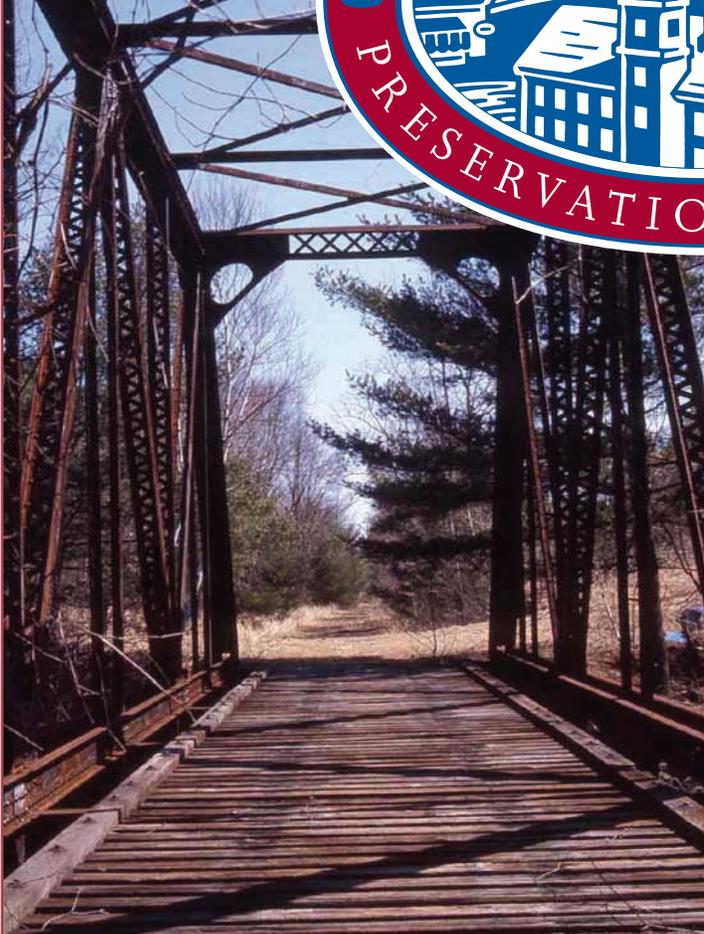
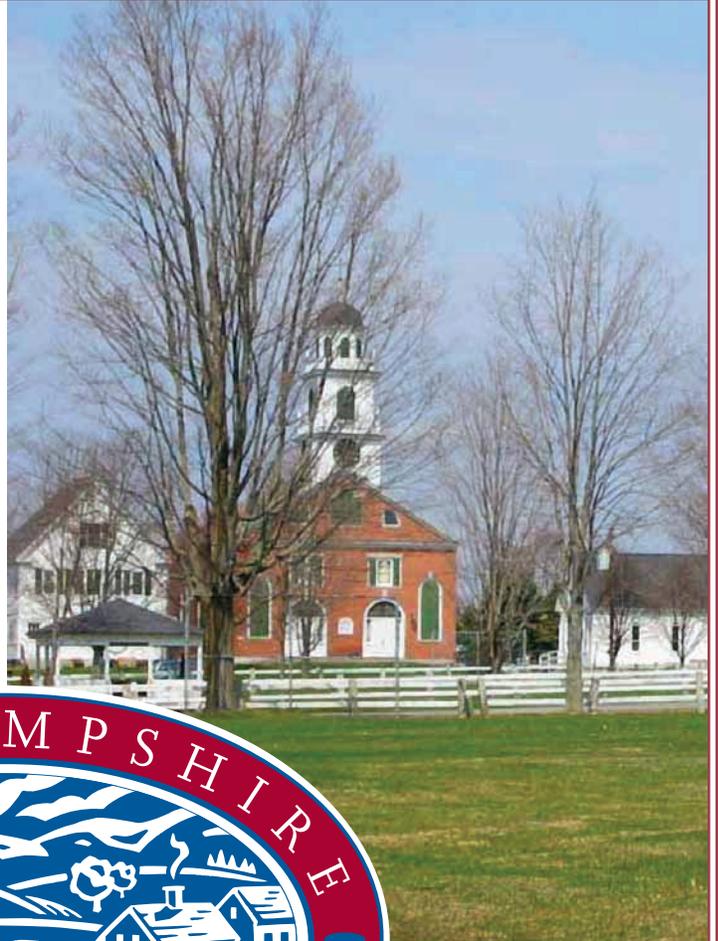


