

**HILLSBOROUGH, NH HISTORIC DISTRICT COMMISSION MEETING**  
**MINUTES**  
**July 6, 2023**

**TIME:** 6:05 p.m.

**LOCATION:** Center Club

**MEMBERS:** Deanna Neal, Jay Emmert, Pat Bradley (alternate), Laurie Jutzi (alternate), Laura Buono (Town Administrator, Select Board representative)

Also Present: Robyn Payson, Melinda Gehris, Marilyn Deans, Michael Grant, Creighton Demarest, Kay Bennett, Steve Bennett. Planning Board representative Nancy Egner was unable to attend.

Deanna made a motion to approve the minutes for the June 2, 2023, meeting, Jay seconded, 4 ayes, 1 abstention.

**OPEN SESSION:**

Laura announced that the Board of Selectmen had approved Brad Hunt as Vice Chairman and Pat Bradley and Laurie Jutzi as Alternate members of the Commission.

Robyn Payson, Planning Director, presented a revised version of the Historic District Ordinance, ARTICLE XV, originally adopted 3/10/20, based on The Center Historic District Ordinance Article I adopted on 3/13/1979. The revision is more concise and conforms to the State of New Hampshire statute requiring the overreaching authority of Town Zoning regulations as prescribed in RSA675:46-a, as amended. Her revision is attached to these minutes as exhibit "A".

Deanna next reviewed the Design Guidelines and Regulations – Hollis Historic District, which shares several elements in common with the Hillsborough Center Historic District and compared and contrasted features which would work for the new regulations for the Center, and how they would conform to the revised Historic District Ordinance. She offered to submit a draft of these regulations by the next HDC meeting in August.

**NEW BUSINESS:**

Marilyn expressed concern that new residents needed to be aware of the existence of an historic district before purchasing and making changes to the property.

Creighton suggested that information including photographs and era appropriate architectural details be provided about the existing structures in the Center as a guideline for new residents who would need to know the ramifications of owning property in the Center, which should in fact be disclosed to them by the Seller as well as their real estate agent.

Deanna, Laurie, and Jay will consolidate their collective material to create this new document which will be added to the Regulations at some future date.

Kay Bennett agreed to provide copies of an old drawn map of the Center to be included with the other historic information about the Center.

**ANNOUNCEMENTS**

The next meeting will be held on August 3, 2023, at 6:00 pm at the Center Club

**Adjournment:**

Deanna moved that the meeting be adjourned at 7:28 p.m. The motion was seconded by Jay and passed unanimously.

Submitted by: Laurie Jutzi, Secretary

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Deanna Neal

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Brad Hunt

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Jay Emmert

**DATE APPROVED:**

**ARTICLE XV Historic District Ordinance [Originally Adopted ATM 3-10-20]**

**LEGISLATIVE HISTORY**

The Center Historic District Ordinance Article I was adopted by the Annual Town Meeting of the Town of Hillsborough 03-13-1979 as Art 3.

**§ 229-93. Authority,**

This article has been adopted by the Town of Hillsborough ("the Town") in accordance with the authority granted in the New Hampshire Revised Statutes New Hampshire Revised Statutes Annotated 673:1, 673:4, 674:44-674:50 procedurally under the guidance of RSA 675:1, II. Powers and duties of the Historic District Commission ("the Commission") shall be as prescribed in RSA 674:46-a.

**§ 229-94. Purposes**

RSA 674:45-The preservation of cultural resources, and particularly of Structures and places of historic, architectural and community value is hereby declared to be a public purpose. The heritage of the Town will be safeguarded by:

- 1. Preserving in the Hillsborough Historic District ("the District") elements which reflect elements of its cultural, social, community and architectural history;
- 2. Conserving property values within the District;
- 3. Fostering civic beauty;
- 4. Strengthening the local economy; and
- 4.5. Promoting the use of the District for education, pleasure, and welfare for the citizens of the Town.

**ARTICLE I**

[Adopted ATM 3-13-1979 Article 31]

**§229-95 Definitions**

ABUTTER- See RSA 672:3.

