox posts and supports shall be simple in style. For example, they should be made of wood and be simple in design with nothing ornate and little or no carved details. (06-2009)

Section 8.2 Removal of Mature Trees.

Every effort should be made to maintain and protect mature trees that contribute to the character of the Historic District. (10-2013)

- A. Approval. A Certificate of Approval from the Historic District Commission shall be required for the removal of any mature tree on public or private property within the Historic District.
- B. Exemption. Specifically exempted from this requirement, but subject to the “notice to cut” requirements in 8.2D, are trees that are completely dead, showing absolutely no sign of leaf growth on any branch during peak growing season or by authorization of the Board of Selectmen in accordance with RSA 213:145. Dying, decaying, or diseased trees still require a Certificate of Approval for removal since this determination is highly judgmental and may require expert opinion. In making such a determination, the Historic District Commission may at its sole discretion seek the advice of the Tree Warden, Amherst Conservation Commission, and/or a qualified arborist.
- C. Definition. For the purpose of this provision and in keeping with similar provisions governing the removal of trees on “scenic roads” (see RSA 231:158), “mature trees” shall be defined as any tree that contributes to the character of the district and that exceeds fifteen inches (15”) in diameter at a height of four feet (4’) above grade and is located between the street and the rear of the main building on the property and/or provides a canopy to the street.
- D. Notice to cut. Upon filing an application to remove a mature tree, the applicant shall immediately mark the tree with orange tape to indicate that it is at risk of being removed. If the application is approved, the orange tape shall remain on the tree for twenty (20) days past the date of approval, after which, if there are no appeals, the tree may be removed. For those trees that meet the exemption requirements in 8.2B, the owner shall file an application with the Historic District Commission to remove the tree and shall clearly mark the tree with orange tape. The Town’s Tree Warden will inspect the tree within seven (7) days of the application submittal and make a determination if the tree complies with 8.2B Exemption.
 - 1. If the tree is determined to comply with 8.2B Exemption, the applicant will be issued a Certificate of Approval to remove the tree in accordance with 8.2E, and the tree may be removed immediately.
 - 2. If the tree is determined to be outside of the 8.2B Exemption, the application shall be placed on the next meeting agenda for review by the Historic District Commission.
- E. Minimum Requirements. When a tree is approved for removal, the following minimum requirements shall apply:
 - 1. The tree stump shall be ground down or removed to at least six (6) inches below grade level.

2. In cases where the tree is being removed because it is dead, dying, diseased, or decayed, the tree shall be replaced with one (1) of a native species that will grow to the same size as the one removed. For the replacement of any tree(s) to be deemed as inappropriate, due to implications of threat to public safety and/or damage to adjacent structures or other personal property, replacement as otherwise required, may be waived by vote of Approval from the Historic District Commission.

Section 8.3 Walkways, Sidewalks, Roadway, Parking, and Curbing

- A. Walkways shall be brick, granite, stone, stone dust, or a narrow paved path.
- B. Sidewalks shall be brick or a narrow paved path. Sidewalks should generally be three (3) feet wide and should not exceed four (4) feet in width. Where there is sufficient space, a strip of grass between the sidewalk and road should be maintained. Road widths should not be increased beyond the existing, and intersections should not be widened. Striping of roadways should not be done or be kept to a minimum doing only what is needed to meet regulatory and safety requirements; in particular the center striping should be a single yellow line and not the double yellow line that is found on highways. Alternate materials are encouraged for crosswalks, parking lines, and bike lanes; such materials include brick or granite. Parking areas should be left unpaved. Surfaces that are impervious to water such as asphalt or brick should not be used. Surfaces that are encouraged include gravel, stone dust, and paving blocks. Curbing should not be used along roadways or driveways. Existing curbing should not be extended. Removal of existing curbing is encouraged, when it is practical to do so as part of on-going projects in those areas. (06-2009)

ARTICLE IX — FENCES (05-2003)

Section 9.1 General.

A Fence is a highly visible, architectural feature that should enhance the character of the house, street, and Historic District. The Commission encourages the replacement over time of fences that do not conform to these guidelines. Existing fences that resemble their historic styles shall only be replaced in kind. New fences intended to replace missing fences shall reproduce the historic style wherever possible, provided sufficient documentary evidence exists.

Section 9.2 Applicant's Intent.

One's intent for installing a new fence or changing the style or construction of an existing fence must be clearly stated when applying for a Certificate of Approval. The desire for privacy and/or to enclose children or pets is not an acceptable reason of itself. Acceptable reasons include:

- A. Restoring a well-documented historic fence, the standards for which shall be the same as those for restoration of a missing architectural feature;
- B. Replacing an inappropriate contemporary style fence with a historically appropriate style;
- C. Changing a fence style to better complement the rhythm of existing fences of the streetscape;
- D. Installing a new fence where one (1) is absent and such absence breaks the well-defined rhythm of

existing fences on the streetscape;

- E. Protecting the value of a residential property from the negative economic impact of an adjoining commercial property (see privacy fence guidelines).
- F. Installing a new fence where the style and location are in keeping with these guidelines.

Section 9.3 Cause for Relief.

The basis upon which relief from these Regulations may be granted is stated in Section 2.1H. Relief will not be granted based solely upon;

- A. Photographic evidence of other fences in the Historic District that do not currently meet these guidelines;
- B. The applicant's personal reference for a non-conforming style of fence;
- C. Relative costs of construction or maintenance among various styles of fences;
- D. Dislike of one's neighbor or dissatisfaction with a neighbor's habits.



A spite fence near Ossipee built by Thomas Plant. When he was turned down trying to buy his neighbor's land, he built this fence of cast-off lumber directly across the street in their full view.

Section 9.4 Demolition.

