

CITY OF PORTSMOUTH, NEW HAMPSHIRE

HISTORIC DISTRICT COMMISSION

SECTION I: RULES AND PROCEDURES

SECTION II: APPLICATION REQUIREMENTS

Including

APPENDICES: General Guidelines, References and Examples

ADOPTED FOLLOWING A PUBLIC HEARING: MARCH 8, 2000

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SECTION I: HISTORIC DISTRICT COMMISSION RULES AND PROCEDURES

- A. Purpose: This document is arranged for distribution purposes in two Sections. Each can be distributed as a separate component or be combined together. Section I constitutes the Commission's Rules and Procedures. These are presented herein as an aid to understanding better the Commission's responsibilities. It is hoped that these will be of benefit both to the Commission and the Public. As this Section primarily serves the Commission, it is generally distributed to that body, though it is available to the Public and is on file with the Commission's Secretary. Section II contains materials generally relevant to the Applicant. While the Commission has adopted this Section, it is intended to serve primarily as an aid to the Applicant and as such can be distributed as part of the application process.¹
- B. City's Responsibilities:
1. Code Officials shall inform the applicant as to the Zoning Ordinance's requirements and procedures.
 2. Building Permit denials are furnished by a Code Official in accordance with the procedures contained within the *1995 Zoning Ordinance*² as Amended.
 3. The Building Inspector shall review the decisions of the Commission and other Boards before issuing a Building Permit.
 4. The Code Enforcement Officers are responsible for ensuring that the decisions are upheld after the Building Permit is issued.
- C. Commission's Responsibilities and Procedures:
1. Membership: Commission membership shall conform to City Ordinances³ that require the following.
 - A City Councilor shall be appointed as a Commissioner;
 - A Planning Board member shall be appointed by the Board;
 - Two Commissioners shall be residents who reside within the Historic District;
 - At least one Commissioner shall be a resident who either owns or is employed by a business, which is located within the district;
 2. Officers: Commission members shall annually elect from its membership in January of each year a Chair and Vice-Chair. The Vice-Chair, in the absence of the Chair, shall have all the powers and duties of the Chair as prescribed by State law.
 3. The concurring votes of five members in attendance at a meeting shall be necessary to elect Officers.
 4. Five Commissioners in attendance at a meeting are necessary to form a quorum. No Commissioner shall leave a meeting without the permission of the Chair, if such presence is necessary to maintain a quorum.

¹ The Purpose heading is common to both Sections.

² The City of Portsmouth adopted a new zoning ordinance on January 1, 2010.

³ **Revised Charter of the City of Portsmouth, New Hampshire**. Article I: General Provisions. Section 1.404: Historic District Commission.

5. A majority or tie vote is sufficient to grant a rehearing providing a minimum of three Commissioners vote to grant the rehearing.
6. An affirmative vote by five Commissioners is necessary to reverse a previous decision.
7. Each petition shall be considered and acted upon immediately following the close of its presentation and Public Hearing.
8. Each Commissioner shall present the basis of their decision.
9. When a question is put to the Commission, each Commissioner present shall vote; except, if such vote would be excluded by a conflict of interest.
10. Roll call votes shall be taken at the request of the Chair, a Commissioner or an applicant

D. Definitions.

1. **Bylaw:** The term when used in reference to legislative action taken by a city, town, county or village district shall have the same meaning as an ordinance and shall be subject to the same procedures for enactment.⁴
2. **Conflict of Interest:** Disqualification of Member. No member of a local land use board (see definition) “shall participate in deciding or shall sit upon the hearing of any question which the board is to decide in a judicial capacity if that member has a direct personal or pecuniary interest in the outcome which differs from the interest of other citizens, or if that member would be disqualified for any cause to act as a juror upon the trial of the same matter in any action at law. . . . When uncertainty arises as to the application (of the above) to a board member in particular circumstances, the board shall, upon the request of that member or another member of the board, vote on the question of whether that member should be disqualified. Any such request and vote shall be advisory and non-binding, and may not be requested by persons other than board members, except as provided by local ordinance or by a procedural rule”⁵
3. **Ex Officio Member:** Any member who holds office by virtue of an official position and who shall exercise all the powers of regular members of a local land use board.⁶
4. **Local Governing Body:** Board of Selectmen in a town; City Council or Board of Alderman in a City, etc.⁷
5. **Local Land Use Board:** Means a Planning Board, Historic District Commission, Inspector of Buildings, Building Code Board of Appeals, or Zoning Board of Adjustment established by a local legislative body.⁸

⁴ NH RSA 21:45.

⁵ NH RSA 673:14.

⁶ NH RSA 672:5.

⁷ NH RSA 672:6.

⁸ NH RSA 672:7.

