

**Town of Lyndeborough
Historic District Commission**

Rules and Regulations

*Approved by vote of the Historic District Commission
September 13, 2011*

**SECTION 1
Purpose**

1.1 Purpose: It is hereby declared as a matter of public policy that the recognition, preservation, enhancement and continued use of the buildings, structures, and the area of Lyndeborough Center having historical, architectural, and cultural significance, are required in the interest of cultural enrichment, health and general welfare of the community. The purposes of this ordinance are to:

1.1.1 safeguard the heritage of Lyndeborough Center by providing for the protection of the Town Hall, the Center Church building, the Town Pound, the flag pole, the time capsule, former town barn and the common area;

1.1.2 promote the public and private use of structures and areas within the historic district;

1.1.3 supervise the upkeep and repair of the buildings and grounds in the historic district.

**SECTION 2
Lyndeborough Center Historic District**

2.1 Boundaries: The boundaries of the Lyndeborough Center Historic District are defined as 2006 Town of Lyndeborough Tax Map 221, lots 2, 3, 4, and 5, which include the Center Cemetery, an apple orchard, the former Highway Garage, Town Hall, and Town Pound with all of the common areas; and the United Church building; but does not include the field behind the Town Hall.

2.2 Criteria: Criteria for the designation of the historic district shall be the same as set forth in 36 CFR 60 ("Code of Federal Regulations" Chapter 36, part 60, as published in the Federal Register.)

SECTION 3
Historic District Commission

3.1 Composition: The membership of the Historic District Commission shall consist of five members and two alternates. All members must be residents of Lyndeborough and must have demonstrated interest and ability to understand, appreciate, and promote the purposes of the Historic District.

3.1.1 One member shall be a member of the Board of Selectmen, or their designee, and one member shall be a member of the Planning Board.

3.1.2 Other members, including alternates, shall include:

- (a) a member of another land use board;
- (b) a member of the Lyndeborough Historical Society;
- (c) a member of the United Church of Lyndeborough;
- (d) and in so far as possible, an abutter to the Historic District.

3.2 Terms of office, vacancies and removal

3.2.1 Members shall be appointed by the Selectmen for three year terms. Other than the selectman member, the initial appointments shall be staggered so that two members are elected for three years, two members are elected for two years, and two members are elected for one year.

3.2.2 The Selectmen shall act within sixty (60) days to fill a vacancy, including expired terms. Vacancies shall be filled as provided by RSA 673:13.

3.2.3 Members may be removed for cause as provided by RSA 673:13.

3.2.4 The Chairman may request the resignation of any member who fails to attend for four consecutive meetings without cause.

3.3 Officers

3.3.1 **Chair:** Each year at its March meeting, the Historic District Commission shall elect from among its regular voting members one person to serve as Commission Chair. However, in no case may a sitting member of the Board of Selectmen serve as chair.

3.3.2 **Chair pro tem:** For a legal meeting which the Chair is unable to attend, or in other circumstances in which the Chair is unavailable, the Commission shall

elect from those members and alternate members in attendance a temporary Chair to serve in the Chair's absence, with all of the powers of the regular Chair. In no case may a sitting member of the Board of Selectmen serve as chair.

3.3.3 Secretary or Clerk: The Commission shall elect one of its regular or alternate members to serve as the Commission's Secretary, or a non-member to serve as the Commission's Clerk.

3.3.4 Other Officers: The Historic District Commission may, at its discretion, create other offices and positions, including but not limited to the office of Vice-Chair.

3.4 Alternate Members: Voting Privileges

3.4.1 Alternate members of the Commission shall be permitted to participate in Commission hearings and discussions. However, alternate members shall serve as voting members of the Historic District Commission only in cases in which a regular member is absent. In those cases, the Chair will appoint an alternate member to serve in place of a regular member. The alternate member will have the powers, authority, and standing of a regular member during the meetings or portions of meetings in which he or she is so appointed.