Fence applications shall not be approved without clear photographs, sketched and/or drawings that depict the exact location and accurately represent the proposed final product along with a description of materials and measurements of all members including spacing between members (i.e., posts, rails, distance between pickets, heights, etc.).

Section 9.5 Acceptable Styles.

The fence should be in harmony with the style of the house and rhythm of the streetscape (e.g., simple fence with a vernacular house, simple or high-style house picket fence along a paced sidewalk etc.) Acceptable fences generally include:

- A. Post & rail with wooden posts and wither timber or board rails. The number of rails should be two

(2) [if timber] and three (3) or four (4) [if board]. Board rail fences should have a face board on the posts and a board cap along the top.



Timber rails.



Board rails with board cap.

B. Picket with wooden posts and wither flat or square pickets, with or without baseboard. Flat pickets shall not be excessively decorative.



Flat pickets.



Square pickets.

C. Baluster (i.e., basically a picket fence with a baseboard and cap rail) with either flat or square balusters.



Flat Balusters

Section 9.6 **Unacceptable Styles.**

Chain Link, barbed wire, woven wire, masonry, stockade, lattice, basket weave, and board-on-board are not acceptable. Stone walls generally are not appropriate along village streets and between closely positioned residences in the village. Dry laid stone walls are acceptable as traditional boundaries between pastures and along country roads (e.g., Mack Hill Road., Jones Road.).

Section 9.7 **Streetscape.**

A variety of styles of connecting or abutting fences between separate properties along a common street is discouraged (e.g., mixing picket with post & rail). Variety of construction and pattern within a given style is encouraged (see Section 9.11).

Section 9.8 **Privacy Fences.**

- A. Privacy fences are allowed only on an exception basis, under extremely limited circumstances, and for good cause shown (e.g., as a visual barrier between residential and commercial properties to protect the historic integrity of the residential property).
- B. Privacy fences generally will not be allowed to separate residential properties if the fence would be visible to the public view. Privacy, per se, shall not be considered sufficient cause for relief.
- C. Landscaping is required with privacy fencing. The first course is to consider natural vegetation as an alternative buffer to a privacy fence. Where a privacy fence is approved, the applicant may be required to plant in front of it to soften the fence to the public view.
- D. Since privacy fences are functional, not ornamental, only one (1) type is permitted: solid board, straight top with molded cap, post caps allowed, maximum six (6) feet tall.
- E. Decorative picket, lattice, or other ornamental treatments along the top of the fence are prohibited. Applied or carved finials are prohibited.
- F. Privacy fencing around pools and spas will be minimum four (4) feet [encouraged] and maximum six (6) feet [discouraged], which must be removed if the pool or spa is ever removed.



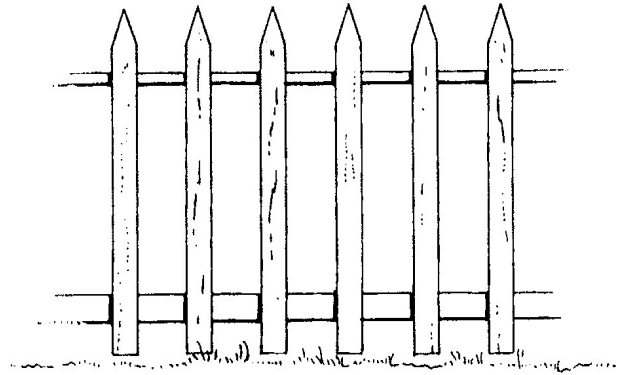
Four (4) foot solid board fence with molded caps and post caps enclosing a swimming pool and spa.

Section 9.9 **Proportions.**

The height of the fence and the size of the various members (rails, posts, pickets, finials, caps, braces, gates, and panels) and the spacing between pickets, rails, and posts shall be appropriate to the style of fence chosen. For example, materials that are too diminutive and spacing between pickets/railings that are too open give the historically uncharacteristic impression of lesser quality or poor craftsmanship and are discouraged. (In our colonial period, public officials known as “fence viewers” were appointed to ensure that fences were built “sheep high, bull strong, and hog tight.”)



Diminutive posts.



Excessive picket spacing.

Section 9.10 **Materials.**

Fences shall be built of all natural materials (e.g., no vinyl). Sawn or partially sawn granite posts are not allowed. When restoring a granite post fence, use posts that are split in the same manner as the missing historic posts.



Historic split granite.



Modern sawn/split granite.

Section 9.11 **Construction.**

Fences pre-built in sections or kit form often create a “packaged” look and will not necessarily conform to these guidelines. Rails shall not be doweled to the posts, unless the dowel is sufficiently hidden by pickets or

balusters. Rails should be butt-jointed and toe-nailed to the posts (or mounted on brackets in the case of granite posts). While the Commission limits the number of fence *styles*, it strongly encourages variety in fence *construction and pattern* within those styles. Too many fences of the same manufacturer or construction will give the district an historically uncharacteristic uniform or “packaged” look.



Butt-joint (acceptable)



Dowel Joint (not acceptable)

Section 9.12 Paint.

Post & rail, picket, and baluster fences shall be painted. Split rail horse fences shall be left natural or treated with a clear stain. Privacy fences may be left natural at the option of the Commission if it is determined that the weathered wood will be less pronounced.

Section 9.13 Gates.

Gates shall generally be of the same style as the fence to which they are attached, unless otherwise documented historically.



Section 9.14 Abutting Properties.

- A. In accordance with Section 12.6, B.5.b of the Rules of Procedure, all abutters shall be notified of application for fencing.
- B. The best side of the fence shall face out from the property.
- C. Fencing shall not restrict the views of neighboring residential properties.

Section 9.15 Property Line Disputes.

