

# Town of Amherst, NH



## Historic District Commission Regulations

Amendments Adopted June 15, 2023

**SECTION D**

**Town of Amherst  
HISTORIC DISTRICT COMMISSION REGULATIONS**

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**SECTION D**

**Town of Amherst  
HISTORIC DISTRICT COMMISSION REGULATIONS**

(Adopted January 17, 1991; Amended: 03/2000, 10/2000, 05/2003, 05/2005, 06/2009, and 06/15/2023)

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 Village Historic District Overlay as delineated by the Town of Amherst Zoning Ordinance and associated zoning map 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 alteration, construction, repair, moving, demolition, or change of use of any structure or place located within the Amherst Village Historic District is received, the Historic District Commission shall consider said application; and shall act to approve, conditionally approve, or disapprove the application within 45 days, unless an extension is mutually agreed to by the applicant and the Commission.

**ARTICLE II — GENERAL CRITERIA**

In making a determination on an application, the Historic District Commission shall take into account these Regulations and include their findings as applicable in their approval, conditional approval, or disapproval of the application:

- 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") shall be altered only so as to conform more closely to their original or most characteristic appearance. In such cases, the original or most characteristic appearance must be determined through documentation.
- 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.

### **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 principles:
  - 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. Any historical material or distinctive architectural features shall not be removed or altered.
  - 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 shall match the material being replaced in composition, design, texture, and other visual qualities. Repair or replacement of missing architectural features shall be based on accurate duplications of features substantiated by historical, physical, or pictorial evidence.

**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 Amherst Village 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.

**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 exterior paint 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 have hardware appropriate to the period.

## **ARTICLE VII — UTILITIES AND OUTDOOR MECHANICAL EQUIPMENT**

- A. Utilities and outdoor mechanical equipment (e.g., ducts, fans, electrical service lines, communications service lines, air conditioners, etc.) shall be installed in a manner that creates the least disturbance to the historical appearance of the building and which involves the minimum alteration to its structural integrity.
1. The placement of utilities in a manner that detracts from the decorative or character-defining features that are important to the overall historic character of the building shall not be permitted.
  2. Utilities shall not be placed on the structure in highly visible locations.
  3. The minimization of the appearance of utilities shall be considered in the following, descending priority:
    - a. Burial: whenever possible, utilities, tanks, service lines, pipes, conduit, etc., shall be buried to completely eliminate visibility.
    - b. Placement: when burial is not an option, utilities shall be placed in a position to minimize visibility from public view, such as by placing the utility in the rear of the structure.
  4. While not a substitute for burial and placement identified above, utilities shall be further obscured with some of the following considerations:
    - a. landscape buffers which obscure visibility in all seasons, such as the inclusion of mixed vegetation to include coniferous plants;
    - b. painting the same color as adjacent materials can be used to further camouflage;
    - c. the installation of a privacy fence may be considered, though this option shall only be considered if other options will fail to obscure the utility from public view (see Section 12.8 for more information about acceptable styles).
  5. Solar panels are not permitted at this time.

**ARTICLE VIII — CONSTRUCTION OF NEW BUILDING**

- 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 buildings: 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 Village Historic District architecture. Garage entrances shall be placed 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 Village 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, 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 IX — STREETScape

### **Section 9.1 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. Historical and traditional markings for property boundaries and grounds—such as stonewalls, fences, and tree borders—should be preserved. 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. 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. See Article VII for more detail on utilities.
- E. Public visibility of any of the following may be ordered to be minimized or concealed where the condition is found to not be in character with the Amherst Village 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. Mailboxes are anachronistic and should be unobtrusive so that they can blend into the background and not be a focal point. Mailbox posts and supports shall be simple in style. For example, they shall be made of wood and be simple in design with nothing ornate and no carved details. (06-2009) When using a granite post, historic split granite posts shall be used. Mailboxes shall be simple in design/style and the color of the mailbox shall be neutral, such as black, gray, white, etc., so that they are not a focal point. See figures 1, 2, and 3, below for examples.



Figure 1. Single Mailbox on Wooden Post



Figure 2. Single Mailbox on Granite Post



Figure 3. Multiple Mailboxes on Wooden Post

## **Section 9.2 Removal of Trees**

Though not regulated by the Historic District Commission, every effort shall be made to maintain and protect mature trees that contribute to the character of the Historic District. (10-2013) After the removal of a tree, the stump shall be ground down or removed to at least six (6) inches below grade level.

## **Section 9.3 Walkways, Sidewalks, Roadway, Parking, and Curbing**

### A. Private Residences

1. Acceptable materials to be used for driveways, walking paths, patios or other similar surfaces shall be considered in the following, descending priority:
  - a. natural materials, such as granite pavers, gravel, stone dust, or earth;
  - b. synthetic materials that are inappreciably different in appearance from natural materials, such as interlocking pavers, brick pavers, or other paver blocks;
  - c. asphalt shall be limited to areas of necessity and shall not be expanded or applied to auxiliary spaces such as supplemental parking areas.

### B. Public infrastructure and private roads

1. Sidewalks. Sidewalk materials shall be consistent with the materials considered above. Where there is sufficient space, a strip of grass between the sidewalk and road shall be maintained.
2. Roadways. Roadway widths and pavement markings shall be minimized. Centerlines are not permitted except when required by the Federal Highway Administration (FHWA) *Manual on*

*Uniform Traffic Control Devices.* Curbing shall be generally discouraged along roadways and driveways. Existing curbing shall not be extended. Where curbing is absolutely necessary, granite curbing shall be used. Asphalt curbing shall be discouraged.

