



# Planning Department

City Of Portsmouth, NH



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## Planning Department

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To view a <sup>PDF</sup> you will need Adobe Acrobat Reader:[Download here](#)

### ● Historic District Commission

The Historic District Commission is comprised of seven members and two a The Commission meets the first Wednesday of each month at 7 PM in the C Council Chambers at the Municipal Complex to review exterior changes to t and structures located within the Historic District.

Contact the Planning Department for the current Land Use fee schedule  
**Historic District Commission Rules & Procedures <sup>PDF</sup>**  
*Article X from the Zoning Ordinance*  
**Historic District Map <sup>PDF</sup>** *entitled Historic District*

**Board Member *Info***  
 Rice, John W, Chair  
 Adams, David B, Vice-Fineberg, Ellen  
 Golumb, John F.  
 Katz, Richard J.  
 Raynolds, Ned, Counc  
 Dika, Sandra (Alternat  
 Wyckoff, John M. (Alte



**Seated (l to r):**Richard J. Katz, Sandra Dika (Alternate), Ellen Fineberg, Ned Raynolds (City Council Representative)

**Standing (l to r) :**  
John M. Wyckoff (Alternate), John W. Rice, Chairman, David B. Adams, Vice-Chairman, John F. Golumb



# Article X *Historic District*

*(Footnotes are informational only and are solely meant as an aid to the reader.)*

## Section 10-1001 *Preface, Purpose and Characteristic of the District*

A. Preface: The role of the Historic District Commission (Commission) is to preserve and protect the historic and architectural resources of the City. Where a tension exists between the public's interest in preserving and enhancing the historic fabric of the City and private interests that might damage that goal, the Commission shall mediate by assisting applicants to understand and respect the Historic District and its relationship to the economic well being of the City. The Commission recognizes that the City's architectural and historic character may be derived from the combination of features that have gained significance over time.<sup>1</sup>

B. By Ordinance, the City has identified a Historic District. Within the District, it is acknowledged that the heritage and economic well-being of the City is strengthened by:

- preserving its architectural and historic resources;
- conserving property values;
- fostering Portsmouth's architectural and historic character;
- strengthening the local economy; and,
- promoting the use of the district for education, pleasure and welfare of our citizens and visitors.

It is for these purposes that this district has been designated.<sup>2</sup>

C. Within Historic District A (District), the review and approval of significant architectural changes to existing structures and areas is declared to be in the public's interest. In each instance, the appropriate level of review shall be based upon the scope of the proposed activities.

The District includes most of the City's oldest structures and while not every structure is significant, the District's architectural value and setting is shaped by the interaction and focus of many and varied structures. In conducting reviews under this Article, the Commission shall be conscious of site components which render it architecturally and/or historically significant. The Commission should consider the subject site in terms of:

- the historical time period, context or immediate setting;
- the structure's architecture, including stylistic features and design elements;
- construction materials, including technological systems and features; and,
- importance relative to a recognized individual or event.<sup>3</sup>

Accordingly, within this District, demolition, new construction or additions, some signs, and most alterations are all subject to review by the Commission or Code Official.

D. Relationship to Other Districts: Article X shall apply to properties and structures located within the District in addition to all other regulations contained in the Zoning Ordinance. Nothing contained in Article X shall be interpreted to permit a use or activity which is contrary to any provision of the Zoning Ordinance.<sup>4</sup>

E. Interpretation of District boundaries as depicted on the City's Zoning Map: Where the district line bisects a portion of a structure, the entire structure is deemed to be within the

district. In case of uncertainty, the Planning Board shall determine the district's boundary.<sup>5</sup>

### Section 10-1002 *Applications Within the District: Submission Requirements*

- A. A written application, along with all required fees, for a Certificate of Appropriateness (Certificate) as elaborated in Section 10-1005 shall be submitted by the property owner or authorized representative to the Commission, through the Code Official. It shall be accompanied by a completed Building / Change of Use Permit Application, where required. By virtue of applying for a Certificate, the applicant authorizes Code Officials and Commissioners to enter onto the subject site to view existing conditions and structures.<sup>6</sup>

These applications shall state the location and nature of the matter or item for which this Certificate is sought and include any site plans, building plans, elevations, samples, photographs, sketches or other information reasonably required by the Code Official to determine the aptness of the application under this Article.

