

Town of Newport, NH

HISTORIC DISTRICT ORDINANCE

- 1.0 Purposes: Within the Town of Newport, it is the particular purpose of this ordinance to preserve and safeguard the heritage of the municipality by the creation of a district which (a) reflects elements of its cultural, social, economic, political and architectural history; (b) conserves property values in such district; (c) fosters civic beauty; (d) strengthens the historic heritage for the education, pleasure, and welfare of the citizens of the municipality.
- 1.01 Qualifications: The historic district established hereunder and from time to time amended in the manner prescribed by the New Hampshire law shall have one or more or any combination of the following characteristics and qualifications, without limitations as to cultural or chronological period.
- (a) Structures or site at which events occur or have occurred that contribute to and are identified with (or significantly represent) the broad cultural, political, economic, military, or social history of Newport and the state or nation.
 - (b) Structures or sites importantly associated with historic examples of a great idea or ideal.
 - (c) Structures or structural remains and sites embodying examples of architectural types or specimens valuable for study of a period, style, or method of building construction of community organization and living, or a single notable structure or a single site representing the work of a master builder, master designer, architect, or landscape architect.
- 1.02 The Newport Historic District Ordinance: The Town Meeting of March 11, 1980 hereby establishes with the Town of Newport the following Historic District to be known as the Town Common Historic District with boundaries as follows: (Please see the map entitled “Proposed Town Common Historic District”.)
- (a) There shall be appointed by the Selectmen an unpaid Heritage Commission of five (5) members and up to five alternate members, all of whom shall be residents of Newport, and shall be selected as follows:
 - At least one from among the residents of the historic district in Newport; one for each geographically separate historic district if more than one.
 - One from among the Selectmen of Newport.
 - One from among the Newport Planning Board members.

- (b) Each Commission member or alternate member shall serve without pay and for a term of three (3) years. Initially, staggered terms of one (1), two (2), and three (3) years each shall be assigned the five members and alternate members first appointed, so arranged that not more than two terms will expire each year. The Selectmen shall thereafter annually appoint or reappoint members to the Heritage Commission, and shall initiate appropriations each year for the activities of such Commission.
- (c) Such Commission shall elect annually a chairman, vice-chairman, and secretary from its own membership. In case of absence, inability to act or conflict of interest on the part of the associate member, the decisions of the Commission shall be reached by vote of majority of the whole number of Commission members.
- (d) Said Commission for its purposes shall adopt (and may from time to time amend) rules and regulations not inconsistent with the intention of this ordinance and of the state enabling legislation.
- (e) The Newport Heritage Commission may, subject to appropriation by the Town Meeting, 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 Newport Heritage provided that the Town Meeting appropriates or approves such expenditures.

1.1 Uses Permitted: Uses permitted in Historic districts shall be those set forth in the Newport Zoning Ordinance provisions for the district except that within Historic Districts, no building or structure shall be erected, reconstructed, altered, restored, moved or demolished unless, upon application in writing, a certificate of approval shall have been issued therefor by the Newport Heritage Commission.

1.2 Certificates of Approval: In the Historic District no building permit shall be issued for any purpose or for any alteration, construction, demolition, or use of land or of buildings, until a corresponding Certificate Of Approval or Appropriateness has been issued by the Newport Heritage Commission.

1.2.2 Certificates of Approval shall be applied for in writing to the Newport Heritage Commission, stating the location, use, nature, and where pertinent, the materials and texture of the matter or item for which such 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. The Heritage Commission shall permit any color paint or siding to be used within the District. The Commission shall ensure that the architecture of all new construction or additions or alterations to existing buildings be of a colonial, Victorian or federal design or of another design that is appropriate for the Town Common.

1.2.3 The Commission may hold a public hearing on the Certificate of Approval in the following manner: Within ten days after the filing of the application for a Certificate of

Approval or application for demolition, the Commission shall determine the properties deemed by it to be materially affected by such application and shall forthwith cause its secretary to give by mail (postage prepaid) to the applicant and to the owners of all such properties as they appear on the then most recent real estate tax list, not less than ten days' notice of a public hearing before the Commission of such application.

- 1.2.4 The Heritage Commission, in considering each application shall consider the appropriateness of proposed features, buildings structures, and appurtenant fixtures, location on the lot, and the removal of or demolition of any buildings or structures or appurtenant fixture in the district, wherever such features, buildings, structures, and appurtenant fixtures are subject to public law.

The Heritage Commission, in considering the appropriateness of any features, fixtures, and usages mentioned in any such application, shall also keep in mind the purposes set forth in 1.01 and shall consider, among other things, the historic and architectural style, the general appurtenant fixtures in question, the relation of such features to similar such building or structure in relation to the street or public way and to other buildings and structures.

In determining appropriateness, the 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 such other administrative officials as may possess information pertinent to the concerns of the Commission. The Commission shall have the power to engage such technical assistance and consultants as may be deemed necessary to carry out the purpose of this subdivision, subject to appropriation by the Town Meeting.

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 district, its buildings, sites, and surroundings.

- 1.2.5 Granting of Approval Certificates: Within a period of forty five (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 disapproval with the Newport building inspector or the 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.

- 1.2.6 Notwithstanding that the action or usage proposed may be deemed inappropriate, owing to conditions especially affecting the lot, building, or structure involved (but not affecting the historic district generally) the Commission may find that failure to issue a certificate of appropriateness will involve a peculiar and unusual hardship (physical, financial or otherwise) to the applicant, and that such certificates may be issued without substantial derogation from the intent and purposes of historic preservation in Newport 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 appropriateness in which the Commission may impose conditions.

- 1.2.7 If the Commission determines that a certificate of appropriateness should not be issued, the reasons for such determination shall be entered in its records, and may include recommendations of respecting the proposed construction, reconstruction, alteration, moving, or demolition.
- 1.2.8 Whatever it's finding, the Commission shall forthwith notify the applicant and the building inspector of its determination and shall furnish the applicant in writing a copy of the reasons therefore, if any, as appearing in the records of said Commission.
- 1.3 Historic District Appeals: Appeals may be taken to the Newport Board of Adjustment by any owner or tenant of property wholly or partially within an Historic District, and by any other person, agency, or group if aggrieved by a ruling of the Heritage Commission. The Board of Adjustment shall hear and act upon such appeals within the periods of time prescribed by New Hampshire statute.
- 1.4 Enforcement: In case of violation of the ordinance, the Municipal Officers may institute any appropriate actions or proceeding to prevent such unlawful action.

Adopted March 11, 1980
Revised October 15, 1996