SECTION 4 Adoption of Regulations

4.1 Amendment: Sections 1, 2, 3.1, and 3.2 of these Regulations may be amended only by vote of the town in accordance with RSA 675:3.

4.2 Land-Use Ordinances: Ordinances pertaining to the appearance and use of properties and structures within the Lyndeborough Historic District may be adopted or amended only by town vote pursuant to RSA 675:3.

4.3 Method of Adoption: All other historic district regulations referred to in these regulations shall be adopted or amended by the historic district commission in the following manner:

4.3.1 The commission shall hold a public hearing prior to adoption or amendment. Notice for the time and place of the hearing shall be posted at least 10 calendar days before the hearing. The notice required under this section shall not include the day notice is posted or the day of the public hearing. Notice of each public hearing shall be published in a paper of general circulation in the municipality and shall be posted in at least two public places.

4.3.2 The full text of the proposed historic district regulation, ordinance, or amendment need not be included in the notice if an adequate statement describing the proposal and designating the place where the proposal is on file for public inspection is stated in the notice.

4.3.3 The commission may adopt or amend the regulation upon completion of the public hearing by an affirmative vote of a majority of its members.

4.3.4 No regulation, amendment or exception adopted under this section shall be legal or have any force and effect until copies of it are certified by a majority of the board or commission and filed with the Town Clerk.

4.3.5 The historic district commission may adopt or amend regulations only after the commission has held a public hearing within the district. Notice for the time and place shall be as provided in RSA 675:7. The adopted regulations shall be certified by a majority of the historic district commission members and filed with the Town Clerk.

4.4 Severability: If any provision of these Regulations are found to be illegal, invalid, or unenforceable, other provisions within these Regulations shall remain legal, valid, and in force.

SECTION 5 Meetings

5.1 Commission Meetings: Regular public meetings shall be held at least four times per calendar year and may be held at the call of the Chairman at such other times as the Commission may determine.

5.1.1 Between April and October, meetings will normally be held in the Old Town Hall at Lyndeborough Center unless otherwise posted.

5.1.2 Between November and March, meetings will normally be held in Citizens' Hall or as otherwise posted.

5.1.3 If no applications are received, or there is no business to conduct, the meeting may be cancelled and members notified by the Chairperson or his/her designee. However, the Historic District Commission must meet at least four times per calendar year.

5.1.4 In the event of an emergency or holiday falling on the scheduled meeting date, the Chairperson or his/her designee shall notify all members and scheduled applicants of the alternate date at least 48 hours ahead of time.

5.2 Quorum: Four (4) voting members shall constitute a quorum, including alternate members sitting in place of regular members, and for approval an application must have received a majority vote of those present. A lesser number of members may meet, but may not vote on any matter before the Commission.

SECTION 6 Procedure for Application and Review

6.1 Building Inspector: Prior to approving a permit for construction or alteration of a property within the Historic District, the Building Inspector shall require the applicant to file an application for a public hearing with the Historic District Commission. The Building Inspector shall issue a building permit only after the Historic District Commission issues a Certificate of Approval pursuant to RSA 676:8, II.

6.2 Applicant: Applications for the agenda of a regular meeting of the Historic District Commission shall be closed at 4:30 PM fourteen (14) calendar days before the date of the scheduled meeting. An applicant must file an application with all pertinent data as required in Section 7.

6.3 Notice to Abutters: Whenever an application is before the Commission, notice to abutters shall be made by mail to the owner of record, applicant, and all abutters not less than ten (10) calendar days prior to the date of the Historic District Commission meeting.

6.4 Construction Review

6.4.1 Building Permits: Pursuant to RSA 676:8, the historic district commission shall review applications for building permits within the historic district for their impact on the historic district and its objectives by:

- a. Requesting reports and recommendations regarding the feasibility of the applicant's proposal from the heritage commission, planning board, fire chief, building inspector, health officer, and other administrative officials who may possess information concerning the impact of the proposal on the historic district.
- b. Seeking advice from professional, educational, cultural or other groups or persons as may be deemed necessary for the determination of a reasonable decision.
- c. Filing with the building inspector or other duly delegated authority either a certificate of approval or a notice of disapproval following the review and determination of the application.