3. Signage. Wherever possible, signage shall be minimized and discouraged unless absolutely necessary. Roadway signage posts shall use *Manual on Uniform Traffic Control Devices*-compliant, crashworthy wood posts (e.g., cedar, uncolored pressure treated) with required breakaway drill holes at the base. The use of tube, u-channel, or other metal signposts shall be discouraged.
4. Guardrails. Square or rectangular-style, steel-backed timber guardrails shall be the preferred guardrail style in the Amherst Village Historic District. These crashworthy guardrails are Federal Highway Administration (FHWA) compliant and exceed the safety parameters of typical metal guardrails. W-beam, box beam, cable, or other entirely metal guardrails shall be discouraged.

C. Parking areas. Parking areas shall be left unpaved or, in the alternative, constructed of granite pavers, gravel, stone dust, or similar paving surfaces such as interlocking pavers, brick pavers, or other paver blocks.

D. Where drainage is a concern, the use of permeable pavers or permeable interlocking pavers shall be encouraged. The use of asphalt for stormwater management shall be discouraged.

#### **Section 9.4 Outdoor Lamps**

A. Lamp styles shall be considered in the following, descending priority:

1. outdoor lamp styles installed when the building was originally constructed, based on documentary or physical evidence;
2. or, when the above is not possible, outdoor lamp styles consistent with the original style of the building (e.g., federal, colonial revival, etc.), based on research about the structure or research about other buildings of the same style building in the Amherst Village Historic District;
3. or, when the above is not possible, outdoor lamp styles common to the pre-Victorian, post-colonial era, consistent with the height of the Amherst Village Historic District's construction, such as the following styles:
  - a. Colonial Post Lantern (1759-Early 1800s)  
The most common lantern style in the early United States was a four-sided glass box used to protect candle(s) from wind. Framing material shall be copper.



*Figure 4. A colonial post lantern*

b. Culvert Lantern (Late 1700s)

These lanterns were indeed popular in the 1700s and featured additional protections for the lantern's glass panes making them very popular options on ships and eventually in coastal communities, spreading inland. Framing material shall be copper. These lamps likely succeeded the colonial post lantern due to their improved durability and preceded the onion lamp (see letter c below).



*Figure 5. A culvert lantern*

c. Onion Lamp (Early 1800s)

Though this style of lantern was likely to have become popular in Amherst in the early 1800s, this style of light is most common in seacoast areas and would likely have been seen as more of a nautical novelty and fairly uncommon in an inland community such as Amherst during that time. Framing material shall be copper.



*Figure 6. An onion lamp*

B. Lamp posts. Wooden lamp posts were common throughout the colonial and post-colonial era. These lamps were mostly used for their utility - to provide outdoor illumination as opposed to their decoration, thus simple, unpainted, square wooden posts were most common. Lamp post styles shall be considered in the following, descending priority:

1. outdoor lamp post styles installed when the building was originally constructed, based on documentary or physical evidence;
2. square, wooden (often cedar), unpainted lamp post with a simple design (not turned, circular, or ornate) are the most appropriate selection in lieu of documentary or physical evidence;



*Figure 7. A square, cedar lamp post*

3. turned, wooden (often cedar), painted lamp posts with modest decorations may be appropriate for especially grand or ornate properties;
4. granite, wrought iron, other metal, vinyl, acrylic, or synthetic lamp posts are not permitted.

C. Electrical conduit and cement bases of outdoor lamps shall not be visible.

D. Light hue. Though not regulated by the Historic District Commission, homeowners may want to consider that candlelight and whale oil were the most common fuels used for lighting in the pre-Victorian, post-colonial era. In order to mimic the color that would have been emitted from these lights, consider using bulbs that emit 2500-2700K color temperature.

## ARTICLE X — WINDOWS

### **Section 10.1 Historical and/or original windows**

For properties located in the Amherst Village Historic District that have been identified in the National Register as contributing and for those properties identified in the Amherst Historic District Historic Preservation Survey and Evaluation as noteworthy, the following requirements apply:

- A. Existing historical windows shall be retained and repaired wherever possible. If a window is deemed unreparable by an historic window restoration professional, then in-kind replacement may be considered, see Section 10.2 for further detail.
- B. Historic wood window trim shall not be obscured with other materials.
- C. The appearance of windows that contribute to the historic character of the building shall be preserved. Thus, identifying, retaining, and preserving windows and their functional and decorative features that are important to the overall historic character of the building, such as, the window material and how the window operates (e.g. double hung, awning, or hopper) are significant, as are its components (including sash, muntins, ogee lugs, glazing, pane configuration, sills, mullions, casings, or brick molds) and related features such as shutters.

### **Section 10.2 Replacement Windows**

If an original window is deemed unreparable by an historic window restoration professional, or if an original window has already been replaced at an earlier time, then in-kind replacement may be considered. The New Hampshire Preservation Alliance may be a resource to find an historic window restoration professional.

