
RULES OF PROCEDURE

Upon obtaining an application, the applicant should supply the information relative to such application as may be required by the Historic District Commission. No building permit shall be issued for any work proposed to be done in the Historic District until the Commission has approved the application. The Commission shall make a decision within 45 days of receipt of application and failure to do so will be deemed to constitute an approval by the Commission. Within said period, the Commission shall:

- A. Determine that the application is of no interest to the purpose of the Historic Districts or that the proposal is harmonious with the purpose of the Districts and so notify the applicant, or
- B. Determine that the application represents a proposal that is in conflict with the purposes of the Historic Districts and schedule a meeting with the applicant.
- C. The Commission shall promptly notify the applicant and the Board of Selectmen of its decision.

1. PUBLIC HEARINGS

Both the Commission and the applicant or each of them shall have the right to call for a public hearing on the proposal. Notice of said hearings shall be posted at least ten (10) days in advance in a newspaper of general circulation and in at least two (2) public places, the cost of said posting to be borne by the applicant. Notice to abutting and adjacent property owners shall be sent by registered mail. Testimony shall be received from any party desiring to participate.

1.1 GUIDELINES

In considering appropriateness of an application, the Commission shall consider, among other things:

- A. The effect that the exterior facade of the building will have when viewed in relation to the surrounding buildings in the district.
- B. The change, if any, in the amount of noise, congestion and traffic that the proposed building or use will create in the district.
- C. Whether the proposal is of a design, or of materials, or for a purpose or use inconsistent with and detrimental or injurious to buildings and purposes or uses upon adjoining lands and whether such proposal is such that it will detract from the character and quiet dignity of the Historic District.

1.2 DENIAL AND APPEAL.

In such cases as the Commission may deny an application, it shall supply the applicant and the Board of Adjustment with a letter citing the reasons for such denial. Any person aggrieved by a decision of the Commission may appeal to the Board of Adjustment.

1.3 ENFORCEMENT

Upon information that the provisions of this ordinance are being violated, the Commission must notify the Board of Selectmen, who may seek appropriate relief in a court of competent jurisdiction.

1.4 REHEARING

Upon obtaining a Denial, the applicant may supply new or additional information relative to such application as may be required by the Historic District Commission and a new public hearing on the proposal shall be scheduled. Notice of said hearings shall be posted at least ten (10) days in advance in a newspaper of general circulation and in at least two (2) public places, the cost of said posting to be borne by the applicant. Notice to abutting and adjacent property owners shall be sent by registered mail. Testimony shall be received from any party desiring to participate.

2. AUTHORITY TO ADOPT REGULATIONS

The Historic District Commission, after notice and public hearing, may adopt such Regulations regarding its procedures in hearing and processing Applications and statements of policy as required by RSA 674:46 as it shall deem fit and shall compile such regulations in printed form to be available to applicants and citizens of the town, and shall file a notarized copy with the Town Clerk.

2.1 GENERAL ADMINISTRATION

A. Background

The Town, by the authority granted under NH RSA Chapter 673:1, established an Historic District Commission on March 7, 1985.

B. Purpose and Intent

The purposes of the Historic District Commission of are:

1. to safeguard the heritage of the Town as it is represented in structures of historical and architectural value located, or which may be located, in an Historic District.
 2. to reflect elements of the community's architectural, cultural, social, economic, and political history.
 3. to ensure that residential portions of the Districts retain their residential character and qualities;
 4. to strengthen the economy;
 5. to conserve property values;
 6. to foster civic pride;
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7. to promote use of the Historic District for the education, pleasure and welfare of the citizens of Hebron.

The intent of the Historic District is to preserve the scale and unique historic character of Hebron's town center, while permitting new construction, alterations, improvements, restorations, change the use of, demolish, move structures and maintain structures within the Historic District of a size, scale, and design that will be in harmony with the old. It is intended that commercial structures retain and enhance their commercial character, and that residential portions of the district retain their residential qualities.

2.2 MEMBERSHIP

The Commission will consist of seven members and three alternates appointed by the Board of Selectmen in accordance with the qualifications set forth in RSA 673:11. One of the seven members shall be a Selectman. One of the seven members shall be a member of the Planning Board. The ex-officio members shall serve terms of one year each. The appointed members shall serve terms of three years each. Vacancies will be filled per RSA 673:12 within 60 days of the vacancy.