Preserving Community Character



*A Preservation
Planning Handbook
for New Hampshire*

Heritage Commissions Excerpt

Heritage Commissions

PURPOSE

RSA 673:1(II), 674:44-b

Since 1992, heritage commissions have offered a valuable means for local government to manage, recognize, and protect historical and cultural resources. They are intended to have a town-wide scope and a range of activities that is determined by each individual municipality and geared to that particular community's needs and wants. Basically, a heritage commission does for historical resources what a conservation commission does for natural resources: it advises and assists other local boards and commissions; conducts inventories; educates the public on matters relating to historic preservation; provides information on historical resources; and serves as a resource for revitalization efforts. A heritage commission can also accept and expend funds for a non-lapsing heritage fund, acquire and manage property, and hold preservation easements.

The establishment of a heritage commission at all is purely optional. Some communities choose to have a heritage commission that is only advisory, while others want their commission to take a much more active role with educational and technical responsibilities. In communities that already have a regulatory historic district, or may be contemplating one, the community may decide to have the heritage commission assume the responsibilities of a historic district commission.¹ If the existing historic district, however, is large and requires frequent meetings to review applications, the community will more likely decide to have a separate heritage commission and historic district commission. These are all local decisions, authorized by the state enabling legislation, which gives communities a menu, not a mandate.

ESTABLISHING A HERITAGE COMMISSION

A heritage commission is created by a municipal council vote or by a town majority vote, depending on how the municipality is governed. The commission's work is guided by officially adopted rules of procedure, and in situations when

the commission is undertaking the duties of a historic district commission, regulations. (If your heritage commission will have a historic district commission component, review the chapter on Locally Designated Historic Districts.)

LAYING THE GROUNDWORK

Since establishing a heritage commission is a public process, it is vital that the public understands what a heritage commission is—and is not—before it is brought to a vote. A public informational meeting, newspaper article and presentation to other town boards that could benefit from a commission will help ensure citizens have a solid base of information and can build support for the concept. Fact sheets describing the commission's powers and duties and contact information for citizens behind the initiative can be left at the town hall, library and other frequently visited spots around town.

LEGAL PROCESS

In towns operating under a town meeting form of government, an article should be placed on the town meeting warrant to see if the town will vote to establish a heritage commission. A sample article follows:

FIRST ARTICLE To see if the Town will vote to establish a Heritage Commission in accordance with the provisions of RSA 673 and RSA 674, or take any other action relating thereto.

If more detail is needed, use "...to establish a Heritage Commission and a Heritage Fund in accordance with the provisions of RSA 673 and RSA 674:44-a, 44-b, 44-d, and 44-c if applicable (supp. 1995)."

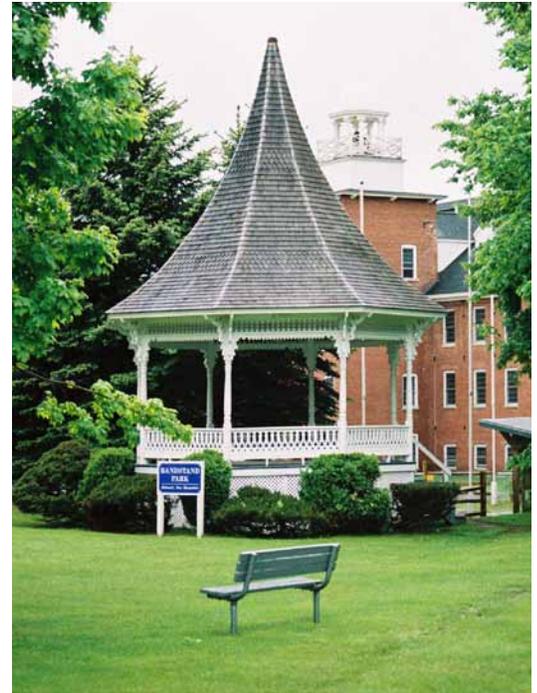


photo courtesy: Linda Fraulsky

Belmont recently established a Heritage Commission to promote recognition, use and protection of the historic and cultural resources of the town.

A heritage commission does for historical resources much what a conservation commission does for natural resources.

¹Not every historic district is regulatory. A National Register historic district is not regulatory, but a locally designated historic district and a neighborhood heritage district are regulatory. For more information on these different types of districts, see the section on historic districts in the Preservation Planning Tools, as well as the chapter on Locally Designated Historic Districts.

As of early 2006, there were thirty-six heritage commissions in New Hampshire.