The Historic District Commission will not review a fence application if there is an unresolved property line dispute. In the event of such dispute, the application will be denied, and the fee refunded. Once the dispute is settled, the applicant may re-apply without prejudice. If the fence is approved, the burden is on the applicant to ensure that it is built within the limits of his or her own property lines.

Section 9.16 Retaining Walls.

Retaining walls by their nature have a high visual impact because of their bulk and mass and are generally discouraged. Retaining walls shall not be allowed in those cases where enough land exists to re-grade and avoid the need for a retaining wall. Where allowed, retaining walls should be constructed of fieldstone, preferably laid dry. Retaining walls of railroad ties, timber, or interlocking concrete block are not acceptable where visible to the public or abutting properties.

ARTICLE X — NEW EXTERIOR ADDITIONS (2000)

- A. Significant historic materials and features should be preserved.
 - 1. The design of an addition on a primary elevation or other character-defining elevation must not materially obscure damage, diminish, or otherwise negatively impact the primary elevation or other character-defining features of that structure.
 - 2. Minimize loss of historic material comprising external walls.
- B. The design of the new addition should complement, not compete with or detract from, the historic character of the original structure.
 - 1. Make the scale, massing, and proportions of the new addition compatible with the original building to ensure that its historic form is not lost or compromised.
 - 2. Locate or set back the new addition on a secondary or inconspicuous elevation so that the new work does not result in a radical change to the historic form and character of the building from its primary view(s).
- C. The historic character of the original structure shall be protected so that the old work remains visually distinct.
 - 1. Consider the new addition both in terms of the use and the appearance of other buildings in the Historic District. The new addition may reference design motifs from the historic building to which it is attached. However, it should complement, not compete with or detract from, the original historic structure in terms of massing, scale, proportions, materials, texture, and detailing.
- D. Historic and other character-defining settings around the structure shall be preserved.
 - 1. New additions should be compatible with the historic character of the immediate setting as well as the surrounding and neighboring areas and structures. Historic relationships within the setting and

surrounding area should be preserved in terms of massing, scale, design, material, texture, and relationship of solids to voids.

ARTICLE XI — ADMINISTRATIVE RULES (deleted 2000)

ARTICLE XII — RULES OF PROCEDURE (Adopted 10-19-2000; Last Amendment: 04-15-2004)

Section 12.1 General.

- A. Authority. The Amherst Historic District Commission (hereinafter the Commission) was established by the voters of the Town of Amherst at Town Meeting of March 1970 and by adoption of Article IV, Section 4-15, Historic District (HD), of the zoning ordinance at Town Meeting of March 11, 1986. Pursuant to RSA §676:1, the Commission has adopted these Rules of Procedure to prescribe the method of conducting its business in conformance with RSA §672, RSA §673, RSA §674, RSA §676, RSA §677, and RSA §91-A. Amendments to these Rules of Procedure shall be adopted at a regular meeting of the commission pursuant to RSA §675:6 and shall be placed on file with the Zoning Administrator for public inspection.
- B. Interpretation. These Rules of Procedure are based upon the most current statutes governing land use boards of its writing (updated with legislation through Chapter 331 of the 1999 Session of the General Court, which convened on January 6, 1999). Whenever the requirements of these Rules of Procedure are at variance with those of any other lawfully adopted rules, regulations, ordinances, or statutes, the requirements that are most restrictive or that impose the higher standard shall govern.
- C. Severability. If any section, subsection, sentence, clause, phrase, or other part of these Rules of Procedure is for any reason held by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of these Rules of Procedure.

Section 12.2 Definitions.

- A. Unless specifically defined below, words or phrases in these Rules of Procedure shall be interpreted to give them the same meaning as they have in the Amherst Zoning Ordinance and/or in common usage so as to give these rules their most reasonable application.

Abutter. Any person whose property is located in the Amherst Village Historic District and adjoins or is directly across the street or stream from the land under consideration by the Commission. For purposes of receiving testimony only and not for purposes of notification, the term abutter shall include any person who is able to demonstrate that his property will be directly affected by the proposal under consideration.

Alteration. Any act or process that changes one (1) or more of the exterior architectural features of a structure, including, but not limited to, the erection, construction, reconstruction, or removal of any structure.

Alternate Member. A member of the Commission who, at the discretion of the chairperson, serves in

the absence or disqualification of a regular member of the Commission.

Applicant(s). The owner(s) of the property.

Building. Any structure that has a roof and is intended to shelter people, animals, or chattel.

Building Permit (or Permit). A certificate issued by the Zoning Administrator permitting the building, alteration, installation, repair, or change of buildings, land, or uses as regulated by the Zoning Ordinance.

Certificate of Approval (or Certificate). A certificate issued by the Historic District Commission indicating its approval of an application to alter, repair, construct, add onto, move, demolish, or change the use of a structure or a site within a Historic District.

Certified Local Government. A city or town that has met specific standards enabling participation in certain National Historic Preservation Act Programs.

Change of Use. A change in how a structure or place is utilized or developed, whether for industrial, commercial, residential, or agricultural purposes.

Character. The aggregate of visible historic and architectural features and traits that together form the individual nature of an historic district.

Commission. Commission shall mean the Historic District Commission of the Town of Amherst, New Hampshire.

Completed Application. A completed application means that, in the discretion of the Commission, sufficient information is included or submitted to allow the Commission to proceed with consideration and to make an informed decision.

Conservation Restriction. A right to prohibit or require a limitation upon or an obligation to perform acts on or with respect to or uses of a land or water area, whether stated in the form of a restriction, easement, covenant, or condition in any deed, will, or other instrument executed by or on behalf of the owner of the area or in any order of taking, which right, limitation, obligation is appropriate to retaining or maintaining such land or water area, including improvements thereon, predominantly in its natural, scenic, or open condition or in agricultural, farming, open space, or forest use or in any other use or condition consistent with the protection of environmental quality.