6.4.2 Disapproval of Application: In the event than a notice of disapproval is filed, the Commission shall state in writing within 10 calendar days the reason for its disapproval, and may, if appropriate, state what changes, if any, would render the application acceptable to the Commission.

6.4.3 Failure to File a Certificate: Purusant to RSA 676:9, if the Historic District Commission fails to file a certificate of approval or notice of disapproval within 45 days after the filing of a complete application, such failure shall constitute approval on the part of the Commission.

6.5 Site Preservation: All existing features of a building or site not directly involved in the construction, renovation, or alteration shall be maintained in their original condition except as required in the course of normal maintenance.

6.6 Approval Voiding: Any deviation from the plan that has been approved by the Commission shall render such approval null and void.

6.7 National Register of Historic Places Review: The Historic District Commission shall review all State and National Register of Historic Places applications relating to buildings, structures, districts, or landscapes in the Town of Lyndeborough, shall hold public hearings for that purpose, and shall make statements and recommendations to the New Hampshire Division of Historic Places and the Secretary of the Interior regarding historical integrity and the cultural importance of the buildings, structures, districts, or landscapes under review.

SECTION 7 Specifications for Applications

7.1 Required Documentation: The following documentation is required for application:

- a. General information describing or outlining the existing conditions including buildings and landscaping of the existing site as well as a list of abutters.
- b. The application shall include a record set, to be retained by the Commission, of drawings, sketches and other pertinent documents as necessary to adequately describe the building, renovation, addition or other changes to structures or sites. Documents may include, at the Commission's discretion:
 1. A site plan, drawn to scale, showing the relationship of new work to existing proposed planting, walks, drives, structures, public ways, property lines and major landscape features.

2. Plans and all elevations, drawn to scale, showing the architectural features of the proposed new building, addition or alteration as well as the relationship of the new work to any existing structure. Drawings shall indicate the exterior finish materials and dimensions, and accurately depict doors, windows, roof lines, exterior lighting and fixtures and other architectural features and elements.

c. Dated photographs showing property before new work commences shall be presented to the Commission. Photographs showing completed work are also required after work has been finished. These photographs will become part of a permanent record of each property in the Historic District.

d. Photographs used to depict existing conditions shall:

1. Be dated as to when taken.
2. Labeled as to location.
3. Keyed to a sketch showing location of shot and view taken.
4. Be retained by the board as part of the application.

7.2 Additional requirements: All construction, renovation or changes to a building or site shall meet the requirements of the Zoning Ordinance and any applicable state statutes. The design of the building, renovation or change shall complement the natural and human environments within the Historic District with the least amount of conflict. Furthermore, any alterations, renovations, or changes to any part of the Lyndeborough Historic District shall consider and preserve, insofar as possible, the historic character and integrity of the District.

7.3 Historic District Certificate of Approval Required: The following activities require a Certificate of Approval from the Historic District Commission:

7.3.1 Construction or reconstruction, removal, moving, demolition, sand blasting or abrasive cleaning of any structure within the Historic District;

7.3.2. Changing the architectural detail of external walls;

7.3.3 Replacement or modification of window and door openings, or replacement or modification of windows and doors;

7.3.4 Installation or removal of porches or fire escapes;

7.3.5 Modification of roof plane or chimney;

7.3.6 Alteration of a site, paving, installation or removal of signage, on-site lighting, commercial style trash receptacles, satellite dishes and other radio receiving antennae or similar activities;

7.3.7. a change of siding materials;

7.3.8. construction or alteration of any stone wall or fencing, including those along roadways and along the district's outer boundaries;

7.3.9. grading, excavation, or removal of stone walls, fences, and trees;

7.3.10 structural or aesthetic alteration to or renovation of the interior of the Town Hall.

7.4 Historic District Certificate of Approval Not Required: Historic District Commission approval is not required for the following actions:

7.4.1. interior change or renovation (except as per section 7.3.10);

7.4.2. ordinary maintenance and repair of any architectural feature which does not involve removal or change in design.