- A. The principal consideration is that attributes of any new work shall match the style, material, size, width, depth, shape, configuration, operation, dimensions, profiles and detailing of the following, in descending priority:
  - 1. the original construction of the building, based on documentary or physical evidence;
  - 2. or, when the above is not possible, the style of the building (e.g., federal, colonial revival, etc.), based on research or by example of original windows found on other buildings of the same style building in the Amherst Village Historic District;
  - 3. or, when the above is not possible, the style of other buildings in the Amherst Village Historic District.
- B. Materials used in the window shall be considered in the following, descending priority:
  - 1. all wood windows;
  - 2. only in rare instances, when all-wood windows would be susceptible to significant and rapid deterioration from moisture due to rain and snow as a result of the architecture of the building, will metal-clad windows be considered;
  - 3. vinyl, vinyl-clad, acrylic, or other synthetic materials shall not be permitted nor fastened to the window.

- C. Windows can be either true divided lights or simulated divided lights. For simulated divided lights, permanent muntins shall be an integral part of the window frame, on the interior and exterior of the glazing, with a matching spacer. Applied, embedded, or removable muntin grids shall not be used.

### **Section 10.3 Windows in New Construction**

When constructing a new structure, the restoration of historically character-defining elements is no longer relevant.

- A. Materials used in the window shall be considered in the following, descending priority:
  - 1. all wood windows;
  - 2. only in rare instances, when all-wood windows would be susceptible to significant and rapid deterioration from moisture due to rain and snow as a result of the architecture of the building, will metal-clad windows be considered;
  - 3. vinyl, vinyl-clad, acrylic, or other synthetic materials shall not be permitted nor fastened to the window.
- B. Windows can be either true divided lights or simulated divided lights. For simulated divided lights, permanent muntins shall be an integral part of the window frame, on the interior and exterior of the glazing, with a matching spacer. Applied, embedded, or removable muntin grids shall not be used.

### **Section 10.4 Storm Windows**

Storm windows can be beneficial when installed over original wood windows because they also protect them from accelerated deterioration.

- A. The style shall be of a matching style to the window and generally simple with a large opening that reveals as much of the window as possible.
- B. Appropriate usage:
  - 1. The installation of storm windows for the preservation of original windows is most appropriate.
  - 2. The installation of storm windows for other uses shall be considered carefully. If still appropriate, the visibility and the use of synthetic materials shall be minimized.
- C. Materials used in the storm window frame are preferred in the following, descending priority:
  - 1. all-wood storm window frame;
  - 2. copper, aluminum, or other metal materials. Except with the use of copper, the visibility of other metals shall be minimized;
  - 3. the use of vinyl or other synthetic materials is not permitted.
- D. Protrusion:

1. Storm windows shall be installed in a manner that minimizes the change to the exterior appearance of the building.
  2. Flush-mount storm windows that do not involve the addition of an exterior-mounted box protruding from the window frame are strongly preferred.
- E. Storm windows with rails that coincide with the frames, rails, stiles and glazing pattern and overall configuration of the associated window are preferred.
- F. Storm windows shall not obscure the characteristics of historic or original windows.
- G. Storm windows shall be removable to facilitate the restoration and maintenance of historic or original windows.
- H. Storm windows shall not be adhered nor fastened directly to the window or shutters.

### **Section 10.5 Shutters**

- A. Original and character-defining shutters shall be maintained and rehabilitated.
- B. Shutters shall be of the appropriate style for the building and location.
- C. Shutters shall be made of wood, appropriately sized, and shaped shutters for the window opening, fitted to cover the window when closed.
- D. Shutters shall be operable.

### **Section 10.6 Screens**

- A. Acceptable styles include simple screens with large openings that reveal as much of the historic window or door as possible and fit historic openings.
- B. Screens shall be removable to facilitate the maintenance of historic windows.
- C. Size:
1. Screens (half screens) that minimize the change to the exterior appearance are preferred.
  2. Full window screens that cover the entire window covering are discouraged.
- D. Though screen material is not regulated, residents are encouraged to consider copper mesh screening, the original window screen material for the era of the Amherst Village Historic District.
- E. Materials used in the screen frame shall be considered in the following, descending priority:
1. all wood frame;
  2. copper or bronze frame;
  3. aluminum or other metal frame while minimizing the appearance of these metals;

4. vinyl, vinyl-clad, acrylic, or other synthetic materials shall not be permitted nor fastened to the window.

F. Screens shall not be adhered or fastened directly to the window trim or shutters.

## ARTICLE XI — ROOFS

- A. The roof, with its shape; features such as cresting, dormers, cupolas, and chimneys; and the size, color, and patterning of the roofing material, is an important design element of many historic buildings.
- B. It is important to identify, retain, and preserve roofs, and their functional and decorative features, that are important in defining the overall historic character of the building. This includes the roof shape, such as hipped, gambrel, and mansard; decorative features, such as cupolas, cresting, chimneys, weathervanes; details such as dormer windows, monitors, cornices, bargeboards, brackets; and roofing material such as slate, wood, clay tile, and metal, as well as its size, color, and patterning.
- C. Radically changing, damaging, or destroying roofs which are important in defining the overall historic character of the building is not permitted.
- D. The rehabilitation of roofs or the construction of a roof on a new structure shall match the style, size, scale, shape, pitch, detailing, and massing that is appropriate to the structure.
- E. Materials used for roofing shall be considered in the following, descending priority:
  - 1. the original roof material when the building was originally constructed, based on documentary or physical evidence;
  - 2. or, when the above is not possible, materials consistent with the style of the building (e.g., federal, colonial revival, etc.), based on research about the structure or research about other buildings of the same style building in the Amherst Village Historic District;
  - 3. or, when the above is not possible, roof styles, materials, and colors common to the Amherst Village Historic District's post-colonial era, such as: cedar shakes, other wood shingles, clay tile, slate, sheet copper, etc.;
  - 4. asphalt architectural shingles, in a color appropriate to the Amherst Village Historic District.
- F. Flashing materials shall be considered in the following, descending priority:
  - 1. the original flashing material when the building was originally constructed, based on documentary or physical evidence;
  - 2. or, when the above is not possible, materials consistent with the style of the building (e.g., federal, colonial revival, etc.), based on research about the structure or research about other buildings of the same style building in the Amherst Village Historic District;
  - 3. or, when the above is not possible, roof styles common to the Amherst Village Historic District's post-colonial era, e.g., copper, etc.;
  - 4. other materials, such as aluminum;
  - 5. vinyl, plastic, or other synthetic flashing is not permitted.

