

TOWN OF MONT VERNON, NEW HAMPSHIRE
HISTORIC DISTRICT ORDINANCE

Section I

LEGISLATIVE INTENT

The purpose of this ordinance is to promote the educational, cultural, economic and general welfare of the public for the protection, enhancement, perpetuation, and preservation of the historic district. It is hereby declared that it is a public purpose that the heritage of Mont Vernon will be safeguarded by.

- A. Preserving districts in Mont Vernon which reflect elements of a cultural, social, economic, political and architectural history.
- B. Conserving property values in such districts
- C. Fostering civic beauty
- D. Strengthening the local economy
- E. Promoting the use of an historic district for the education, pleasure and welfare of the citizens of Mont Vernon (N.H. 31:89-a 31:89L)

Section 2

QUALIFICATIONS

The historic district established hereunder and, from time to time, amended as prescribed by N.H. state law shall have one or more of the following qualifications, without limitations as to cultural or chronological period.

- A. Structures or sites which are identified with the cultural, political, economic, military or social history of Mont Vernon.
- B. Structures or sites of special architectural interest, building construction, community organization, or landscape or architectural interest.

Section 3

MONT VERNON HISTORIC DISTRICT

The Town of Mont Vernon hereby establishes the historic district known as the "Village Historic District", as delineated on the map so named which is on file in the Town Clerk's Office of the Town of Mont Vernon.

Section 4

HISTORIC DISTRICT COMMISSION

In order to carry out the purpose of this ordinance the Selectmen shall appoint an Historic District Commission.

- A. The membership of such Commission shall consist of not less than five or more than seven members. All members shall be residents of Mont Vernon, one shall be a member of the Board of Selectmen, and one shall be a member of the Planning Board.
- B. The members of the historic district Commission shall be appointed for three-year terms, except the initial appointments shall be staggered so that the subsequent appointments shall not end at the same time. Members of said Commission shall serve without pay and shall serve no more than two successive terms. In the event of a vacancy on the Commission, interim appointments may be made by this appointing authority to complete the unexpired term of such position.
- C. The Commission shall elect a chairperson, vice-chairperson and a secretary from the appointed members and create and fill such offices as it may deem necessary for its work. The term of all officers shall be one year, but any officer may succeed him (her) self. The Commission shall meet at the call of the chairperson and at such other times as the Commission may determine and shall adopt rules in accordance with the provisions of the implementing ordinances of Mont Vernon. All meetings and records of the Commission shall be open to the public.
- D. The Commission may, subject to appropriations, or other income, employ clerical and technical assistants or consultants, and may accept gifts of money, services, or grants, and may hold or expend the same for all or any of the purposes of the Mont Vernon Historic District(s).
- E. The Commission may conduct surveys of buildings for the purposes of determining those of historical/or architectural significance and pertinent facts about them, formulate recommendations concerning the preparation of maps, brochures, and historic markers for selected historic and/or architectural sites and buildings, cooperate with and advise the governing body, the planning board, and other municipal agencies involving historic and/or architectural sites and buildings; advise owners of buildings of the problems and preservation and restoration.
- F. It shall be the duty of the Historic District Commission to develop a policy for the accomplishment of the purposes of this ordinance within said historic district and within the provisions of the ordinance.
- G. The Commission shall have the power to accept, review and act upon all residential building permits and the issuance of certificates of appropriateness for applications other than individual residence situated within the boundaries of any Historic District established hereunder. Such power of review and approval or disapproval shall be limited to those considerations which affect the relationship of the applicant's proposal to its

surroundings, to the location and arrangement of structures, to the architectural treatment of the exterior features and finish of structures, and the compatibility of the land users within the district as may be deemed to affect the character and integrity of said district to achieve the purposes of this ordinance.

- H. It shall be the duty of the Historic District Commission to provide reports and recommendations regarding feasibility of the applicant's proposal to the Planning Board and other administrative officials who may require information pertinent to the application. It shall be the duty of the Commission to seek advice from such professional, educational, cultural and other groups of persons that may be deemed necessary in the determination of a reasonable decision. The Commission shall have the power to engage such technical assistance and consultants as may be deemed necessary to carry out the purposes of this ordinance.
- I. It shall be the duty of the Commission to file with the Building Inspector or other duly delegated authority either a certificate of approval or notice of disapproval following the review and determination of any residential applicant. It shall be the duty of the Commission to file with the Planning Board or other duly delegated authority either a certificate of appropriateness or notice of disapproval following the review and determination of any non-residential-use applicant. Said certificate shall be filed with the Building Inspector, Planning Board or other duly delegated authority within sixty (60) days after filing of the application of said certificates unless the applicant shall agree to a longer period of time. No residential use building permit shall be issued until a certificate of approval has been filed with the Building Inspector; but in the case of disapproval, such notice shall be binding upon the Building Inspector or other duly delegated authority and no permit shall be issued. Failure to file said certificate within the specified period of time shall be deemed to constitute approval by said Commission.
- J. In case of disapproval, the Historic Commission shall state the reasons, in a written statement to the applicant, and may give verbal advice and make recommendations in regard to the appropriateness of design, arrangement, therefore, material, color, and the like, of the property involved.
- K. The Historic Commission may refuse to issue a certificate of appropriateness for the erection, reconstruction, alteration, demolition, partial demolition or removal of any structure within the Historic District which in the opinion of the Historic District Commission would be detrimental to the interest of the Historic District and against the public interest of the Town.