SECOND ARTICLE To see if the town will vote to authorize the Board of Selectmen to appoint three [or five or seven] citizens as members of the Heritage Commission pursuant to the provisions of RSA 673:4-a and RSA 673:5, and to appoint up to five additional citizens as alternate members, or take any other action relating thereto.

The article may be included on the warrant either by direct action of the selectmen, or as a petitioned article. If submitted as a petition, twenty-five registered voters or 2% of the town's registered voters must sign the petition, whichever is less, but in either instance, there must be at least ten signatures. An example of a petition follows:

We, the undersigned legal voters of the Town of _____, New Hampshire, as provided by RSA 39:3, hereby petition the Selectmen of the Town of _____ to include the following Article in the Warrant for the 20____ Annual Town Meeting:

In municipalities operating under a council form of government, a member of the legislative body should make a motion for the establishment of the heritage commission. A sample motion follows:

I move that a heritage commission be established pursuant to RSA 673 and RSA 674. Three [or five or seven] citizens shall be appointed as members of the heritage commission pursuant to RSA 673:4-a and RSA 673:5, and up to five additional citizens shall be appointed as alternate members pursuant to the provisions of RSA 673:4-a.

Since city charters can vary widely, and many communities will require a public hearing, be sure to check with the appropriate administrators for the correct process for your community.

MEMBERSHIP

RSA 673:4-a and 673:7

Town officials appoint the members of a heritage commission. The number of members will depend upon the terms of the local ordinance, but must be between three and seven people. In addition, up to five alternate members can be appointed. It is very useful to have several alternates on the commission: they can serve on committees; they have full voting powers if sitting in absence or disqualification of a regular member; and they will be up-to-speed when a regular member's slot opens up.

Each heritage commission member must be a resident of the city or town in which the commission has been established. Terms are for three years, with staggered initial terms. In determining each member's qualifications, the

appointing authority should foremost take into consideration the appointee's demonstrated interest and ability to understand, appreciate and promote the purpose of the heritage commission. One member must be a member of the local governing body. While not required, it is recommended that a member of the planning board serve on the commission. If there is a separate historic district commission, one member of that commission must be an ex officio member of the heritage commission. Ideally, some of the remaining slots are filled by citizens with experience in construction, architecture or local history.

The membership requirements of heritage commissions conforms with that of historic district commissions and conservation commissions. Members of a heritage commission are allowed to serve contemporaneously on other municipal boards and commissions, a useful option in communities with few available volunteers. Parallel service also makes a citizen's expertise more widely available to a broader range of local decision making bodies.

POWERS AND DUTIES

RSA 674:44-b

The range of powers and duties of a particular heritage commission is stated in its ordinance and amplified by its regulations, if applicable. Neither the municipality nor the heritage commission can extend its powers beyond those outlined in the statute as follows:

- Survey and inventory historical and cultural resources
- Conduct research and publish findings
- Assist the planning board, as requested, in the development and review of those sections of the master plan which address historical and cultural resources
- Advise, upon request, local agencies and other local boards in their review of requests on matters affecting or potentially affecting historical and cultural resources
- Coordinate activities with appropriate service organizations and nonprofit groups
- Publicize its activities
- Hire consultants and contractors as needed
- Perform a study to assess the value in creating a local (regulatory) historic district and prepare an ordinance for it
- Receive gifts of money and property, both real and personal, in the name of the city or town, subject to the approval of the city council in a city, or the board of selectmen in a town, such

gifts to be managed and controlled by the commission for its proper purposes

- Hold meetings and hearings necessary to carry out its duties

Clearly there is a wide range of activities in which a heritage commission can be involved. Some of the most commonly undertaken—and valuable—are the roles described below.

RESOURCE TO LOCAL BOARDS & COMMISSIONS

A heritage commission is uniquely suited to advise local agencies and boards on matters that might affect historical or cultural resources. One of its purposes is to serve as steward for all such resources within the community. For instance, the planning board can consult with the heritage commission if it is reviewing a project that might impact a historic building, or the conservation commission might seek background data on a farm building associated with land it is trying to conserve. The commission could testify in support of a variance before the zoning board of adjustment, if the outcome would preserve a significant resource and retain the spirit of the ordinance. The board of selectmen might seek input when it needs to develop a work program for renovating or disposing of a civic structure. By working closely with other arms of local government, the community can avoid unnecessary adverse impacts to significant historical resources. An early consultation with the commission will often prevent a crisis situation later.