## ARTICLE XII — FENCES

### **Section 12.1 General**

A fence is a highly visible, architectural feature that shall 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 12.2 Applicant's Intent**

The 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. 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 an 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 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 Section 12.8);
- F. Installing a new fence where the style and location are in keeping with these guidelines;
- G. Enclosing the yard for the safety of children and pets.

### **Section 12.3 Cause for Relief**

The basis upon which relief from these Regulations may be granted is stated in Article XIV, Section 14.1 A. 10. 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 preference 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.

**Section 12.4 Documentation**

Fence applications shall not be approved without clear photographs, sketches 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 12.5 Acceptable Styles**

The fence shall 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 either timber or board rails. The number of rails shall be two (2) [if timber] and three (3) or four (4) [if board]. Board rail fences shall have a face board on the posts and a board cap along the top.



*Figure 8. Board rails with board cap*



*Figure 9. Timber rails*

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



*Figure 10. Flat pickets*



*Figure 11. Square pickets*

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



*Figure 12. Flat Balusters*

### **Section 12.6 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 12.7 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 12.11).

### **Section 12.8 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.
- G. Privacy fencing to obscure utilities from public view in accordance with Article VII.



Figure 13. Four (4) foot solid board fence with molded caps and post caps enclosing a swimming pool and spa

### **Section 12.9 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.



Figure 14. Diminutive posts

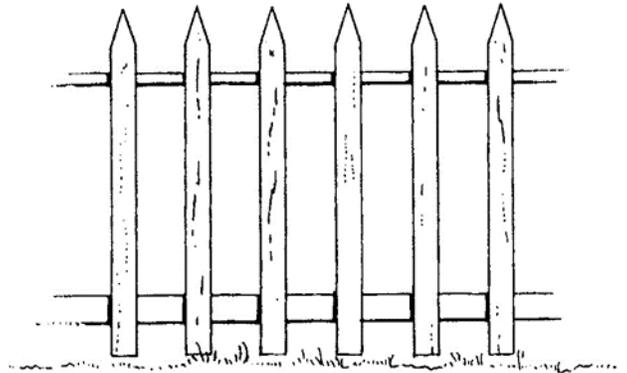


Figure 15. Excessive picket spacing

### **Section 12.10 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.



Figure 16. Historic split granite



Figure 17. Modern sawn/split granite

### **Section 12.11 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 shall 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.



Figure 18. Butt-joint (acceptable)



Figure 19. Dowel Joint (not acceptable)

### **Section 12.12 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 12.13 Gates**

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



Figure 20. An acceptable gate of a matching style



Figure 21. An acceptable gate of a matching style

### **Section 12.14 Abutting Properties**

- A. In accordance with Section 14.1, B. 6. of the Regulations, 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 12.15 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 12.16 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 shall 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 XIII — NEW EXTERIOR ADDITIONS**

- A. Significant historic materials and features shall be preserved.
  - 1. The design of an addition on a primary elevation or other character-defining elevation shall 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 shall 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 Amherst Village Historic District. The new addition may reference design motifs from the historic building to which it is attached. However, it shall 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 shall 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 shall be preserved in terms of massing, scale, design, material, texture, and relationship of solids to voids.

**ARTICLE XIV — ADMINISTRATION**

**Section 14.1 Building Permits, Certificates of Approval, and Notices of Disapproval**

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 approval, conditional approval, or disapproval of the application, the Commission shall file either a Certificate of Approval or a Notice of Disapproval with the Office of Community Development. Approval, conditional approval, or disapproval of 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 Office of Community Development. In cases where a building permit is also required by the Zoning Ordinance, the Building Inspector / Code Enforcement Officer shall not issue the building permit until or unless the Commission has filed a Certificate of Approval.
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 Building Inspector / Code Enforcement Officer 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.
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 whether or not imposed by the Commission 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 which are in themselves administrative, and which involve no discretionary judgment on the part of the Commission; or
  - c. Conditions with regard to the applicant's possession of permits and approvals granted by other boards or agencies or approvals granted by other boards or agencies, including state and federal permits.

All other conditions shall require an additional hearing and notice as provided in Section 14.1, B. 6., 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. **Certificate of Approval Not Required.** Pursuant to Zoning Ordinance Section 4.15, I. 2., a Certificate of Approval is not required for:
  - a. Ordinary maintenance and repair of any exterior architectural feature which does not involve a change in design, material, or outer appearance thereof; including but not

limited to maintenance and repair of firewalls, roofs, chimneys, and temporary removal of shutters;

- b. Storm doors and storm windows providing that the original architectural features are not removed or destroyed;
  - c. Painting or repainting of a building or structure in any color.
5. **Findings.** Pursuant to RSA 676:3, I., the Commission's decision to approve, conditionally approve or disapprove an application shall include specific written findings of fact that support the decision. Failure of the Commission to make specific written findings of fact supporting a disapproval shall be grounds for automatic reversal and remand by the superior court upon appeal, in accordance with the time periods set forth in RSA 677:5 or RSA 677:15, unless the court determines that there are other factors warranting the disapproval. If the application is not approved, the Commission shall provide the applicant with written reasons for the disapproval. If the application is approved with conditions, the Commission shall include in the written decision a detailed description of all conditions necessary to obtain final approval.