CITY OF PORTSMOUTH, NEW HAMPSHIRE

HISTORIC DISTRICT COMMISSION

SECTION II: APPLICATION REQUIREMENTS

Including

Appendices: General Guidelines, References and Examples

(SECTION I: RULES AND PROCEDURES MAY OR MAY NOT BE INCLUDED WITH THIS SECTION – THESE ARE ON FILE WITH THE COMMISSION’S SECRETARY)

SECTION II: APPLICATION REQUIREMENTS

- A. Purpose: This document is arranged for distribution purposes in two Sections. Each can be distributed as a separate component or be combined together. Section I constitute the Commission's Rules and Procedures. These are presented herein as an aid to understanding better the Commission's responsibilities. It is hoped that these will be of benefit both to the Commission and the Public. As this Section primarily serves the Commission, it is generally distributed to that body, though it is available to the Public and is on file with the Commission's Secretary. Section II contains materials generally relevant to the Applicant. While the Commission has adopted this Section, it is intended to serve primarily as an aid to the Applicant and as such can be distributed as part of the application process.⁹
- B. City's Responsibilities:
1. Code Officials shall inform the applicant as to the Zoning Ordinance's requirements and procedures.¹⁰
 2. Building Permit denials are furnished by a Code Official in accordance with the procedures contained within the *1995 Zoning Ordinance*¹¹ as Amended.
 3. Upon the approval of an application by the Commission, the applicant shall receive a *Certificate of Appropriateness* from the Commission's Secretary.
 4. The Building Inspector shall review the Commission's Certificate and any other approvals from other Boards before issuing a Building Permit.
 5. The Code Enforcement Officers are responsible for ensuring that the decisions are upheld after the Building Permit is issued.
- C. Applicant's Responsibilities:
1. All applications and related information shall be filed with the Commission's Secretary by Noon no less than seventeen days prior to a scheduled meeting of the Commission.¹² (For a regular meeting, this date is typically the third Monday before the meeting).
 2. Provide evidence to the Commission of all necessary approvals for any Special Exceptions and Variances as may be required for the particular project.¹³
 3. All applications shall be accompanied with adequate plans and exhibits in accordance with the terms of these Requirements.¹⁴ Failure of the applicant to do so may result in either the denial or tabling of the application. Should the applicant determine that the application is premature, for any pertinent

⁹ The Purpose heading is common to both Sections.

¹⁰ The applicant is encouraged to read the 1995 Zoning Ordinance as Amended with specific attention given to Article X, which details the Historic District and Historic District Commission.

¹¹ The City of Portsmouth adopted a new zoning ordinance on January 1, 2010.

¹² The Secretary of the Commission is located at City Hall in the Planning Department.

¹³ Records of other Land Use Boards are maintained by the Planning Department and, in some aspects, by the Inspection Division.

¹⁴ Additional requirements are contained in the City's Zoning Ordinance. These are applicable as well.

reason, the Applicant may withdraw it anytime before the Commission initiates the Public Hearing.

4. The applicant or their authorized representative shall be present at the Public Hearing to speak to the application.
5. The Planning Department and Inspection Division will retain application materials. The Commission may require supporting materials, which are presented during the Public Hearing, be held for the Commission's use; until, the issuance of a Certificate of Appropriateness.
6. Modifications to plans previously approved by the Commission will require additional Commission review.
7. A Certificate of Appropriateness is valid either: 1) for the duration of the Building Permit or; 2) if no Building Permit is issued, the approval is valid for one year as determined from the date of issuance of the Certificate of Appropriateness by the Secretary to the Commission.

D. Application Fee Schedules for the Historic District Commission: All applications shall be submitted with appropriate fees as indicated.¹⁵

1. Residential Applications:

1 dwelling unit	\$ 0.00 ¹⁶
2 dwelling units	\$ 25.00
3 dwelling units	\$ 50.00
4-10 dwelling units	\$100.00
11-30 dwelling units	\$200.00
30+ dwelling units	\$300.00

2. Non-Residential Applications:

Number of units plus \$5.00 per \$1,000.00 of valuation of the cost for the new construction.

3. Signs: ~~\$100.00~~.

4. Mixed Use Facilities: Use Non-Residential fee schedule.

5. Maximum Application Fee: ~~\$300.00~~.

6. Fees for legal notification and mailing are assessed separately and at cost.

E. Application Administration: Application fees contribute to costs incurred by the City in the process of administering applications. This process includes time spent on a proposal during all application stages. These activities include, but are not necessarily limited to the following:

1. Planning and Inspection staff review;
2. Legal review;
3. Special studies (if required);
4. Engineering review; and,
5. Other related meetings, correspondence, etc.

¹⁵ Application Fee Schedule is set by the City Council. Applicants are reminded that other application fees may apply, as well.

¹⁶ See Planning Department website (www.cityofportsmouth.com) for fee schedule.