7.4.3. roofing or reroofing existing structures providing material remains the same;

7.4.4. Painting or repainting of buildings or structures.

SECTION 8 Design and Construction Requirements

8.1 General: All building construction, renovation or change of a residential or commercial building or site shall be in general conformance to applicable town and state regulations and statutes and shall, in addition, conform to the design and material utilized in other buildings and sites in the Historic District. Any demolition or construction residue must be removed from the site within 30 days after the completion of the project (as defined in the application approved by the Historic District Commission) except in unusual circumstances including, but not limited to, hurricanes, fires, and insurance investigations.

8.2 Building Materials: The Historic District Commission is concerned with the exterior architecture design and construction of a building or site.

8.2.1 A building's façade, and all windows, doors, chimneys, and other elements visible from public locations (roads, public rights-of-way, town-owned property) and from properties located within the historic district, shall be designed and constructed so as to complement the main architectural style of the structure and/or other buildings within the District.

8.2.2 In the construction of a new house, where possible, styles within the District should follow Georgian, Adam, Early Classical Revival, and Greek Revival precedents. For examples of these styles, see Virginia and Lee McAlester, *A Field Guide to American Houses* (Alfred A. Knopf, 1984).

8.2.3 For alterations, renovation, or additions to an existing structure, architectural styles should complement styles used on the existing structure. However, renovations may deviate from the main style in the event a secondary feature is of more historic significance, or upon determination of the Historic District Commission and/or owner that secondary features should be preserved. Exterior materials which will create an appearance consistent with the structure's architectural style are encouraged.

8.2.4 For new barns, the style and structure size should be appropriate to the house and/or complement barns on neighboring properties. Barns may be connected or detached, or of English (side-entry) or gable-entry design. For examples of appropriate New England barns, see Thomas Durant Visser, *Field Guide to New England Barns and Farm Buildings* (University Press of New England, 1997), or appropriate sections of Allen G. Noble and Richard K. Cleek, *The Old Barn Book: A Field Guide to North American Barns and Other Farm Structures* (Rutgers, 2006).

8.2.5 Garages may be constructed, but not so as to be seen from the public right-of-way unless they resemble barns or other appropriate eighteenth- or nineteenth-century outbuildings, such as stables or carriage houses.

8.2.6 On all buildings, windows shall be constructed of wood or a simulation of wood and may be covered with storm or combination windows or similar permanent insulating material.

8.2.7 Chimneys shall be constructed of brick and be constructed in conformance with existing fire regulations.

8.2.8 Driveways shall conform to Planning Board regulations, but insofar as possible be constructed so as to conform to the neighborhood of the District and in proportion to the size of the lot.

8.3 Fencing: Fences and other obstructions to view must not detract from the character of the District.

8.3.1 Stone/rock walls, granite posts with wooden rails, picket fencing, and post and rail fences 48" or less in height, are acceptable styles and do not require an application to the Board. Other styles shall require approval. Chain link fences are discouraged.

8.3.2 A variety of connecting fence along a property line is discouraged. Any fence along the front of a building should always continue with the same style of fencing on the property sides (lines) as far as visible.

8.3.3 In choosing the proper fence the following should be considered: architectural period of the house or structure; neighboring properties; existing fences in the neighborhood; and height and style in relation to the house;

8.4 Other Objects: Visibility of the following may be required to be mitigated where the condition is found not to be in character with the Historic District: human-made decorative objects, large or obtrusive personal property, equipment and machinery such as earth moving and/or other heavy equipment, storage sheds or outbuildings, landscaping features, and swimming pools, tennis courts, and trash receptacles.

Section 9 Enforcement

9.1 Enforcement: Enforcement of these regulations shall be in accordance with, and consistent with, the enforcement of other land-use ordinances and regulations pursuant to Sections 1500 (inclusive) and 1600 of the Town of Lyndeborough Zoning Ordinance, as amended.