In considering the Findings of Fact for each application, the Historic District Commission may consider the General Criteria in Article II of these regulations, as applicable.

6. **Deadlines.** The Commission shall file with the Office of Community Development either a Certificate of Approval or a Notice of Disapproval pursuant to RSA §676:9 within forty-five (45) days after the filing of a completed application for the certificate with the Office of Community Development, unless the applicant agrees to a longer period of time. Failure to file the Certificate of Approval 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 five (5) business days after the commission makes the decision.
7. **Commencement of Work.** 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.
8. **Completion of Work.** Work done under a Certificate of Approval shall be completed within two (2) years thereof unless otherwise authorized by the Commission, following a written request by the applicant for an extension.
9. **Inspections.** Upon completion of the work, the applicant shall call the Office of Community Development for a final inspection, and the Building Inspector/Code Enforcement Officer or Commission Member shall 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.
10. **Waivers.** 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:

- a. Granting the waiver would not be detrimental to the historic character, environment, scenic value, or general welfare of the Town.
- b. Strict conformity would be difficult, if not impossible, for the applicant and waiver would not be contrary to the spirit and intent of the regulations; OR
- c. Specific circumstances relative to the application, of conditions of the property involved in such application, indicate that the waiver will properly carry out the spirit and intent of the regulations.

## **Section 14.2 Application**

- A. Application. The Commission shall issue a Certificate of Approval or Notice of Disapproval based upon the review and determination of an application. Application forms shall be made available through the Office of Community Development.
1. Deadlines. The applicant shall file a completed application with the Office of Community Development 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. For all projects:
      1. Application Form. An Amherst Village Historic District Application Form, completed and signed by the property owner and/or applicant along with a completed Amherst Village Historic District Application Checklist.
      2. Fee. The payment of the application fee.
      3. Abutters List. A list of the names and addresses of the applicants / property owners, and all abutters as defined in RSA §672:3 and one (1) set of addressed adhesive mailing labels per listed abutter. Abutters shall also be identified on any plat or site plan submitted to the Commission.
      4. Written authorization from the landowner(s) of record for any agent(s) to represent and sign for the landowner(s).
      5. Variances. If applicable, a copy of the Notice of Decision from the Zoning Board of Adjustment granting a request for variance to the Zoning Ordinance.
      6. Permits and Approvals. Copies of any required permits and approvals from other local, state, or federal agencies.

7. Any requests for waivers presented in writing shall cite the specific section of the regulations requested to be waived and shall include the rationale for the waiver(s) as provided in Article II General Criteria.
8. Plans and documents:
  - a. Photographs of the existing structure and/or building site clearly showing areas and elements to be affected by the proposed work.
  - b. Accurate scaled drawings, renderings and/or illustrations of the proposed work sufficient to show the style, design, detailing, treatments, massing, scale, proportions, etc., of the proposed work.
  - c. Complete specifications and/or descriptions of all materials for each element of the proposed work.
9. Narrative Description:
  - a. Narrative descriptions, photographic, documentary, or physical evidence to demonstrate the history of the property, the original construction of the building or structure, or research about other buildings or structures of the same style in the Amherst Village Historic District to support what is proposed in the pending application and assist the Historic District Commission in their decision-making process.
  - b. The applicant should provide such information as will assist the Historic District Commission in considering the General Criteria in Article II and the principles contained in Article III, Preservation Guidelines, of these regulations in relation to the specific application.
10. Number and format of copies:
  - a. Five (5) paper copies of the application form and checklist, plans and supporting documentation.
  - b. One (1) digital (PDF) copy of the application form and checklist, plans and supporting document which may be submitted by email or physical portable storage device (USB jump drive, etc.).
  - c. One (1) paper copy of the abutters list and labels.
- b. For new construction, building additions, demolition, alterations, repairs or maintenance involving a change in design, materials or outer appearance, moving of structures, site work, change of use or fencing applications:
  1. Plan or site plan showing abutters, the dimensions and locations of the proposed building, addition, site work or fencing in relation to the property lines, existing structures, setback lines, 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 (scale not less than 1" = 30')

2. Elevation 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 not less than 1/8" = 1').
  3. For proposed demolitions, the applicant shall demonstrate the reasonable efforts made to maintain the existing structure on the existing site.
  4. Description of how the historical character of the building or structure will be maintained or restored.
  5. Description and specifications for all proposed site work, streetscape, and lighting materials per Article IX.
  6. Specifications for fencing materials, style, measurements of all elements, i.e., posts, rails, distance between pickets, height, etc.
  7. For new exterior additions: plans, drawings, and other documentation to meet the requirements per Article XIII.
- c. For new construction:
1. Plan or site plan as detailed in B.2.b.1. above, and including location of adjacent structures within 100' of parcel boundaries.
  2. Elevation drawings as detailed in B.2.b.2. above, and including the proposed structure in relation to structures on abutting properties.
  3. Limit of proposed tree clearing to be shown on the site plan and demarcated on the site.
  4. Description of how the new construction will be complementary to the configuration of existing buildings and streetscapes.
  5. Details of new building massing and style.
- d. For doors:
1. Specifications of doors to include materials, style, type of construction and dimensions.
  2. Description of how existing historical doors are to be retained and rehabilitated, if possible. Where doorways must be altered, a description of how they will respect the exterior architectural integrity of the building.
- e. For windows:

