

## ARTICLE XIII

Historic District Ordinance

## PREFACE

Danville's Historic District contains the nucleus of the town's earliest settlement as it evolves from the holdings of the King of England in colonial New England. It is a living memorial to those early settlers who harnessed the wilderness to establish their own republic. It is a visual reminder of their hardships and successes. Their commitment to establishing an orderly and beneficial community is evident in the existence of the meeting-house, the burial grounds, the parsonage land to support the ministry, and the roads and trails that wove through the community. This is where they worshiped, governed their town, and buried their dead. The town's first minister was housed here and preached here. The existence of such a nucleus today is rare, is historically significant to the town's heritage, and contributes greatly to the fabric of Danville's uniqueness as a town. It is the intent and purpose of this Article, and the responsibility of the Heritage Commission in administering its provisions, to ensure that this area is preserved and protected for the appreciation and enjoyment by present residents and visitors and future generations.

Danville was known as the Parish of Hawke until a name change was voted in 1836.

Situated in the District on Main Street is the town's first meeting-house, built in 1755, by twenty-seven citizens to serve the settlement's need for religious, social and political purposes. The building was constructed privately and later donated to the town. Today it is recognized as the oldest original construction meeting-house in New Hampshire. The building has been registered with the National Register of Historic Placed since 1982. A New Hampshire state historical marker was erected in from of the building in 1996.

A burial ground, dating to 1740 and containing the remains of the town's earliest settlers, leaders and officials, is located across the street north of the Meeting-house (one tenth of a mile). Located next to the burial ground is the "Parsonage Land", community land set off soon after the town separated from Kingston. It was an indispensable condition to the license for settlement that a learned and faithful minister should be provided to dispense the Word of Life. Proceeds from the sale of timber on the parsonage land was used to support the minister. To this day this parcel of land is identified and referred to in Danville as "the Parsonage Land". A second public burial ground was established adjacent to the meeting house, with burials dating back to 1825.

Perpendicular to the meeting house and extending westward to the Sandown town line is Tuckertown Road, laid out in 1766 by Hawke's selectmen. History documents that in these times people did not scatter wide upon large plantations, but collected in town and villages, with their farms layout out around them. To secure constant attendance at meeting, and to prevent danger from Indians by scattering, the General Court of the colonies ordained that no dwelling house should be located more than mile from the meeting-house. Records and maps confirm the settlers of Hawke relied on this distance issue in their petition to the General Court as justification to being separate from Kingston. Once the parish of Hawke was approved, a village known as "Tuckertown" sprang up along Tuckertown road over the ensuing twenty years. Sadly, the village was devastated by deaths from a smallpox plague during the winter of 1781-1782. Danville's first and only permanent minister, the Rev. John Page, tended to the ill in Tuckertown, contracted the plague himself and perished in Tuckertown. His body was drawn out from Tuckertown by sled to be buried in the old burial ground on Main Street.

The information of towns in colonial New England was promoted not only by the dread of, and danger from, Indians, but also by the demand for churches and schools. Sandown was establishing itself as a daughter town of Kingston about the same time as Hawke. Tuckertown Road provided a link between the two towns, as well as a means for Sandown residents to access the new meeting-house in Hawke. Its large size implies that Hawke's meeting-house was built to also accommodate residents of other communities in close proximity. Twenty families from Fremont were granted permission to attend church in Hawke after petitioning the General Court. Unfortunately, the petition was granted one month after Rev. John Page died in 1781.

A tavern once stood at the corner of Main Street and Tuckertown Road and its cellar hole still exists. Such a tavern location was quite common in colonial times. Historical annals document that many a town meeting was called to order in the meeting-house only to be later adjourned to the closest tavern, where the town's business was completed with the warmth of spirits and fireplaces.