Construction. The act of adding an addition to an existing structure or the erection of a new principal accessory or structure on a lot or property.

Contributing Property. A structure or site in the Historic District that generally has historic, cultural, social, economic, political, or architectural significance.

Demolition. Any act or process that destroys in part or in whole a landmark or structure.

Design Guidelines (or Guidelines). Standards of appropriate design and activity developed by the Commission which offers property owners guidance in preserving the historic and architectural character of a structure, setting, or place, and which standards shall include the *Secretary of the Interior's Standards for Rehabilitation*. (See *Regulations*.)

Elevation. The orthographic projection of an object or structure on a vertical picture plane parallel to one of its sides, and usually drawn to scale.

Ex Officio Member. Any member of the Commission who holds office by virtue of an official position and who shall exercise all the powers of a regular member of the Commission.

Appearance. The architectural character and general composition of the exterior of a structure including, but not limited to, the kind, color, and texture of the building material and the type, design, and character of all windows, doors, light fixtures, signs, and appurtenant elements.

Historic Property (or Historic Resource). Any prehistoric or historic site, place, building, structure, or object that is deemed by the commission to have historic, cultural, social, economic, political, or architectural significance.

Historic District. An area designated by ordinance of the Town of Amherst and which contains within definable geographic boundaries a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united by past events or aesthetically by plan or physical development.

Historic District Zoning Overlay. That portion of the Zoning Ordinance that regulates the alteration, repair, construction, adding onto, moving, demolishing, or changing the use of a structure or place within the Historic District, which is superimposed over pre-existing zoning district(s).

Maintenance. Ordinary maintenance and repair of any architectural feature that does not involve removal or a change in design, dimensions, materials, or outer appearance of such feature.

Massing. A unified composition of two-dimensional shapes and three-dimensional volumes that defines the form of a structure in general outline rather than in detail and gives the impression of weight, density, and bulk.

Moving. Any relocation or removal of a structure on its site or to another site.

National Register of Historic Places (or National Register). Official inventory of “districts, sites, buildings, structures, and objects significant in American history, architecture, archaeology, engineering and culture.”

Non-Contributing Property. A structure or site in the Historic District that generally does not have historic, cultural, social, economic, political, or architectural significance.

Notice of Disapproval (or Notice). A written notice issued by the Historic District Commission indicating its disapproval of an application to alter, repair, construct, add onto, move, demolish, or change the use of a structure or a site within a Historic District.

Orthographic Projection. A method of projection in which a three-dimensional object is represented by projecting lines perpendicular to a picture plane.

Place. An open space of land within the Historic District.

Plan View (or Plan). An orthographic projection of the top or section of an object or structure on a horizontal plane, usually drawn to scale.

Plat. A plan or map of land in the Historic District indicating the location and boundaries of individual properties and improvement thereon.

Preservation. The act or process of applying measures necessary to sustain the existing form, integrity, and materials of an historic structure, place, or feature.

Preservation Restriction. A right to prohibit or require, a limitation upon, or an obligation to perform, acts on or with respect to, or uses of, a structure or site historically significant for its architecture, archaeology or associations, whether stated in the form of a restriction, easement, covenant or condition, in any deed, will or other instrument executed by or on behalf of the owner of the structure or site or in any order of taking, which right, limitation or obligation is appropriate to the preservation or restoration of such structure or site.

Regular Member. A member of the Commission who has full voting power.

Regulations. Local design guidelines and standards of review promulgated by the Commission that interpret and implement statutory requirements and are in conformance with the Historic District Zoning Overlay.

Rehabilitation. The process of returning property to a state of utility, through repair or alteration, which makes possible an efficient contemporary use while preserving those portions and features of the property which are significant to its historic, architectural, and cultural values.

Repair. Any change that is not construction, addition, demolition, moving, or alteration.

Restoration. The act or process of accurately recovering the form, features, and character of a property and its setting as it appeared at a particular period of time by means of removal of features from other periods in its history and reconstruction of missing features from the restoration period.

Rules of Procedure. A set of rules adopted by the Commission pursuant to RSA 676:1 concerning the method of conducting the Commission's business.

Scale. A certain proportionate size, extent, or degree, usually judged in relation to some standard or point of reference.

Setback. The minimum required distance from every structure to the property lines of a lot, established by the Zoning ordinance to provide for air, light, solar access, and privacy.

Site Plan. Proposed plan for development, submitted by the property owner for review by the Commission, that shows the form, location, and orientation of a building or group of buildings on a site, usually including dimensions, landscaping and other significant features of the plot.

Structure. Anything constructed or erected, the use of which requires permanent or temporary location on or in the ground, including, but not limited to: buildings, fences, stone walls, gazebos, signs, backstops for tennis courts and ballparks, antennae, above ground pools and hot tubs, air conditioning units, propane tanks, playground equipment, etc.

Zoning Ordinance. The laws of the Town of Amherst regulating the building, alteration, installation, repair, or change of buildings, land, or uses within the borders of the entire town.