1. Specifications to include materials, style, type of construction, dimensions, muntin profile and operation, per Article X.
- f. For roofs:
  1. Specifications to include materials, style, size, shape, pitch, detailing and massing.
- g. For Change of Use:
  1. Description of current use and proposed use, including a copy of the Notice of Decision from the Planning Board granting Non-Residential Site Plan Approval for the change of use, or a copy of the letter from the Office of Community Development granting an administrative change of use, if applicable.
- h. For Utilities and Outdoor Mechanical Equipment:
  1. Specifications of the utilities and equipment to include size, color, and mounting requirements.
  2. Description of how the appearance of the utilities or outdoor mechanical equipment shall be minimized per Article VII.
3. **Determination of Completeness.** The Commission shall, prior to the public hearing on the application, determine if a submitted application is complete according to these Regulations 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 14.1, A. 2., and shall describe the information, procedure, or other requirement necessary for the application to be complete in accordance with Section 14.2, A. 2. The applicant may correct deficiencies in the application and reapply at a later date without prejudice. It is within the Commission's discretion to continue an application that has been determined to be incomplete to a future meeting, with the applicant's consent, to allow time for the missing items to be submitted. No discussion on the merits of the application shall take place and the public hearing shall not begin. The applicant's consent to continue the application to a future meeting shall be deemed to constitute their agreement to extend the 45-day time period for the Commission to file a Certificate of Approval or Notice of Disapproval with the Office of Community Development.
4. **Regional Impact.** Pursuant to NH RSA 36:56, I., the Historic District Commission, upon receipt of an application for development, shall review it promptly and determine whether or not the development, if approved, reasonably could be construed as having the potential for regional impact. Doubt concerning regional impact shall be resolved in a determination that the development has a potential regional impact. Pursuant to NH RSA 36:57, I. & II., upon determination that a proposed development has a potential regional impact, the Historic District Commission shall afford the regional planning commission and the affected municipalities the status of abutters as defined in RSA 672:3 for the limited purposes of providing notice and giving testimony. Not more than 5 business days after reaching a decision regarding a development of regional impact, the Historic District Commission shall, by certified mail, furnish the regional planning commission and the affected municipalities with copies of the minutes of the meeting at which the decision was made. The Historic District Commission shall,

at the same time, submit an initial set of plans to the regional planning commission, the cost of which shall be borne by the applicant.

Pursuant to NH RSA 36:55, "...'development of regional impact' means any proposal before a local land use board which in the determination of such local land use board could reasonably be expected to impact on a neighboring municipality, because of factors such as, but not limited to, the following:

- I. Relative size or number of dwelling units as compared with existing stock.
  - II. Proximity to the borders of a neighboring community.
  - III. Transportation networks.
  - IV. Anticipated emissions such as light, noise, smoke, odors, or particles.
  - V. Proximity to aquifers or surface waters which transcend municipal boundaries.
  - VI. Shared facilities such as schools and solid waste disposal facilities."
5. **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 Regulations; 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.
6. **Notice.** The Office of Community Development 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 14.2, A.7.
  - 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 / property owner 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.
7. **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 14.2, A. 6., but such discussions may occur only at formal meetings of the Commission.
  - d. There shall be no application fee for a Preliminary Conceptual Consultation.
8. Due Diligence. Pursuant to RSA 676:8, for projects requiring building permits within the Amherst Village Historic District, the Historic District Commission may request reports and recommendations regarding the feasibility of the applicant's proposal from the Planning Board, Fire Chief, Building Inspector, Health Officer, and other administrative officials who may possess information concerning the impact of the proposal on the Amherst Village Historic District, and may seek 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. For projects that do not require building permits, the Historic District Commission may request these same reports, recommendations and advice if it deems it necessary to its decision-making process.
  9. Appeals. Pursuant to RSA 677:17, 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.
  10. Enforcement. These Regulations 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.
  11. Site Review. The Commission makes every effort to schedule a site review prior to the hearing on the application. However, if it is infeasible to do so the Commission may table, within the limits imposed by Section 14.1, A. 6., 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. The Commission may require appropriate field demonstration of the proposed massing of new construction in relation to abutting properties and public ways.

12. **Forms and Checklists.** The Amherst Village Historic District Application Form and Checklist and the “Certificate of Approval/Notice of Disapproval” Form shall be those adopted as part of the Historic District Commission’s Rules of Procedure.
13. **Separability.** If any section, article, provision, portion, or paragraph of these regulations shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect, impair, or invalidate any other section, article, provision, portion or paragraph.

## Article XV — DEFINITIONS

Unless specifically defined below, words or phrases in these Regulations 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 New Hampshire and adjoins or is directly across the street or stream from the land under consideration by the local land use board. 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 land will be directly affected by the proposal under consideration. For purposes of receipt of notification by a municipality of a local land use board hearing, in the case of an abutting property being under a condominium or other collective form of ownership, the term abutter means the officers of the collective or association, as defined in RSA 356-B:3, XXIII. For purposes of receipt of notification by a municipality of a local land use board hearing, in the case of an abutting property being under a manufactured housing park form of ownership as defined in RSA 205-A:1, II, the term " abutter " includes the manufactured housing park owner and the tenants who own manufactured housing which adjoins or is directly across the street or stream from the land under consideration by the local land use board

**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.

**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.

**Applicant(s).** The owner(s) of record or the duly authorized agent of the owner(s) of record of any land, which is proposed to be developed through the Historic District Application Process

**Building.** Any structure or dwelling greater than 32 square feet that has a roof and is intended to shelter people, animals, equipment, or other chattel.