Tuckertown was abandoned after the plague. Although it was used for timber and farm animals, no residences were ever established in the Tuckertown area again. Today, cellar holes, stonewalls, fields and forests line Tuckertown Road on both sides from at least a mile—a reminder of the homesteads of those early settlers who struggled to carve a home in the wilderness and establish this community. The townspeople have voted numerous times to preserve Tuckertown Road; it has been designated closed, scenic and a Class A trail. The nature, appearance, width and general ambiance of Tuckertown Road provides an aesthetic link of 18<sup>th</sup> century Tuckertown.

Today most of the lands which comprised the original nucleus of Hawke are town-owned and as such provide a nostalgic and historic glimpse for residents and visitors alike into the center of Danville's town origins.

## A. HISTORIC DISTRICTS

### 1. Authority

As historic district or districts shall be superimposed upon the other districts established in this zoning ordinance. The regulations, exemptions and procedures of Section XIII. B., HISTORIC DISTRICT REGULATIONS shall apply, in addition to the regulations of the underlying district and other applicable local ordinances. Procedures for the designation of the local historic district shall be in conformance with RSA 674:46, and other applicable statutory requirements.

### 2. Purposes

The purposes of this ordinance are to:

- a. safeguard the heritage of Danville by providing for the protection of the structures, structural remains and areas representing significant elements of its cultural, social, economic and architectural history;
- b. enhance the visual character of the municipality by encouraging and regulating the compatibility of new construction within the historic district to reflect or respect established architectural traditions;
- c. foster public appreciation of, and civic pride in, the beauty of the town and the accomplishments of its past;

- d. strengthen the economy of the town by protecting and enhancing the attractiveness of the community to residents, tourists, and visitors;
- e. enhance property values within the town by preserving and protecting the town's character and rural setting; and
- f. promote the use of structures, areas and sites within the historic district for the education, pleasure, prosperity and general welfare of the community.

### 3. Boundaries

- a. The areas and boundaries of the historic district are documented in Article III, Paragraph F., "Zoning District and Boundaries" of the Danville Zoning Ordinance and on maps which are hereby designated as the Historic District Map of the Town of Danville and made a part of this Ordinance and the Official Zoning Map of the Town of Danville, together with all future amendments. The official map shall remain on file with the Town Clerk.
- b. This ordinance shall apply only to properties which are owned by the Town of Danville. This ordinance shall also apply to any property within the district transferred by the Town of Danville to any person or entity subsequent to adoption.

### 4. Uses Permitted

Uses permitted in the historic district are the same as those set forth in the Danville Zoning Ordinance provisions for the district, except that within the historic district no buildings, structures or sites shall be altered, constructed, reconstructed, restored, relocated or removed as set forth in Section XIII, B.8., of the Ordinance unless a Certificate of Approval has been issued by the Danville Heritage Commission. Exceptions are noted in Section XIII, B.9.

## B. HISTORIC DISTRICT REGULATIONS

### 1. Authority

Pursuant to a 1995 Legislative change in RSA 676:46-a, the Town of Danville, New Hampshire, established a Heritage Commission in 1996, and pursuant to RSA 674:44-b III and RSA 674:46-a V, has granted authority to the Heritage Commission to administer Historic Districts within the Town of Danville. Pursuant to RSA 674:46, the local legislative body, has by this ordinance, established an historic district or districts, sites or locales within the boundaries of the Town of Danville.

### 2. Definitions

**"Building"** means any combination of materials, whether portable, movable, or fixed, having a roof and enclosed with walls, built to form a structure for the shelter or persons, animals or property.

**“Character”** character is what gives a community its identity. It is part imagery, part memory and gathered time, part attitude. Character is found in whatever gives resonance to a place, whatever references the way life has been and is, whatever identifies the community, its history, its resources.

**“Compatible”** means that the structure in question would be similar in size and scale and be constructed of visually compatible materials. Incompatible infill and additions undermine the historical and architectural integrity of the buildings and the neighborhoods in general.

**“Excavation”** as used in this Article means digging of any type with respect to construction, reconstruction rehabilitation, restoration, soil removal, and any mining of earth, such as graveling and other associated activities (i.e., blasting, screening, hauling, rock crushing).

**“Historic”** means well-known or important. Something obscure and unknown may be historical but is called historic only if its importance is publicly recognized.