ACCESSORY BUILDING -See Zoning Ordinance Article II General Provisions Definitions and Word Usage

ACCESSORY USE -See Zoning Ordinance Article II General Provisions Definitions and Word Usage

ALTERATION-Any repair, reconstruction, restoration, replacement, rehabilitation, demolition, addition, or new construction proposed for the exterior of a building or its site. The work may involve changes in materials, dimensions, design, configuration, texture, or visual appearance.

**ARCHITECTURAL FEATURE**-The architectural style, design, detail, or general arrangement of outer surfaces of a Structure that, if altered or removed, would affect its appearance and character. Examples of architectural features include, but are not limited to, building materials, windows, doors, cornices, roofs porticos, storefronts, and signs.

**CERTIFICATE OF APPROVAL (COA)**-Written authorization from the Commission to the building owner or project applicant that allows the owner/applicant to conduct any of the regulated activities specified in this ordinance.

**COMMERCIAL USE**-See Zoning Ordinance Article II General Provisions Definitions and Word Usage

**DEMOLITION**- The razing destruction, removal, or relocation, entirely or in significant part of a Structure within the District.

**GREEN HOUSE**-A building or structure constructed chiefly of glass, glasslike, or translucent material, which is devoted to the protection or cultivation of flowers, vegetables, or other tender plants.

**LANDSCAPING**- See Zoning Ordinance Article II General Provisions Definitions and Word Usage

**MAINTENANCE**- Any work which will involve no change in materials, dimensions, or design of a Structure within the District.

**RECONSTRUCTION**-The act of recreating a Structure or part thereof within the District that has been destroyed or has decayed, through documentary research and the use of new materials.

**REHABILITATION**-The process of returning a Structure within the District to a state of utility, through repair or alteration, which makes possible an efficient contemporary use while preserving the character-defining features that are significant to its architectural, historical and cultural values.

**RELOCATION**-The act of removing a Structure or other feature within the District from its existing foundation or location to another foundation or location, including on the same subject property.

**REPAIR**-Any work which will involve no change in materials, dimensions, or design.

**SCENIC ROAD**-See RSA 231:157 and RSA 231:158

**SIGNIFICANT TREE**- Any tree that contributes to the character of the district and that exceeds 15” in diameter at a height of 4’ above grade and is located forward of the main Structure on the subject property and /or provides a canopy to the street.

**STREET INCLUDES STREET, AVENUE** -- See the Zoning Ordinance, Article II =General Provision section 229-6 Definitions



and Word usage.

STRUCTURE- See Zoning Ordinance Article II General Provisions  
Definitions and Word Usage

~~§229-956-Permitted Uses: Historic District Commission Powers and Duties~~

~~Permitted uses in the Historic District are located in Table 4 Chart of Uses.~~

~~**Historic District Commission Powers and Duties**~~

Powers and Duties of the Historic District Commission shall be as prescribed in RSA 674:46-a, as amended.

~~§ 229-95 Zoning Board of Adjustment:~~

- ~~A. The powers of the Zoning Board of Adjustment shall be implemented as prescribed by New Hampshire RSA 674:33 as amended, and as innumerate in Chapter VIII of the Town of Hillsborough Zoning Ordinance.~~
- ~~B. The Historic District Commissioners shall receive notice of any land use hearings involving properties within the Historic District. —~~

~~§ 224 § 229-96-97 Certificates of Approval.~~

~~Uses in the District shall be those permitted in the Table 4 Chart of Uses. Notwithstanding any inconsistent ordinance, local law, code, rule, or regulation concerning the issuing of building permits, no change to any Architectural Feature or any other activities as defined below that is visible from a Street shall be commenced without a Certificate of Approval from the Commission, nor shall any building permit for such change be granted without such a Certificate of Approval having first been issued by the Commission. The Certificate of Approval required by this section shall be in addition to and not in lieu of any building permit that may be required by any ordinance, local law, code, rule or regulation of the Town.~~

- ~~A. **Activities Requiring Review**-The following activities, if visible from a Street, shall require a Certificate of Approval from the Commission whether or not such activity requires the issuance of a building permit.~~
  - ~~i. Erection, construction, alteration, relocation, or demolition of a Structure, including but not limited to an accessory structure.~~

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- ii. Erection, construction, alteration, relocation, or demolition of any architectural feature of a Structure.
- iii. Construction, erection, reconstruction, or removal of any stonewall, fence, granite work, walkway, sidewalk, paving (new or expansion of existing), exterior lighting, or permanent sign.
- iv. Any change or expansion in use will be reviewed for visual appropriateness. The Planning Board may consider, but not necessarily be bound by, recommendations of the Commission for any such changes.
- v. Addition or alteration of existing exterior nature of the Structure, including but not limited to the siding, windows or doors of the Structure.
- vi. Solar Energy Systems are governed by Article XIX Solar Collection Ordinance, section 229-137.