**Building Permit (or Permit).** A certificate issued by the Building Inspector/Code Enforcement Officer 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 the Amherst Village 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. Pursuant to RSA 477:45, 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, or 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 or accessory 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.

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 Overlay. An area designated by the Zoning Ordinance of the Town of Amherst and as shown on the Town's Zoning Map which is superimposed over pre-existing zoning district(s) 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.

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 an 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 improvements 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. Pursuant to RSA 477:45, 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 that regulates the alteration, repair, construction, adding onto, moving, demolishing, or changing the use of a structure or place within the Historic District 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.

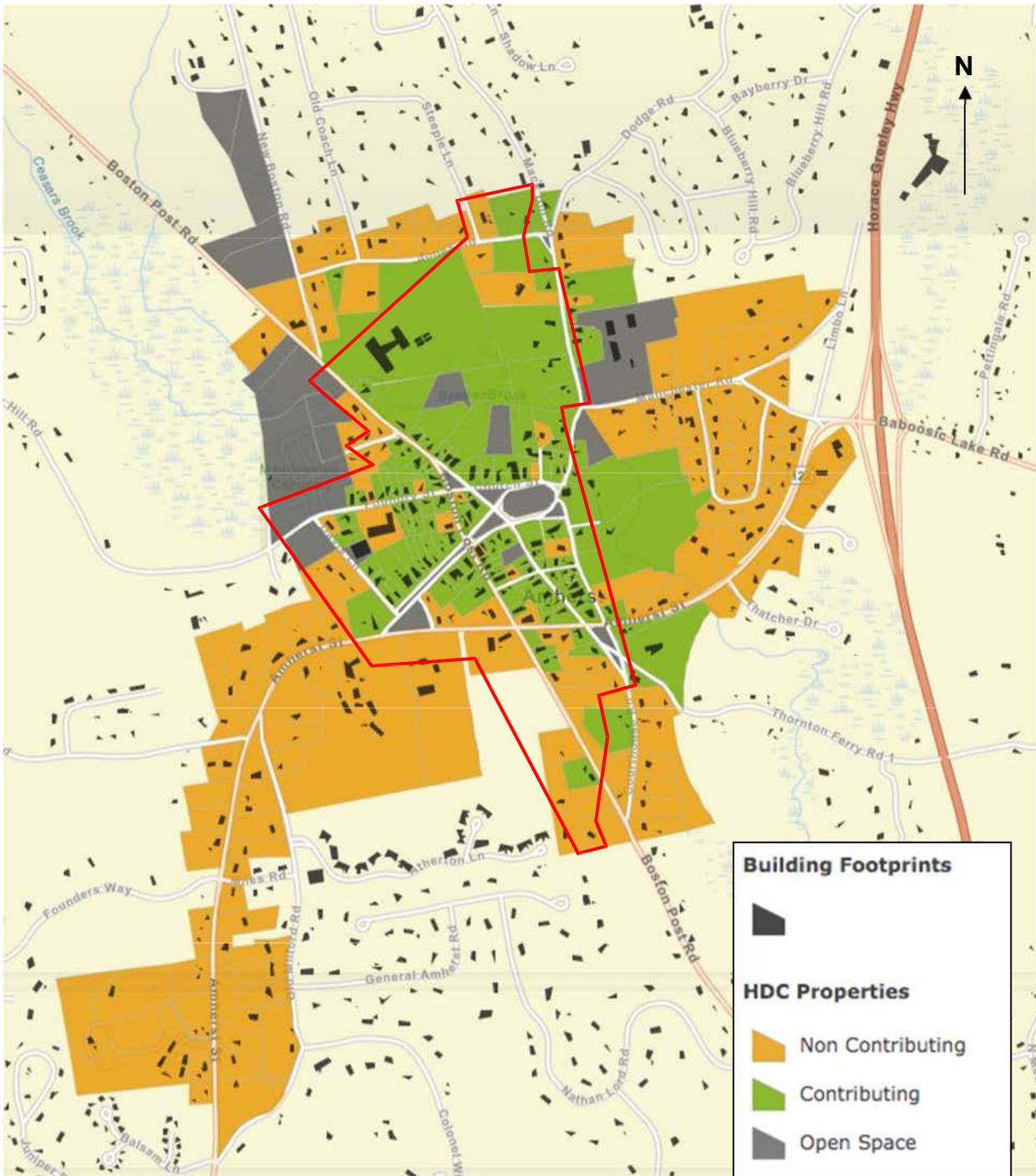
Site Plan. Proposed plan for development, submitted by the property owner or applicant for review by the Commission, that shows the form, location, and orientation of a building or group of buildings on a site, usually including dimensions, landscaping, and other significant features of the plot.

Street. Relates to and includes street, avenue, boulevard, road, lane, alley, viaduct, highway, freeway, and other ways.

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.