**“Historical”** means anything that reveals something about the history of a place over time. This “history” begins before a place was settled and continues to the present moment. It is not limited to “important” people or events; it includes the lives of “ordinary” people doing ordinary things -- the people and things that collectively contribute to the experiences and development of a place.

**“Local Land Use Board”** means a planning board, historic district commission, heritage commission, building inspector, building code board of appeals, or zoning board of adjustment established by the local legislative body.

**“Local Legislative Body”** means the town meeting.

**“Preservation”** means the act or process of applying measures necessary to sustain the existing form, integrity and materials of an historic property, generally focuses upon ongoing maintenance and repair of historic materials and features rather than extensive replacement and new construction.

**“Reconstruction”** means the act or process of depicting, by means of new construction, the form, features, and detailing of a non-surviving site, landscape, building, structure, or object for the purpose of replicating its appearance at a specified period of time and in its historic location.

**“Rehabilitation”** means the act or process of making possible an efficient compatible use for a property through repair, alterations, and additions while preserving those portions or features which convey its historical, cultural, or architectural values.

**“Site”** means the location of a significant event, a prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself maintains historical or archeological value regardless of the value of any existing structure.

“**Structure**” means any object constructed or installed by man, including such objects although regulated or licensed by other provisions of law. The term shall not include any man-made stone markers, tombstones, crypts, or other decorative monuments allowed for by vote of the town, or authorized by the town cemetery trustees, any private cemetery association of any private cemetery within the district.

3. Administration

The Danville Heritage Commission shall administer the Historic District within the Town of Danville in accordance with the authority granted to the Commission pursuant to RSA 674:44-b III and RSA 674:46 by vote of the local legislative body in 1996.

4. Conduct of Business

The conduct of business of the Danville Heritage commission, including, but not limited to: meetings, membership, terms of office, vacancies and removal of members, officers and quorums shall be in accordance with the Procedures adopted by the Commission which have been duly recorded with the Town Clerk. Public notification and public hearings of the Commission’s actions shall be in conformance with RSA 91-A and other applicable statutory requirements.

5. Powers and Duties of the Commission

In accordance with RSA 674:46, the Heritage Commission shall have the powers and duties to:

- a. maintain a system for the survey and inventory of historic properties. This survey will be the system for comprehensive historical resources planning with the Town of Danville;
- b. establish rules and regulations for the conduct of business which are consistent with the purposes of this Article, and in conformance with RSA 673, RSA 676 and RSA 677, and in accordance with RSA 91-A;
- c. approve or disapprove, in whole or in part, applications for Certificates of Approval for which a permit is required under Section B.8., and file said Certificate of Approval or Notice of Disapproval with the building inspector following the Commission’s findings;
- d. request reports and recommendations from municipal departments and agencies and from other organizations and sources which may have information or can provide advice pertinent to the application or the proposal’s impact on the district;
- e. retain professional consultants (with the approval of the Board of Selectmen) as may be necessary to carry out the purposes of this Article, subject to the availability of funds for this purpose;
- f. act in an advisory role to other officials, agencies, departments, boards, commissions, and committees to the local government regarding the identification, protection and preservation of local historical resources;

- g. act as liaison between the local government and individuals and organizations concerned with historic preservation;
- h. work toward continuing education of citizens regarding historic preservation issues and concerns;
- i. recommend and propose amendments and/or revisions of this Article and of the boundaries and limits of any historic district to the planning board; and
- j. keep or cause to be kept accurate and complete records of each application, all of which shall be part of the public record.

6. Coordination Between Boards

Any activity which may come before the Board of Selectmen, Conservation Commission or Planning Board related to Tuckertown Road and its branches on town land or land within the Historic District under the closed, scenic and trail designations or for any other purpose shall be discussed with the Heritage Commission as part of the decision-making process.

7. Scope of Review and Certificate of Approval

It is unlawful for the municipality or any person to excavate, construct, alter, repair, move or demolish any buildings, structure, site or improvement which lies within an historic district, area or place, without first obtaining a Certificate of Approval from the Heritage Commission in the manner prescribed in this Article. Exceptions are declared in Section XIII B.9.