Section 5

CERTIFICATE OF APPROVAL

- A. Notwithstanding any inconsistent ordinance, local law, code, rule or regulation, any addition, alteration, or repair of the exterior of an existing structure or the erection of a new structure within the Historic District for which a building permit is necessary shall not be commenced without a certificate of approval from the Historic District

Commission, nor shall any building permit for such change be granted without such certificate of approval having first been issued. 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 or regulation of the Town of Mont Vernon.

A letter of approval or disapproval shall be submitted by the Historic District Commission to the Zoning Board of Adjustment for any and all variances or permits requested within the Historic District. The Historic District Commission shall require the applicant to submit an application containing the information outlined in Section 6-C of this ordinance in order to make an informed judgement. (Amended version)

B. Pre-Application Review Procedure

Prior to the preparation of working drawings and specifications or calling for proposals or bids from contractors, prospective property developers, owners/agents may prepare preliminary scale drawings and outlines specifications, including color samples for outside work, for review and informal discussion with the Historic District Commission. The purpose of this review shall be to acquaint the developer, owner, or agent with standards of appropriateness of design that are required of his (her) development.

In the case of very minor projects involving repair or alteration to existing buildings, and where other data are sufficiently clear and explicit, the Historic District Commission may grant preliminary and final approval at one review session. Should said data indicate alterations, remodeling or repairs not changing the exterior appearance, the Historic District Commission may exempt the application from the provisions of Section 5 and approve a permit.

C. A Certificate of Approval shall be applied for in writing to the Mont Vernon Historic District Commission upon forms prescribed by the Historic District Commission, and where pertinent, shall contain the following information:

1. Name, address, telephone number of applicant
2. Location of building, structure, or land, the exterior architectural features of which are proposed to be changed
3. Drawings for the proposed alterations, addition or changes and for new construction of building or property use. As used herein, drawings shall mean plans, perspective redesigning and exterior elevations drawn to scale with sufficient detail to show the architectural design of the buildings.
4. Samples of materials, texture and colors
5. Site plan including all improvements affecting appearances such as walls, walks, steps, terraces, lighting, fencing accessory buildings, signs and other elements.
6. **Sign:** Any proposed sign or existing sign to be changed either in size, color, or lettering shall be shown on a description of materials to be used and methods of illumination, if any, and a plan showing the location on building or property.

Any other information, reasonably required by the Commission to determine the appropriateness in question, shall be made available by the applicant.

All applications and accompanying data shall be filed with the Historic District Commission.

Section 6

Matters to be considered in passing upon appropriateness of erection, reconstruction, or restoration of structures

The Historic District Commission, in considering each application, shall consider the appropriateness of proposed features, buildings, structures and appurtenant fixtures, 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.

The Historic District Commission, in considering the appropriateness of any features, fixtures, and usages mentioned in any such application shall keep in mind the purposes set forth in Section 1 of this ordinance and shall consider, among other things, the historic and architectural style, the general design, arrangement, textures, materials, and color of the building or structure or appurtenant fixtures in question, the relation of such features to similar features of buildings in the immediate surroundings and the position of such building or structure in relation to the street or public way and to other buildings or structures.

In determining appropriateness, the Commission may, in addition to information required of the applicant, request reports and recommendations regarding the feasibility of the applicant's proposal from the Planning Board, Fire Chief, Building Inspector, Health Officer, and such other administrative officials as may possess information pertinent to the concerns of the Commission.

The Board of Adjustment, on appeal, shall also consider the above criteria.

Section 7

INTERPRETATION

Nothing in this ordinance shall be construed to prevent ordinary maintenance or repair of any structure or place within any historic district nor to prevent the construction, alteration, repair, moving, or demolition of any structure under a permit issued by the Building Inspector or any duly delegated authority prior to the establishment of such district.

Section 8

APPEAL

Any person or persons jointly or severally aggrieved by a decision of the Historic District Commission shall have the right to appeal concerning such decision to the Zoning Board of Adjustment.

Section 9

VALIDITY

If any section, subsection, phrase, sentence or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 10

VIOLATIONS

In case of violation of the ordinance, the Municipal Officers, in addition to other remedies, may institute any appropriate action or proceedings to prevent, restrain, correct or abate such violation.