B. Activities Exempt from Review-The following activities shall not require a Certificate of Approval from the Commission

- i. Ordinary Maintenance and repair of any architectural feature which does not involve a change in the design, dimensions, materials, or appearance of the feature or involve removal thereof.
- ii. Ordinary repairs and preservation of stone walls, fencing, signs.
- iii. Painting or re-painting of a structure, building, fence, or appurtenance.
- iv. Alteration or replacement of any existing roof covering or surface provided that said alteration or replacement is with the same material, patterns and colors of the existing roof covering or surface and provided the roof plane remains the same.
- v. Installation or replacement of storm doors and storm windows provided that the historic aArchitectural Features are not altered, obscured, removed or demolished.
- vi. Landscaping on properties in residential use, with the exception of the removal of a Significant Tree except as provided for in RSA 231:158 - Effect of Designation as Scenic Roads
- vii. Interior alternations.
- viii. Activity that is not visible from a Street.

~~A.C. Certificate required-In the Historic District, no building permit shall be issued for alteration, construction, demolition or use of land or of building(s) until a Certificate of Approval has been issued by the Historic District Commission as specified in RSA 676:8-9.~~

~~B. Certificates of approval shall not be required for normal repairs and preservation of stone walls, fencing, signs and landscaping.~~

Applications for Certificate of Approval shall be submitted in writing on the form provided to the HDCommission Hillsborough Center Historic District Commission, stating the location, use, nature and, where pertinent, the materials, for which such



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certificate is sought. Any site plans, building plans, elevations, samples, photographs, sketches, or other information reasonably required by the Commission to determine the appropriateness in question shall be made available by the applicant with the Application.

~~C. Issuing Certificates of Approval for Building Permits shall be as prescribed in RSA 676:8-9.~~

D. The Historic District Commission shall file-issue a Certificate of Approval or a Notice of Disapproval within 45 days from receipt of the application pursuant to RSA 676:8 - 9. Within a period of 45 consecutive calendar days after the filing of such application or within such further time as the applicant may in writing allow, the Commission shall determine whether the action or usage proposed will be appropriate in its opinion in the Historic District in accordance with the purposes of this section and shall file a certificate of approval or notice of disapproval with the Board of Selectmen, Building Inspector or other duly delegated authority. No building permit shall be issued without a certificate of approval. Failure to file said certificate or notice by the Commission within the specified period of time shall be deemed to constitute approval.

~~D.-~~

E. The Historic District Commission ~~may~~shall hold a public hearing on a Certificate of Approval application ~~and shall hold a public hearing if one is requested by the applicant, with notice provided in accordance with RSA 675:7, in the following manner: Ten days after the filing of an application for a Certificate of Approval or application for demolition, the applicant and abutters shall be notified no less than 10 days before the public hearing.~~

~~F. The Historic District Commission shall review applications for building permits within the Historic district for their impact on the district and its objectives as prescribed in RSA 676:8.~~

~~G. The acceptability of any features, fixtures and uses in any such application, shall reflect the objectives of RSA 674:45.~~

~~H. The Historic District Commission shall review:~~

- ~~a. Architectural style,~~
- ~~b. General design and arrangement,~~
- ~~e. Textures,~~
- ~~d. Materials of the building or structure or appurtenant fixtures in question~~
- ~~e. The relation of such features to similar features of buildings in the immediate~~

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~~surroundings.~~

~~f. The appropriateness of proposed features, buildings, structures and appurtenant fixtures~~

~~g. The location on the lot and the removal or demolition of any building or structure or appurtenant fixture in the district wherever such features, buildings, structures and appurtenant fixtures are subject to public view.~~

~~I.F.~~ The Commission shall not make any recommendations or requirements except for purposes of historic preservation and of preventing developments, construction or changes incongruous with the historic districts, and the immediately surrounding its buildings, structures and properties sites and surroundings.