8. Activities Requiring Review

For the purposes of this Article, the following activities within the Historic District shall be reviewed by the Heritage Commission:

- a. Visual exterior alteration, major visual repair, sandblasting, abrasive cleaning, relocation, or removal of an existing or future building, structure or site;
- b. Erection, alteration or removal of any exterior, visible feature of an existing or future building, permanent structure or site; and
- c. Construction or installation of any structure which is not existing at the time of adoption of this ordinance.
  - 1) Nothing in this ordinance shall be interpreted or construed to limit or interfere with new construction. The Commission shall be guided by the Review Criteria and Guidelines set forth in Section XIII B.11., of this Article. The Commission shall weigh the importance or unimportance of the impact of the requested activity on the character of the district. It may consider alternative designs and methods to accomplish the goal of protection of visual historic character. It is not the intent of this Article to require that new construction recreate

historic design, but rather, that new construction be compatible with the visual historic character of the district. New construction should be designed and placed to cause the least loss of the scenic views within the historic district.

- 2) Visual buffers: Modern appurtenances to properties in the district – such as swimming pools, tennis courts, antennae, satellite dishes, trash dumpsters greater than 5 cubic yards and public recreation areas, except trails, shall be sited to minimize their visual impact and shall be screened or concealed so as not to be visible from a Class I through Class VI road.
- d. Removal, reconstruction or repair of any existing stone walls.
  - e. Installation of fences or stone walls which are not existing at the time of adoption of this ordinance.
    - 1) Fences shall be of appropriate height, materials and design as determined by the Heritage Commission.
  - f. Installation, construction, reconstruction or replacement of street lights, traffic controls, devices and signs, utility poles or other utility devices which would be visible.
    - 1) Traffic signal poles and mounts shall be as unobtrusive as possible;
    - 2) Street lights shall be designed to harmonize with their surroundings;
    - 3) Meters shall not be placed on the primary façade of a building; and
    - 4) Within the District with the exception of repair or replacement of an existing utility.
  - g. Installation and erection of any sign.
    - 1) Signage shall be designed so as to integrate with the architectural, scenic and historic features of the buildings or sites on which they are placed.
  - h. Installation, alteration, construction, reconstruction or restoration or any street, driveway, road or trail.
    - 1) Any request to pave or in any way improve any portion of Tuckertown Road and its branches on town land;
    - 2) Asphalt driveways are allowed. Driveway consideration will include the topography of the site, the visual impact and the width. Driveways should not be unnecessarily wide or visually dominant; and
    - 3) This will require Heritage Commission Review of routine maintenance of Tuckertown Road and its branches on town land.

- i. Any activity regarding the use of Tuckertown Road and its branches on town land which may result in a change in the nature, appearance, width or general ambiance of the road and its branches on town land, or which may have a negative or adverse effect as determined by the Heritage Commission upon other properties, sites or structures within the historic district.
- j. Installation of parking areas for uses other than single-family residential.
  - 1) Parking areas should be located to the rear of a building where possible and/or be shielded from view along the public way with trees or hedges.
- k. Any and all activities that would have a negative or adverse effect on existing building foundations of former structures on any site within the district.
- l. Any form of excavation or earth removal and its associated activities (i.e., blasting, screening, hauling, rock crushing).

9. Exceptions

The Heritage Commission is not required to review the following activities:

- a. Ordinary maintenance and repair of any architectural feature which does not involve removal or change in design, dimensions, materials or outer appearance of such feature.
- b. Painting or repainting of buildings or structures in any color.
- c. All interior renovations.
- d. Excavation associated with burial sites and plots in the cemeteries within the district.
- e. Any and all maintenance and replacement in kind of the public cemetery grounds, tombstones, gravesites, signs, storage sheds, stone walls, fences, gates and common areas of the public cemeteries within the District by the Cemetery Trustees of the Town of Danville, including grading and landscaping associated with the upkeep and maintenance of the cemetery grounds by the Trustees.
- f. All wood-cutting activities and practices authorized by the Town which exist at the time of adoption of this ordinance on the Parsonage Lot (so-called), being Tax Lots #1-54 and #1-57.
- g. All wood-cutting activities and forest management practices authorized by the Town which exists at the time of adoption of this ordinance in the Town Forest, so-called.
- h. All wood-cutting activities and practices authorized by the Town which exist at the time of adoption of this ordinance on the Mary Jane Sanborn "Library Lot" (so-called), being Tax Lot #1-63.