Section 12.3 **Membership.**

- A. Regular Members. Membership shall consist of not fewer than five (5) or more than seven (7) regular members, one (1) of whom shall be an *ex officio* member of the Board of Selectmen and one (1) of whom may be an *ex officio* member of the Planning Board.
- B. Alternate Members. Not more than five (5) alternate members may be appointed. Whenever a regular member is either absent or disqualifies himself or herself, the chairperson shall designate an alternate to vote in his or her place; except that only the alternate designated by the board of Selectmen for its *ex officio* shall serve in place of that member. When designated to vote, the alternate shall continue as a voting member until the end of the meeting unless the regular member for whom the alternate is voting subsequently joins the meeting, in which case that alternate shall continue as a voting member only until the immediate issue under consideration is decided. To the extent that an issue is considered over the course of two (2) or more meetings, the alternate so designated shall sit and vote on that issue at subsequent sessions concerning that same issue. All voting and non-voting members may participate in all discussions. (05-15-03)
- C. Appointment. The *ex officio* members from the Board of Selectmen and the Planning Board shall be appointed by vote of their respective boards. All other regular members and alternate members shall be appointed by the Board of Selectmen.
- D. Qualifications. 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. To the extent that professionals in the following disciplines are available in the community, the board of Selectmen should make reasonable efforts to appoint members from those professions: architectural history, archaeology, cultural anthropology, New England history, or planning. Information on the credentials of the Commission members shall be kept on file with the Zoning Administrator and available for public review. Members shall be residents of the Town of Amherst, but are not required to reside in the Amherst Village Historic District *per se*.
- E. Terms. Except as provided for in RSA §673:5 I (b), The term of any *ex officio* member shall coincide with the term for that other office. The term of all other regular and alternate members shall be three (3) years. In accordance with RSA §673:5 II, the initial terms of regular members first appointed to the Commission shall be staggered so that no more than three (3) appointments occur annually in the case of a seven (7) member commission and no more than two (2) appointments occur annually in the case of a five (5) or six (6) member Commission, except when required to fill vacancies. The terms of alternate members shall be staggered in a similar manner so that no more than two (2) appointments occur annually in the case of a Commission with four (4) or five (5) alternate members and no more than one (1) appointment occur annually in the case of a Commission with two (2) or three (3) alternate members.
- F. Vacancies. The Board of Selectmen shall act within sixty (60) days to fill a vacancy, including expired terms. Vacancies shall be filled as provided by RSA §673:12.
- G. Removal. Members may be removed for cause in a manner provided by RSA §673:13. In addition, the chairperson may request the resignation of any member who fails to attend four (4) consecutive meetings without just reason.

Section 12.4 **Officers.**

- A. Positions and terms. A Chairperson, Vice Chairperson, and Secretary shall be elected by a vote of the membership of the Commission. The term of every officer and Chairperson elected shall be for one (1) year. Neither an *ex officio* nor an alternate member shall serve as Chairperson.
- B. Chairperson. The Chairperson shall preside at all meetings of the Commission, call meetings at the frequencies specified below, see that orders and resolutions of the Commission are carried out, and sign all official correspondence of the Commission, serve as the official spokesperson for the Commission, and prepare an annual report. The chairperson shall also appoint such committees as directed by the Commission. (05-15-03)
- C. Vice-Chairperson. The Vice-Chairperson shall perform all the duties of the chairperson in her or his absence.
- D. Secretary. Pursuant to RSA §91-A, the Secretary shall record the minutes of the meetings of the Commission and shall provide the original, signed copy of said minutes to the Zoning Administrator for public inspection within one hundred forty-four (144) hours of a public meeting or, unless voted otherwise pursuant to RSA §91-A:3 III, within seventy-two (72) hours of a non-public meeting. The Secretary shall also keep attendance of regular, alternate and *ex officio* members and may sign Certificates of Approval and Notices of Disapproval in the absence of the Chairperson and Vice-Chairperson. Once per year, the Secretary shall review amendments to the RSAs, if any, that may affect these Rules and propose corresponding changes to these Rules to keep them current with the RSAs. (05-15-03)

Section 12.5 **Meetings**

- A. Regular Meetings. The Commission shall meet regularly on the third Thursday of each month, unless there is no business before the Commission. All regular meetings shall be open to the public, unless otherwise noticed and conducted in strict accordance with RSA §91-A:3. (05-15-03)
- B. Special Meetings. Special meetings of the Commission shall take place at the call of the Chairperson or as the Commission deems necessary. All special meetings shall be open to the public, unless otherwise noticed and conducted in strict accordance with RSA §91-A:3. (05-15-03)
- C. Joint Meetings. (05-15-03)
 - 1. Pursuant to RSA §676:2, an applicant seeking approval from another land use board(s) may petition the Historic District Commission and the respective land use board(s) to hold a joint meeting or hearing when the subject matter is within the responsibilities of those boards. Similarly, the Historic District Commission shall have the authority on its own initiative, pursuant to RSA §676:2, to request a joint meeting with any other land use board(s). Each land use board so petitioned shall have the discretion as to whether or not to hold a joint meeting with any other land use board.
 - 2. A joint hearing shall be a formal public hearing.
 - 3. The Chairperson of the Historic District Commission along with the chairperson(s) of the other

land use board(s) shall mutually determine who shall chair the joint meeting.