~~J. Within a period of 45 consecutive calendar days after the filing of such application or within such further time as the applicant may in writing allow, the Commission shall determine whether the action or usage proposed will be appropriate in its opinion in the Historic District in accordance with the purposes of this section and shall file a certificate of approval or notice of disapproval with the Board of Selectmen, Building Inspector or other duly delegated authority. No building permit shall be issued without a certificate of approval. Failure to file said certificate or notice by the Commission within the specified period of time shall be deemed to constitute approval.~~

G. Notwithstanding that the action or usage proposed may be deemed inappropriate, owing to conditions especially affecting the subject lot, building or structure involved but not affecting the Historic District generally, the Commission may find that failure to issue a certificate of approval will involve a hardship (physical, financial or otherwise) to the applicant. Such certificates may be issued without substantial derogation from the intent and purposes of historic preservation in the Town of Hillsborough as stated above. If the Commission determines that a proposed activity is not appropriate, owing to aforesaid conditions, but that failure to issue a certificate will cause substantial hardship, the Commission shall forthwith approve such application and shall issue to the applicant a certificate of approval in which the Commission may impose conditions.

H. Decisions shall be in conformance with RSA 676:3 as amended. The Notice of Decision shall include specific written findings of fact that support that decision.

~~A. Record of reasons for non-issuance If the Commission determines that a certificate of approval should not be issued, the reasons for such determination shall be entered in its records and may include recommendations respecting the proposed construction, reconstruction, alteration, moving or demolition.~~

**§229-97-98 Appeals.**

Appeals from any decision of the Commission shall be taken to the Hillsborough Zoning Board



of Adjustment by ~~the Applicant or any owner of property wholly or partly within the Historic District and by any other person, agency or group if party~~ aggrieved by ~~a ruling of the Historic District Commission~~ the decision within 30 days of the Commission's vote on such ruling decision pursuant to RSA 676:5. The Board of Adjustment shall hear and act upon such appeals within the time periods of time prescribed by New Hampshire statute.

**§229-98-99 Enforcement.** - See Zoning Ordinance section 229-60

~~§229-99 Compatibility-~~

~~Per RSA 674: 46 a, IV, the D: All districts and these regulations are intended to shall be compatible with the Master Plan and Zzoning Ordinance of the Ttown of Hillsborough.~~

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D. The Commission shall issue a Certificate of Approval or a Notice of Disapproval pursuant to RSA 676:8 -9. Within a period of 45 consecutive calendar days after the filing of such application or within such further time as the applicant may in writing allow, the Commission shall determine whether the action or usage proposed will be appropriate in its opinion in the Historic District in accordance with the purposes of this section and shall file a certificate of approval or notice of disapproval with the Board of Selectmen, Building Inspector or other duly delegated authority. No building permit shall be issued without a certificate of approval. Failure to file said certificate or notice by the Commission within the specified period of time shall be deemed to constitute approval.

E. The Historic District Commission shall hold a public hearing on a Certificate of Approval application with notice provided in accordance with RSA 675:7.

F. The Commission shall not make any recommendations or requirements except for purposes of historic preservation and of preventing developments, construction or changes incongruous with the District and the immediately surrounding Structures and properties.

G. Notwithstanding that the action or usage proposed may be deemed inappropriate, owing to conditions especially affecting the subject lot or Structure involved but not affecting the District generally, the Commission may find that failure to issue a certificate of approval will involve a hardship (physical, financial or otherwise) to the applicant. Such certificates may be issued without substantial derogation from the intent and purposes of historic preservation in the Town as stated above. If the Commission determines that a proposed activity is not appropriate, owing to aforesaid conditions, but that failure to issue a certificate will cause substantial hardship, the

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Commission shall forthwith approve such application and shall issue to the applicant a certificate of approval in which the Commission may impose conditions.

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**§229-99 Enforcement.** - See Zoning Ordinance section 229-60