1. Specified sets of streetscapes shall be required for all projects whose cost for exterior renovations only would exceed \$25,000. The streetscapes shall show the project as viewed from any side having frontage or access to a public street, public walkway or having waterfront frontage; unless, otherwise waived by the Commission following a Work Session. Where possible, the view shall include an architectural rendering of the existing structure.<sup>7</sup>
    - a) The Commission may require that a view be submitted showing the project as viewed from abutting properties.
  2. For other projects with exterior renovation costs of \$25,000 or less, specified sets of photographs shall be submitted showing existing conditions and the proposed perspective. The perspective shall be superimposed on four sets of photographs in a manner which shows the proposed work as viewed from a public street, public walkway or a water view; unless, otherwise waived by the Commission following a Work Session.<sup>8</sup>
- B. To accomplish these aims, the Commission shall adopt rules and regulations governing its conduct that establish, though are not necessarily limited to, minimum application standards, Commission procedures and materials for the public to assist in making application to the Commission. These shall be adopted by the Commission and be placed on file with the Code Official.<sup>9</sup>
- C. Based on a complete application, the Code Official shall determine whether this project should be processed as a Minor Application or a Major Application. Records of both types of applications shall be publicly available. This determination shall be based on the following.<sup>10</sup>
1. **Minor Applications:** The Code Official shall review all applications and is not required to submit the following application types to the Commission for their

review; provided, the proposed project complies with one or more of the following specified stipulations. Such Applications are deemed to not require a Certificate.

- a) Ordinary maintenance and repair of any exterior architectural feature, which does not involve a change in design, materials or outer appearance thereof; including, painting or repainting structure(s) without regard to color.
  - b) Maintenance and repair of fire walls, chimney repairs, entryway repairs, deck repairs provided these are of the same design and material; and, the removal, replacement or placement of shutters. <sup>11</sup>
  - c) Roofing or re-roofing of structures provided that the roof plane and material remains the same; regardless, of color.
  - d) Replacement of exterior doors regardless of materials providing that the original architectural features, including the number and arrangement of window lites, are not altered, true and non-removable divided lites are proposed and the size of the opening does not change. <sup>12</sup>
  - e) Satellite dish receivers that have a diameter equal to or less than 42 inches and have a maximum height less than or equal to four feet from the roof surface. <sup>13</sup>
  - f) Mechanical equipment and ventilation terminators, when the volume or mass of an individual device does not exceed twenty seven cubic feet or extend more than four feet above the roof plane or extend more than one foot out from the wall plane or vent into a public way. All other duct work or equipment feeds shall be located in the building's interior so as not to be visible. <sup>14</sup>
2. Major Applications: All other construction, repairs, renovations, alterations, not above enumerated fall, within the Scope of this Article and require Commission approval, prior to any action on a request for a Certificate.

#### Section 10-1003 *Commission Powers and Duties*

- A. The Commission shall have the powers and duties specified in Section 1.403 of the Ordinances of the City of Portsmouth. Furthermore, the Commission shall accept, review and act upon all applications, subject to this Article, for building, demolition or other permits in reference to properties situated within the boundaries of any historic district established hereunder.