4. The Rules of Procedure for the joint meeting shall be governed by the land use board that chairs the meeting.
 5. Every board shall be responsible for rendering a decision on the subject matter that is within its own jurisdiction.
 6. The Historic District Commission shall make all reasonable efforts to hold at least one (1) joint meeting per year with the Heritage Commission for the purpose of coordinating preservation activities that overlap within the boundaries of the Amherst Village Historic District.
- D. Non-Public Sessions. (05-15-03) In accordance with RSA §91-A:3, the Commission shall not meet in non-public session, except for the purposes set forth in (a) through (c) below. No session at which evidence, information or testimony in any form is received shall be closed to the public, except for the purposes set forth in (1) through (3) below. The Commission may not enter non-public session, except pursuant to a motion properly made and seconded. Minutes of non-public sessions shall be kept, recorded and made available for public inspection in accordance with RSA §91-A:3,III.
1. Matters which, if discussed in public, would likely affect adversely the reputation of any person, other than a member of the Historic District Commission itself, unless such person requests an open meeting.
 2. Consideration of the acquisition, sale, or lease of real or personal property which, if discussed in public, would likely benefit a party or parties whose interests are adverse to those of the general community.
 3. Consideration or negotiation of pending claims or litigation which has been threatened in writing or filed against the Historic District Commission or any member thereof, or against any member thereof because of his or her membership in the Historic District Commission, until the claim or litigation has been full adjudicated or otherwise settled.
- E. Site Review. The Commission may table, within the limits imposed by Section 12.6.A.4, final consideration of an application pending a site review. The purpose of the site review is to validate the information provided in the application as well as to determine the effects of the proposal on the subject building, its setting, the surrounding area, and neighboring properties. For proposals concerning new construction, new exterior additions, moving of structures, site work, or fencing, the applicant is required to stake the ground to show the dimensions and location of the proposed building, addition, fencing, or site work. In addition, in the case of new construction and new exterior additions, the applicant is required to float a balloon or erect a pole with a flag upon the top to indicate the maximum height of the proposed construction.
- F. Quorum. A majority of the voting members shall constitute the quorum necessary in order to transact business in any meeting of the Commission. A motion, duly seconded and following discussion, shall be passed by affirmative vote of the quorum. The Chairperson shall not make a motion while chairing a meeting of the Commission. After all discussion of the motion has been completed, the Chairperson will call for a vote. When the vote is evenly divided, the motion shall be deemed to have been defeated. If the vote is not unanimous, the minutes of the meeting shall indicate members opposed or abstaining by name. The chairperson shall vote on each motion. (05-15-03)
- G. Work or Study Sessions. Work or study sessions may be convened as a whole or as a committee of

the whole in the same manner as special meetings, provided that no quorum shall be required and that no official action shall be taken. (05-15-03)

Section 12.6 Administration

- A. Building Permits, Certificates of Approval, and Notices of Disapproval. Whether or not a building permit is also required under the Zoning Ordinance, the Commission shall review all applications to construct, repair, move, demolish, change use, or alter any structure within the Amherst Village Historic District for its impact on the district. Upon review and determination of the application, the Commission shall file either a Certificate of Approval or a Notice of Disapproval with the Zoning Administrator. Determination on an application shall be in the opinion of a quorum of the voting members of the Commission.
1. Approval. Work shall not commence unless a Certificate of Approval is filed with the Zoning Administrator. In cases where a building permit is also required by the Zoning Ordinance, the Zoning Administrator shall not issue the building permit until or unless the Commission has filed a Certificate of Approval. The “Certificate of Approval/Notice of Disapproval: form appended hereto shall be the form upon which all approvals are granted and shall be deemed to be a part of these Rules of Procedure.
 2. Disapproval. In case of disapproval of any application submitted to the Commission, the grounds for such disapproval shall be adequately stated in the Notice of Disapproval. The Notice of Disapproval shall be binding upon the Zoning Administrator and no building permit shall be issued. Notice of Disapproval holders may make modifications to the disapproved plans and resubmit the application for hearing without prejudice. The “Certificate of Approval/Notice of Disapproval form appended hereto shall be the form upon which all disapprovals are communicated and shall be deemed to be a part of these Rules of Procedure.
 3. Conditional Approval. In appropriate cases, the Commission may grant conditional approval of an application, which approval shall become final without further public hearing upon certification to the commission by its designee, or based upon evidence submitted by the applicant, of satisfactory compliance with the conditions imposed. Final approval of an application may occur in the foregoing manner only when the conditions are:
 - a. Minor plan changes as a result of a public hearing, compliance with which is administrative and which does not involve discretionary judgment on the part of the Commission; or
 - b. Conditions that are in themselves administrative and that involve no discretionary judgment on the part of the Commission.All other conditions shall require an additional hearing and notice as provided in Section 12.6,B,3 except that additional notice shall not be required of an adjourned session of a hearing with proper notice if the date, time, and place of the adjourned session were made known at the prior hearing.
 4. Deadlines. The Commission shall file with the Zoning Administrator either a Certificate of Approval or a Notice of Disapproval pursuant to RSA §676:8 III within forty-five (45) days after the filing of a completed application for the certificate with the Zoning Administrator, unless the applicant agrees to a longer period of time. Failure to file either the certificate or the notice within the specified period of time shall constitute approval by the Commission. Pursuant to RSA §676:3 II, the Certificate of Approval or Notice of Disapproval shall be made available for public

inspection within seventy-two (72) hours after the commission makes the decision.

5. Commencement of Work. The applicant shall wait until twenty (20) calendar days have expired after the date the Certificate of Approval is filed with the Zoning Administrator before commencing work to allow sufficient time for any aggrieved parties to appeal the decision. Upon commencement of work, the Certificate of Approval holder shall promptly and diligently pursue completion of the work approved. Work done under a Certificate of Approval shall commence within one (1) year of issuance of the certificate thereof unless otherwise authorized by the Commission.
 6. Completion of Work. Work done under a Certificate of Approval shall be completed within two (2) years thereof unless otherwise authorized by the Commission. Where a Certificate of Approval holder submits a new application prior to completion of an outstanding Certificate of Approval, the Commission, prior to considering the new application, may require a showing of good cause for an unreasonable delay found by the Commission to have occurred concerning the outstanding Certificate of Approval.
 7. Inspections. Upon completion of the work, the applicant shall call the office of the Zoning Administrator for a final inspection, and a representative of the commission shall be assigned to inspect the work for compliance with the Certificate of Approval. Notwithstanding the requirement for a final inspection, the Commission reserves the right to make periodic inspections while the work is in progress.
- B. Application. The Commission shall issue a Certificate of Approval or Notice of Disapproval based upon the review and determination of an application. The form of application appended hereto shall be the form upon which all applications to the Commission shall be made and shall be deemed to be a part of these Rules of Procedure. Application forms shall be made available through the office of the Zoning Administrator.
1. Deadlines. The applicant shall file the completed application with the Zoning Administrator at least twenty-one (21) days prior to the meeting at which the application will be considered. (04-15-04)
 2. Completion. The Commission will only consider a completed application sufficient to invoke jurisdiction to obtain approval. A completed application means that, in the discretion of the Commission, sufficient information is included or submitted to allow the Commission to proceed with consideration and to make an informed decision. A completed application shall, at a minimum, include:
 - a. Form. A completed application form along with a copy of any plats, site plans, drawings, photographs, renderings, reference materials, etc. required to be included with the application form, and any specific factual material requested by the Commission.
 - b. Fee. The payment of the application fee.
 - c. Interested Parties. A list of the names and addresses of the applicants and two (2) sets of addressed adhesive mailing labels per address.
 - d. Abutters (only applications for new construction, new exterior additions, demolition, moving, site work, change of use, or fencing). A list of the names and addresses of all abutters as defined in RSA §672:3 and two (2) sets of addressed adhesive mailing labels per listed abutter. Abutters shall also be identified on any plat or site plan submitted to the Commission.
 - e. Variances. If applicable, a copy of the letter from the Zoning Board of Adjustment granting a