- F. Materials and Submissions required by the Commission for the purposes of conducting their statutory review.
1. Applications for Alterations to Existing Structures shall, at a minimum, include the following, which are to be provided by the applicant to the City.
 - A completed Building Permit/Change of Use Application.
 - A completed Historic District Commission Application.¹⁷
 - As appropriate, copies of any Board of Adjustment action undertaken as part of this particular application.¹⁸ Please note: Such an application shall be considered and acted upon by the Board of Adjustment; prior, to consideration by the Commission.
 - Eleven sets of photographs depicting all structure facades that relate to proposed changes detailed by the particular application. Attention should be given to detailing streetscapes and views of the structure that can be made from public rights-of-way, public spaces or water bodies. Composite pictures showing expanded views can be useful to this process.
 - Eleven copies of structure elevations showing:
 1. All proposed changes to the exterior of the structure;
 2. Scale drawings (at least ¼" = 1" scale);
 3. Accurate dimensions of architectural detailing (windows, doors, decks, entryways, fire escapes, molding, trim, etc.);
 4. Depiction of materials to be used; and,
 5. Any portions of the structure subject to demolition; including removal of any portion or part of the structure.
 - Eleven copies of site plan. For simple applications, the applicant may use a copy of the Tax Map for this purpose. It is recommended; however, that it be used as a starting point with the applicant sizing the Site Plan to meet the overall purpose of informing the Commission. Efforts in this regard should not be underestimated.
 - Eleven copies of specifications for windows and doors (size, brand, materials, and type). Where possible, the use of manufacturers "cut sheets" is desired.
 2. Applications for New Construction shall, at a minimum, include the following, which are to be provided by the applicant to the City.
 - A completed Building Permit/Change of Use Application.
 - A completed Historic District Commission Application.¹⁹
 - As appropriate, copies of any Board of Adjustment action undertaken as part of this particular application.²⁰ Please note, such an application shall be considered and acted upon by the Board of Adjustment; prior, to consideration by the Commission.
 - Eleven sets of photographs depicting views of surrounding structures and streetscapes. Attention should be given to detailing streetscapes and

¹⁷ Application forms are available at City Hall in the Inspection Division.

¹⁸ Records of the Board of Adjustment are maintained at City Hall by the Planning Department.

¹⁹ Applications are available at City Hall in the Inspection Division.

²⁰ Records of the Board of Adjustment are maintained at City Hall by the Planning Department.

views that can be made from public rights-of-way, public spaces and water bodies.

- Eleven sets of photographs showing streetscapes with proposed construction superimposed into the various applicable views. Attention should be given to detailing streetscapes and views of the structure that can be made from public rights-of-way, public-spaces or water bodies.
 - Eleven copies of site plan. For some applications, the applicant may use a copy of the Tax Map for this purpose. It is recommended; however, that it be used as a starting point with the applicant sizing the Site Plan to meet the overall purpose of informing the Commission. Efforts in this regard should not be underestimated. The site plan shall show:
 1. Property lines;
 2. Structure footprint
 3. The scale of the plan;
 4. Flood zone lines (where applicable);
 5. Changes in grade of greater than five feet.
 - Eleven copies of structure elevations showing:
 1. Scale of drawings (at least $\frac{1}{4}$ " = 1" scale);
 2. All sides of structure in relation to finish grade lines;
 3. Accurate dimensions of architectural detailing (windows, doors, decks, fire escapes, molding, trim, etc.);
 4. Materials to be used.
 - Eleven copies of specifications for windows and doors (size, brand, material, type). Where possible, the use of manufacturers "cut sheets" is desired.
 - Brick, mortar, shingle, clapboard, etc. samples as applicable to the application.
3. Meeting Dates: The regular meeting of the Commission is usually held on the first Wednesday of the month. Time and date of the regular meeting or any subsequent meeting may be changed by a majority vote of the Commission members present at a meeting or by the call of the Commission's Chair or Vice Chair.

APPENDICES: GENERAL GUIDELINES, REFERENCES AND EXAMPLES

GENERAL GUIDELINES:

1. Applicants are encouraged to schedule Work Sessions with the Commissions. In some instances, a Work Session is a requirement of the Ordinance.²¹ For projects of \$25,000 or more, Work Sessions are highly recommended.
2. The Commission's role in this process is to assist the applicant in reviewing the applicant's proposal. The Commission's role is not to design the project.
3. In acting on an application, the Commission uses its *Scope of Review* and in so doing provides useful information to the applicant.²²

REFERENCES:

Useful Telephone Numbers:

- ◆ Secretary to the Historic District Commission: Liz Good, Administrative Clerk, Planning Department, 610-7216;
- ◆ Advisor to the Historic District Commission: Roger Clum, Building Inspector, Inspection Department 610-7263;
- ◆ Zoning Information: Lee Jay Feldman, Principal Planner, Planning Department 610-7328;
- ◆ Planning Director: Rick Taintor
- ◆ Chief Building Inspector: Richard Hopley

EXAMPLES - These are provided as attachments:

- *Application for Hearing* the Historic District Commission.
- Sample Location Map.
- Sample Site Plan - with details.
- Note: Photographs are acceptable in certain situations (refer to Article X of the Zoning Ordinance).
- Sample Elevation with notes.
- Sample Elevation with notes.
- Sample Site Plan with details.
- Sample "Cut Sheet".
- Sample "Cut Sheet".
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- Sample "Cut Sheet".
- Sample "Cut Sheet".
- Sample "Cut Sheet".

²¹ Zoning Ordinance, Article X, Section 10-1002.

²² Zoning Ordinance, Article X, Section 10-1004.