PRESERVATION PLANNING INITIATIVES

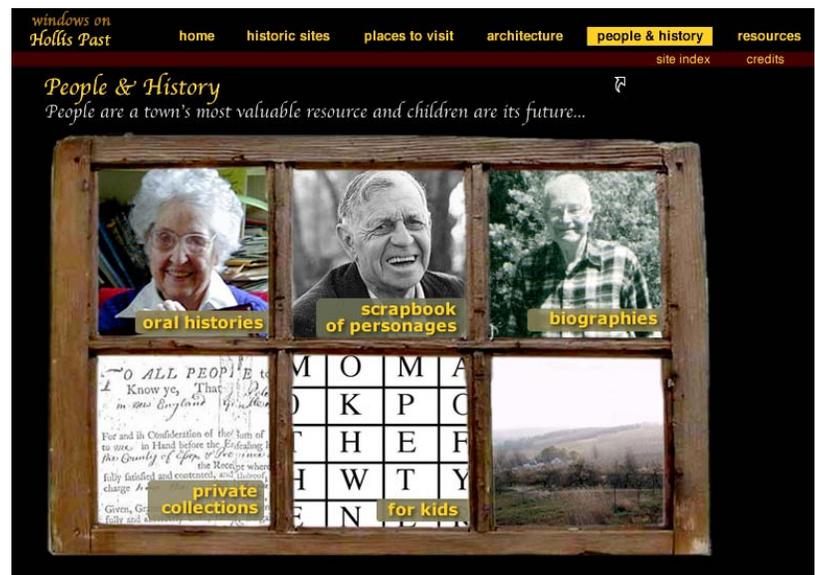
Heritage commissions are charged with preserving community character. There are myriad ways to work towards this end, many of which are listed and described in the Preservation Planning Tools chapter. Some of the more popular and widely used tools are highlighted here.

Historical Resource Survey

A priority task for the heritage commission is to have a comprehensive understanding of what its historical resources are. This is generally accomplished by undertaking a survey or inventory of a community's historical buildings, structures, and sites. A historical resource survey can aid in understanding the community's historic character and assist in determining which resources take preservation priority and why. It provides ready access to accurate, useable information regarding a building, or other type of

historical resource, at initial stages of an issue. With accurate data, a municipality can make an informed decision. The historical resource survey also plays a major role in creating a preservation chapter for the community's master plan.

Detailed information on conducting a historical resource survey can be found in the Preservation Planning Tools chapter.



Hollis has a particularly informative web site on local history:
www.hollis.nh.us/windowsonhollispast

Master Plan Chapter

The heritage commission should take an active role in writing a chapter on historical resources for the town's master plan. A master plan, sometimes called a comprehensive community plan, combines descriptive information, analysis of local trends, technical data and annotated maps. This material forms the basis for policies used by the community to manage and direct municipal growth, development and change. The historical and cultural resources chapter of the master plan should provide an overview of the history of the town or city; identify significant resources and historic areas, as well as the range of resources that illustrate its history; and offer goals and action items to manage future change that might impact those resources.

Pointers on preparing a preservation chapter in the master plan are found in the Preservation Planning Tools chapter.

Merrimack completed a comprehensive chapter on historical resources in its 2002 master plan, which can be reviewed at <http://www.ci.merrimack.nh.us/departments/communitydevelopment/2002%20Master%20Plan%20Update/Chapter%20VIII%20-%20Historic%20Resources%20final.pdf>

Demolition Review Ordinance

Several of New Hampshire's heritage commissions have spearheaded demolition review ordinances for their community. While the ordinance does not prevent demolition of a historic building, it does bring it to the attention of the heritage commission and the general public. Through discussion, education and exploration of



Courtesy photo

The Wakefield Heritage Commission raised more than \$400,000 to preserve and restore the 1871 Garvin Building after a demolition proposal threatened this landmark which had served as a railroad station, post office, general store and lodge hall.

alternative approaches, communities with a demolition review ordinance have successfully saved a number of buildings from the wrecking ball, while contributing to the tax rolls and spurring creative new development.

Information on preparing a demolition review ordinance is in the Preservation Planning Tools chapter.

Historic Districts

Three widely different types of historic districts can recognize and protect historic neighborhoods, downtowns, and rural areas. National Register historic districts provide protection when public funds, licenses or permits are involved, but do not regulate any building alterations undertaken through private means. By contrast, a locally designated historic district, which is established and administered at the local level, has established preservation standards that must be met when owners make changes to the exterior of a building. The third type of district, a neighborhood heritage district (also known as a neighborhood conservation district), functions similarly to a locally designated historic district, but with more relaxed standards.