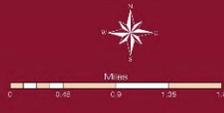
Zoning Ordinance. The laws of the Town of Amherst regulating the building, alteration, installation, repair, or change of buildings, land, or uses within the borders of the entire town.

## Appendix A: Map



GIS map of the Amherst Historic District, showing the boundary of the NR Historic District in red. The Expanded LRD is shown outside this boundary as Non Contributing.

Town of Amherst — Section D — Historic District Commission Regulations



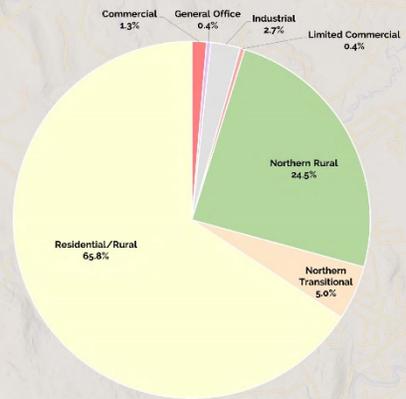
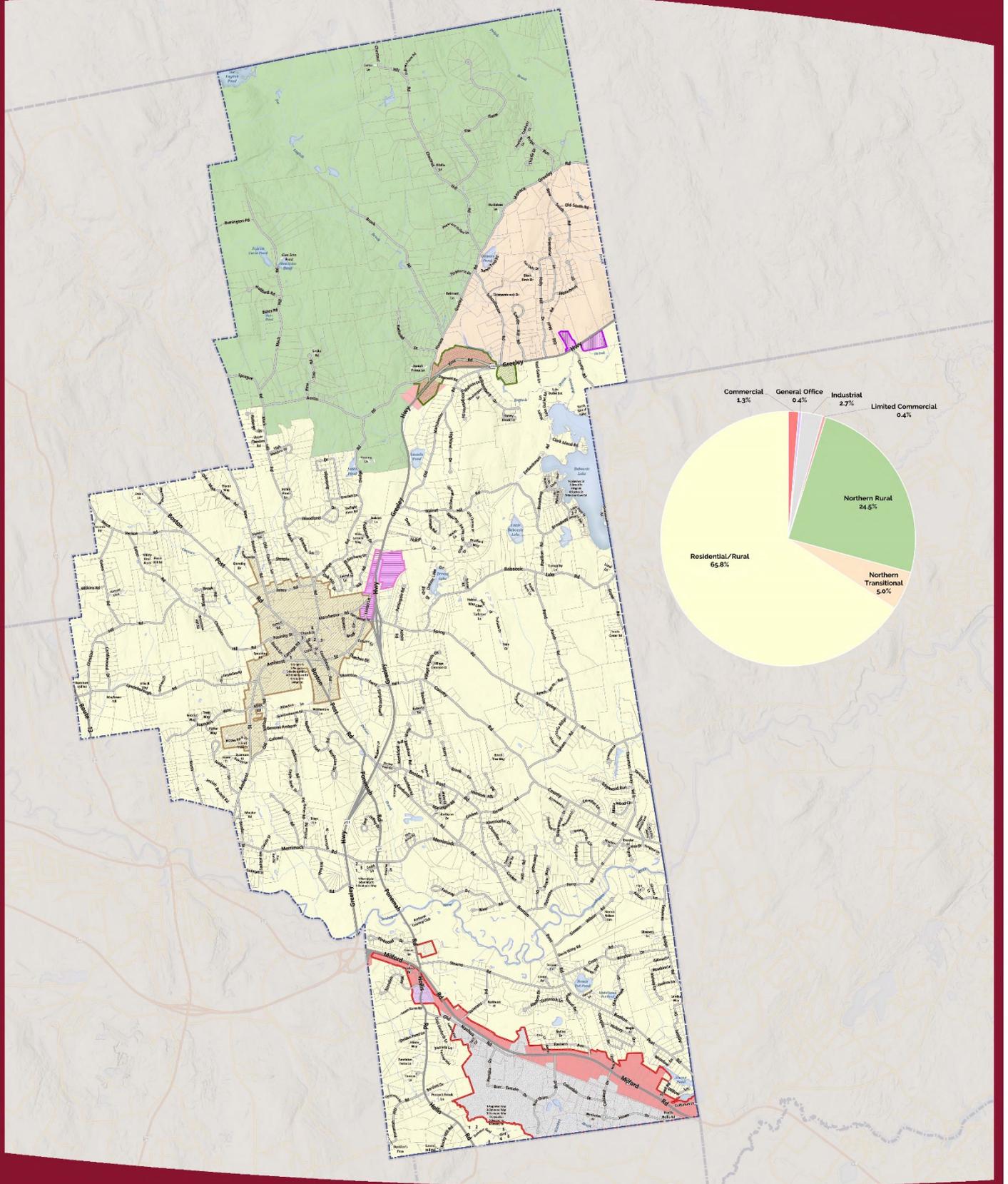
- Zoning**
- Residential/Rural
  - Commercial
  - Limited Commercial
  - General Office
  - Industrial
  - Northern Rural
  - Northern Transitional
- Overlays**
- Amherst Village Historic District

- Economic Revitalization Zones**
- Area Library
  - Meeting Place
  - Route 103
  - Route 103A

- State Road
- Local Road
- Water Road
- Open Wood
- Access Road
- 20' LPA
- Open Water
- Stream

# AMHERST

## Zoning Districts



Scan to visit the NRPC Web Site  
 www.northrpc.org

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Contact NRPC with any corrections or additions to zones, streets, street names, and lot lines.