request for variance to the Zoning Ordinance.

3. **Determination of Completion.** The Commission shall, within thirty (30) days following filing of the application, determine if a submitted application is complete according to these Rules of Procedure and shall vote upon its acceptance. Upon determination by the Commission that a submitted application is incomplete, the Commission shall notify the applicant of the determination in accordance with Section 12.6, A.2, and shall describe the information, procedure, or other requirement necessary for the application to be complete in accordance with Section 12.6, B.2. The applicant may correct deficiencies in the application and reapply at a later date without prejudice.
4. **Public Hearing.** Except as provided for in this section, no application may be denied or approved without a public hearing on the application. At the hearing, any applicant, abutter, holder of conservation or preservation restriction, or any person with a direct interest in the matter may testify in person or in writing. Public hearings shall not be required when:
 - a. The Commission disapproves an application based upon failure of the applicant to supply information required by the Rules of Procedure; or
 - b. The applicant fails to meet reasonable deadlines established by the Commission; or
 - c. The applicant fails to pay costs of notice or other fees required by the Commission.
5. **Notice.** The Zoning Administrator shall provide notice of public hearings on applications as follows:
 - a. **Preliminary Conceptual Consultations:** Notice shall not be required for Preliminary Conceptual Consultations between an applicant and the Commission pursuant to Section 12.6, B.5.c.
 - b. **Applications for new construction, new exterior additions, demolition, moving of structures, site work, change of use, or fencing:** Notice shall be provided to the applicant and abutters by mail of the date upon which the Commission will consider the application. Notice shall be sent by certified mail at least five (5) days prior to the meeting. Notice to the general public shall also be given at the same time by posting. The notice shall include a general description of the proposal that is the subject of the application and shall identify the applicant and the location of the proposal. All costs of notice shall be paid in advance by the applicant. Failure to pay such costs shall constitute valid grounds for the commission to terminate further consideration and to deny the application without public hearing.
 - c. **All applications other than for new construction, new exterior additions, demolition, moving of structures, site work, change of use, or fencing:** Notice shall be provided to the applicant by mail of the date upon which the Commission will consider the application. Notice shall be sent by regular mail at least five (5) days prior to the meeting. The notice shall include a general description of the proposal that is the subject of the application and shall identify the applicant and the location of the proposal.
6. **Preliminary Conceptual Consultation.** For proposals concerning new construction, new exterior additions, demolition, moving of structures, site work, change of use, or fencing, it is strongly recommended, but not required, that the applicant meet with the Commission prior to filing a complete application.
 - a. **Purpose.** The purpose of the meeting is to allow for an informal exchange between the applicant and the Commission to review the basic concept of the proposal and offer

suggestions which might be of assistance in resolving problems with meeting requirements during final consideration. In this manner, the Commission may provide preliminary, non-binding guidance on the suitability of the proposal with a minimum burden of expense on the applicant. Such consultation shall bind neither the applicant nor the Commission and statements made by Commission members shall not form a basis for disqualifying said members or invalidating any action taken.

- b. Materials. Materials presented for this discussion should include plats, site plans, drawings, photographs, or other sufficient information to allow for a meaningful understanding of the intended conceptual design.
 - c. Notice. Such discussion may occur without necessity of giving formal, public notice as otherwise required under Section 12.6, B.5.c, but such discussions may occur only at formal meetings of the Commission.
7. Due Diligence. The Commission may table, within the limits imposed by Section 12.6, A.4, final consideration of an application for the purposes of seeking advice, recommendations, or reports from professional, educational, cultural, civic, or other groups or persons as may be deemed necessary for the determination of a reasonable decision.
 8. Appeals. Any person or persons jointly or severally aggrieved by a decision of the Commission shall have a right to appeal to the Zoning Board of Adjustment. Upon appeal, the Zoning Board of Adjustment shall review the decision of the Commission to determine whether the decision conforms to the provisions of the Historic District Zoning overlay and to these Rules of Procedure adopted thereunder.
 9. Enforcement. These Rules of Procedure shall be enforced in accordance with the provisions of Article VI of the Zoning Ordinance, and violators shall be subject to the penalty provisions contained therein.