2.3 RESPONSIBILITIES OF THE COMMISSION

The Historic District Commission, herein called the Commission, will accept Applications for Certificates of approval to alter, improve, restore, construct, change the use of, demolish, or move structures into or within an historic district. It shall review, hold public hearings, approve or disapprove Applications and issue Certificates of Approval, appending thereto such conditions on performance of the work as it may deem appropriate or necessary.

2.4 JURISDICTION AND CRITERIA

Jurisdiction of the Commission extends to all structures not owned by the Town of Hebron, the State of New Hampshire or the United States government and located in whole or in part within the boundaries of the district. While government-owned buildings are not included within the jurisdiction of the Commission, it is hoped that the government bodies affected will cooperate in the spirit of the Historic District Ordinance. Other subjects covered by the Ordinance include, but are not limited to: signs, landscape features, fences, and other factors affecting the character of the streetscape.

Changes or additions to structures and appurtenances including those described in this paragraph, in the Historic Districts shall be permitted by written approval of the Historic District Commission after review of the criteria in Articles 2.5 – 2.7 following.

2.5 CERTIFICATES OF APPROVAL

Certificates of Approval (except as provided for in 2.4) are required for any work done on the exterior of buildings or structures located, or to be located, in the

Historic District; shall be required for any additional buildings on the land within its boundaries; and shall be required for a change in or additional use of any land or structure within the District. The word "work" shall mean, and may not be limited to: alteration, restoration, moving, demolition of a part or parts of any building or structure, and any activity within the district effecting or affecting the purposes of the Commission. No building permit can be issued for any exterior work on a building within the district without a Certificate of Approval. Work to be done under a Certificate of Approval must begin within six months of the date of approval and must be completed within two years or the Certificate will be considered null and void.

2.6 ADMINISTRATION, ENFORCEMENT, AND LIMITATION

- A.** The enforcement of the provisions of the Historic District Ordinance shall be made in the same manner as the enforcement of the zoning ordinances of the Town.
- B.** The Historic District Ordinance shall be administered by the Commission and the Board of Selectmen, and such other lawfully empowered officers of the Town.
- C.** Upon information that the provisions of this Ordinance are being violated, the Commission must notify, in writing, the Board of Selectmen, who may seek appropriate relief in a court of competent jurisdiction.
- D.** In addition to all others lawfully entitled to enforce these sections, the Historic District Commission may institute any appropriate action or proceedings to prevent, restrain, correct or abate, such violation in accordance with RSA 674:50.
- E.** Nothing in these sections shall be construed to prevent ordinary maintenance or repair of any structure or place within the Historic District, nor prevent the construction, alteration, repair, moving, or demolition of any structure under a permit issued by the Board of Selectmen or any other duly designated authority prior to the establishment of any such district.

2.7 APPEAL

Any person or persons jointly or severally aggrieved by a decision of the Commission shall have the right to appeal concerning such a decision to the Board of Selectmen. Such appeal must be made within twenty (20) days of the Commission's decision, in accordance with the Bylaws adopted by the Town of Hebron.

2.8 DISTRICTS

- A.** Hebron Village Historic District (herein after called Historic District or District):

On March 7, 1985, the Town voted to establish the Historic District.

B. Additional Historic Districts

Additional Historic Districts may be established by vote of the Town.

3. CODE OF CONDUCT

These provisions have been reviewed by the NH Association of Historic District Commissions, and approved by the NH Office of Attorney General and the

New Hampshire Division of Historical Resources / State Historic Preservation Office.

1. Hebron Village Historic District Commission members (and staff, if any) 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.

2. Hebron Village Historic District Commission members (and staff, if any) 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 New Hampshire 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.

3. Hebron Village Historic District Commission members (and staff, if any) 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.

4. In conformance with New Hampshire RSA 673:14, no member of the Hebron Village Historic District 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.

5. 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 board, 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 board members, except as provided by local ordinance or by procedure rule adopted under RSA 676:1.

6. If a member of the Hebron Village Historic District 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 New Hampshire RSA 673:11.

7. Any member of the Hebron Village Historic District 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.

8. Hebron Village Historic District Commission members (and staff, if any) 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 year from the date of adoption, pursuant to RSA 31:39-a.

This code of conduct incorporates the current provisions of RSA 673:14, and is the same as the Code of Conduct in Section II.7 of the model ordinance that appears in the manual, Preserving Community Character, published by the New Hampshire Association of Historic District Commissions in 1988. It has been reviewed and approved by the National Park Service of the U.S. Department of the Interior, for use by Certified Local Governments.