#### Section 10-1004 *Scope of Review*

- A. In reviewing a Major Application for a Certificate, the Commission shall take into account all the following objectives.<sup>15</sup>
1. Preserve the integrity of the district;<sup>16</sup>
  2. Maintain the special character of the area as may be demonstrated through scale, location or style;<sup>17</sup>

3. Assess the historical and/or architectural value of the building(s) or structure(s), its setting and how these relate to the welfare of Portsmouth in terms of the represented time period, the visible architecture, construction materials; or relationship to a recognized individual or event;<sup>18</sup>
  4. Encourage designs which complement and recognize the City's architectural and historic character for new buildings and/or structures, additions to buildings and/or structures and the reuse of existing buildings and/or structures;<sup>19</sup>
  5. Foster Portsmouth's heritage and economic well-being through the conservation and enhancement of property values; and,
  6. Promote the use of the district for the education, pleasure and welfare of the City's residents and visitors.
- B. The Commission, prior to acting on an application, shall review it and determine whether the application is consistent with and furthers the objectives outlined above. In making this determination, the Commission shall make Findings of Fact by referring to the following criteria.<sup>20</sup>
1. The special and defining character of properties in the proximity of the project site, including architectural details, design, height, scale, width of surrounding structures, street frontages, types of roofs, facades and openings. <sup>21</sup>
  2. The significant historical architectural value of the structure(s) for which a Certificate is sought; including, its setting, general size of new construction with consideration of such factors as height, width, materials and architectural details.<sup>22</sup>
  3. The compatibility of exterior design, scale, arrangement, texture, detailing and materials proposed to be used in relationship to the existing structure(s) and its setting to properties located in proximity of the project site. <sup>23</sup>
  4. Encourage the innovative use of technologies, materials and practices provided these contribute to the character of properties located in proximity of the site.<sup>24</sup>

#### Section 10-1005 *Written Findings Required*

- A. At the conclusion of its review, the Commission shall issue in writing one of the following:
1. Certificate of Appropriateness-If in the opinion of a majority of the Commission members present and voting, the applicant's proposal meets the objectives of this Article and after the consideration of each Section of the Scope of Review; then, the Commission shall issue a Certificate of Appropriateness signed by the Chairman together with any changes, conditions or stipulations necessary to secure the objectives of this Article.

- a) Such approvals shall lapse one year from date of the Commission's action; unless, an extension of no more than one year has been granted prior to the expiration of the original action. Such extensions may be granted without a Public Hearing; unless, the Commission deems one to be in the Public's interest.
    - b) No more than one extension shall be granted; except, if authorized following a Public Hearing convened to consider such a request. <sup>25</sup>
  - 2. Notice of Disapproval-If in the opinion of the majority of the Commission members present and voting, the applicant's proposal does not meet the objectives of this Article; then, the Commission shall issue a Notice of Disapproval signed by the Chairman of the Commission and which states the sections of the Purpose and Characteristic of the District and Scope of Review which have not been satisfied. The issuance of such a denial shall prohibit the Code Official from issuing a demolition permit, building permit, change of use permit or other permits for the specified work.
- B. If the applicant's proposal is denied, the applicant may, and is encouraged to make modifications to the proposed plans. These should be based on the Notice of Disapproval and the applicant shall have the right to reapply to the Commission for a one year period commencing from the date of the Commission's denial, with no additional filing fees, other than incurred costs for posting, publishing and abutter notification. Following that one year period, a non-active application would lapse and a new application, along with all required fees, shall be submitted.<sup>26</sup>
- C. Except as authorized by this Section, the Code Official shall not allow construction work to commence on any application coming under the Commission's review; until, the Commission has granted a Certificate for the entire application before it. The only partial approvals the Commission may consider must meet all of the following stipulations.
- 1. A request to consider a partial approval must be scheduled, advertised and conducted as part of a Public Hearing for a Major Application;
  - 2. In order to approve a request for a partial approval, the Commission must grant a waiver of this requirement by a two-thirds majority of the members present, voting and constituting a quorum. In considering this waiver, the Commission shall consider such factors as:
    - a) Site safety if this would become a concern due to delays in commencing the project;
    - b) Demolition where such demolition has been approved and / or where public safety is a concern; and,