Section 12.7 Code of Conduct

- A. Commission members and staff shall not use their position for a purpose that is, or gives the appearance of being, motivated by a desire for personal benefit or private gain for themselves or others, particularly those with whom they have family, business, organizational, or other ties.
- B. Commission members and staff who have a financial interest in a property, shall not participate in any discussion, hearing, or other Commission consideration of that property, whether as part of local review procedures pursuant to RSA §674 and RSA §676, or as part of actions (such as National Register nomination review procedures) pursuant to the responsibilities of a “Certified Local Government” under the National Historic Preservation Act, or under the associated requirements established by the National Park Service and the State of New Hampshire for participation in the Certified Local Government program.
- C. Commission members and staff shall not participate in the preparation of, administration, monitoring, approval, or payment of any grants or contracts made to or by the Commission if a real or apparent conflict of interest would be involved.
- D. In conformance with RSA §673:14, no member of the Commission shall sit upon the hearing of any question which the Commission is to decide if that member has a direct, personal, or pecuniary interest in the outcome which differs from the interest of other citizens or would be disqualified for

any cause to act as a juror upon the trial of the same matter in any action at law.

- E. When uncertainty arises as to the application of these provisions to a Commission member in particular circumstances, the Commission shall, upon the request of that member or another member of the Commission, vote on the question of whether that member should be disqualified. Any such request and vote shall be made prior to or at the commencement of any required public hearing. Such a vote shall be advisory and non-binding, and may not be requested by persons other than Commission members, except as provided by local ordinance or by these Rules of Procedure.
- F. If a member of the Commission is disqualified or unable to act in any particular case before the Commission, the chairperson shall designate an alternate to act in place of the disqualified member as specified in RSA §673:11.
- G. Any member of the Commission who may have an apparent, potential, or actual conflict of interest with respect to any deliberations or matters before the Commission shall absent himself or herself from the Commission's meeting while such matters are being considered or acted upon.
- H. Commission members and staff who are in office or employed at the time these code of conduct provisions are adopted shall be exempted for a period not to exceed one (1) year from the date of adoption, pursuant to RSA §31:39-a.



Appendix A.
Town of Amherst, New Hampshire
Office of Community Development

Building · Code Enforcement · Planning · Zoning · Economic Development

Sarah Marchant, Community Development Director

AMHERST VILLAGE HISTORIC DISTRICT APPLICATION

Application for Certificate of Approval to Construct, Repair, Move, Demolish/Change Buildings, Land or Uses.

Owner(s): _____ Date: _____
Address: _____ Email: _____
Telephone: _____ Map: _____ Lot: _____ - _____ Location of Work: _____
Application Fee: \$ 60 + (\$7 x _____ abutter) = \$ _____ Date Building was built (if known): _____

NOTE: All new applications must be *complete* and filed in the Zoning Office no less than 21 days before a meeting (third Thursday of each month). Applications not complete will not be heard until complete.

Required Information (for all applications):

Description of proposed work: _____
Reason for proposed work: _____

- Photographs of the existing structure(s) and / or building site clearly showing areas and elements to be affected by the proposed work.
- Accurate scale drawings, renderings, or illustrations of the proposed work that show the style, design, detailing, treatments, massing, scale proportions, etc. of the proposed work.
- Complete description of all materials for each element of the proposed work.
- 13 copies of all plans and specifications.

Other Required Information (if applicable):

- For new construction, additions, demolition, moving of structures, site work, change of use, or fencing: Names and mailing addresses of all abutters as defined in RSA 672:3, with two (2) sets of addressed, typed, gummed 1" x 2 1/2" mailing labels.
- For new construction, additions, or exterior alterations: Elevation scale drawings of proposed work showing the new work and its relationship to remaining structures. Drawings should indicate by dotted lines or other means existing structures, features, elements, openings, detailing, etc. that will be permanently altered or obscured as a result of the new work. (Scale of not less than 1/8" = 1'.)
- For new construction, additions, moving of structures, site work, and fencing: Plan or site plan showing abutters, the dimensions and location of the proposed building, addition, site work, or fencing in relation to the property line(s), existing structures, setback line, curb cuts, historic stone walls, and mature trees greater than 15" in circumference. Drawings should indicate by dotted lines or other means existing foundation (or footprint) that will be permanently altered as a result of the work. For new construction, show location of adjacent structures within 100' of parcel boundaries. (Scale not less than 1" = 30'.)
- For Windows and Doors: Specifications of windows and doors to include materials, style, type of construction, dimensions, muntin profile (windows), and operation (windows).
- For Restorations: Historic references, documentation, or evidence to substantiate restoration work.
- For Change of Use: Description of current use and proposed use, including (for commercial buildings) a copy of the letter from the Planning Board granting Site Plan Approval for change of use.
- Variances: A copy of the letter from the ZBA granting a request for a Variance, including (for commercial buildings) approval for expansion of a non-conforming use.
- Special Conditions: Describe any special conditions that you want the Commission to consider.

Signature of Owner(s): _____ Date: _____

Note: If not signed by owner a letter of authorization to proceed from owner is required.

v.5.1.13

Appendix B.

Certificate of Approval

Date of Approval:

Owners:

Parcel Identification Number:

Street Address:

Description of Work:

Conditions of Approval:

Approval Expiration Date:

Construction Must Be Completed By:

Chairman,

Commence of Work: The applicant shall wait twenty (20) calendar days after the date of Certificate of Approval before commencing work to allow sufficient time for any aggrieved parties to appeal the decision. Should the work to be done require a Building Permit, the conditions of this approval will accompany the Building Permit Application. Upon commencement of work, the Certificate of Approval holder shall promptly and diligently pursue completion of the work approved. Work done under a Certificate of Approval shall commence within one (1) year of issuance of the certificate thereof unless otherwise authorized by the Commission.

Completion of Work: Work done under a Certificate of Approval shall be completed within two (2) years of the Approval date unless otherwise authorized by the Commission. Where a Certificate of Approval holder submits a new application prior to completion of an outstanding Certificate of Approval, the Commission, prior to considering the new application, may require a showing of good cause for any unreasonable delay found by the Commission to have occurred concerning the outstanding Certificate of Approval.