Consult the Preservation Planning Tools chapter

for more information on National Register and neighborhood heritage districts. Detailed information on creating and administering a locally designated historic district is in the chapter devoted to that topic.

HERITAGE FUND

RSA 674:44-d

One of the innovations of the heritage commission legislation is that it allows a municipality to establish a non-lapsing heritage fund, which the heritage commission can use for activities. The fund can receive public or private monies and accumulate from year to year. The commission can expend money from the fund without approval from the local legislative body, as long as the expenditure is for an activity allowed under the heritage commission ordinance. If the money is to be used to purchase an interest in real property, the commission must first hold a public hearing. Furthermore, to protect private property rights, neither the municipality nor the commission can use the fund to condemn property. This is equivalent to the provisions of a conservation fund, which have been used successfully by conservation commissions for over thirty years.

PUBLIC AND MUNICIPAL EDUCATION

A key purpose of the heritage commission is to illustrate the public benefit of preserving a community's historical and cultural resources. There are multiple ways to raise awareness, including plaques highlighting important historic events or buildings; walking tours showcasing architectural and historic attributes of the community; exhibits on local history and distinctive citizens; school presentations; preservation awards program; website; publicizing the historical resource survey on the web site; and publishing a series of newspaper articles.

REAL PROPERTY ACQUISITION

RSA 674:44-b-II

The heritage commission can acquire real property in the name of the town or city and subject to the approval of the local governing body. The acquisition can be by gift, purchase, grant, bequest, devise, lease, or otherwise, and in the form of a fee or lesser interest, development rights, covenant, or other contractual right, including conveyances with conditions, limitations, or reversions. This mechanism was put into place as a means to maintain, improve, protect, limit the future use of, or otherwise conserve and properly use the historical

and cultural resources of the city or town. With acquisition, the heritage commission is responsible for managing and controlling the property.

HISTORIC BARN EASEMENTS

RSA 79-D

In 2002 the State of New Hampshire passed legislation to encourage preservation of historic agricultural structures by allowing discretionary preservation easements under a new tax incentive mechanism. The statute defines agricultural structures to include barns, silos, corn cribs, ice houses and other outbuildings.

In essence, the program provides property tax relief for owners of historic barns who agree to maintain the structures in keeping with their historic integrity and character for a minimum of ten years. Using statewide eligibility criteria and guidelines, the local governing body considers applications for the program, and if approved, grants tax relief within a range of a 25% to 75% reduction of the structure's full assessed value for as long as the easement is in effect. In order for an easement to become effective in the coming tax year, the local governing body must receive the application no later than April 15..

The town's heritage commission is ideally suited to identify, promote, and advise the local governing body on this program, as well as assist in implementing it. Some suggestions follow:

Encourage use: First and foremost, a heritage commission can help publicize the new tax incentive mechanism among owners of historic agricultural structures, other townspeople, and relevant local bodies such as the board of selectmen and planning board.

Support applicants: The heritage commission can help property owners research the history of their

barns, locate old photographs, and identify significant features. The commission can also provide valuable help at the required public hearings and contribute a letter of support.

Assist busy boards of selectmen: The board of selectmen or council can delegate responsibility to the heritage commission for initial review of an easement application, a site visit, and recommendation for the tax reduction. If a reduction is granted, the commission can help local officials with the annual monitoring to ensure the terms of the easement are maintained.

Spread the good word: Particularly when preservation easements are already in place, the heritage commission can encourage local newspaper coverage on how the program is working to help preserve an important part of the community's heritage.

Take stock: To get a better understanding of the number and types of historic agricultural buildings which remain in town, as well as those which have been lost, the heritage commission is encouraged to conduct a community-wide survey of these structures and to directly involve their owners in such work. These surveys are invaluable both for the data they contain and as an advocacy tool for preserving historical buildings, open space and agricultural landscapes. The New Hampshire Division of Historical Resources has developed a Farm Reconnaissance Inventory Form for such surveys, available at www.nh.gov/nhdhr/barnsurveyproject.html.

In the first couple of years of the program, nearly 200 New Hampshire barns and other agricultural buildings in forty-eight towns were protected through barn easements.



photo courtesy: Town of Lyme

The Town of Lyme has established a protocol for evaluating requests for this incentive that includes a site visit.

The Concord Heritage Commission developed a form in conjunction with the City Assessor to evaluate barn easement applications.

Charlestown, Deerfield and Frankestown have completed town-wide surveys of their barns.