- i. All wood-cutting activities and practices authorized by the Town which exist at the time of adoption of this ordinance on the Mary Jane Sanborn "Forest Lot" (so-called), being Tax Lot #1-53.
- j. Temporary structures or signs as allowed by the Board of Selectmen. Sign conditions such as duration of use, location, lighting, removal and similar matters may be recommended to the Board of Selectmen by the Heritage Commission.
- k. Terraces or landscaping that does not change the grade level nor threatens the remains of a building foundation, burial area or other historical or archeological site.

10. Preliminary Consultation

Upon requires by a potential applicant for a preliminary consultation, the Commission may, at a regularly scheduled public hearing or other authorized time, convene into a preliminary consultation. The purpose of this session shall be to consider and comment on various design alternatives, issues and options for any project coming under this Article with the aim of providing guidance in preparing an application for public hearing. No fees or formal public notice are required for a preliminary consultation. This stage shall not bind either the applicant or the Commission, nor shall time limits apply. More detailed discussion requires notification to abutter and the general public.

11. Review Criteria and Guidelines

**In making a determination on an application, the Heritage Commission shall be guided by this Article and the technical standards issued by the United States Department of the Interior's Standards for Treatment of Historic Properties (36 CFR 68), paraphrased as follows:**

- a. the historical, architectural or cultural value of subject buildings, structures or landscapes and their relationship and contribution to the setting;
- b. the compatibility of the exterior design, arrangement of elements, texture and materials proposed to be used in relationship to existing buildings or structures and their setting;
- c. the scale and general size of new construction in relationship to existing surroundings, with consideration of such factors as height, width, street frontage, number of stories, roof type, façade openings (windows, doors, etc.) and architectural details;
- d. other factors, including yards, off-street parking, screening, fencing, entrance drives, sidewalks, signs, lights and/or landscaping which might affect the character of any building or structure within the district, and similar factors which relate to the setting for such structure or grouping of structures;
- e. the impact that the applicant's proposal will have on the setting and the extent to which it will preserve and enhance the historical, architectural and cultural qualities of the district and community.

**The Commission shall also be guided by the following standard, issued by the U.S. Secretary of the Interior:**

- a. A property shall be used as it was historically or be given a new use that required minimal changes to its distinctive materials, features, spaces, and spatial relationships.
- b. The historic character of a property shall be retained and preserved. The removal of distinctive materials or alteration of features, spaces and spatial relationships that characterize a property shall be avoided.
- c. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other buildings, shall not be undertaken.
- d. Changes to a property that have acquired historic significance in their own right shall be retained and preserved.
- e. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.
- f. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and where possible, materials. Replacement of missing features shall be substantiated by documentary and physical evidence.
- g. Chemical or physical treatments, if appropriate, shall be undertaken using the gentlest means possible. Treatments that cause damage to historic materials shall not be used.
- h. Archaeological resources shall be protected and preserved in place. If such resources must be disturbed, mitigation measures shall be undertaken.
- i. New additions, exterior alterations, or related new construction shall not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and shall be compatible with the historic materials, features, size, scale and proportion, and massing to protect the historic integrity of the property and its environment.
- j. New additions and adjacent or related new construction shall be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

12. Review for Relocation or Removal of Historical Buildings

- a. Buildings shall be retained on their present sites whenever possible. Relocation within the district shall be considered as an alternative to demolition. Removal from the district will be considered on an individual basis.

13. Application Procedure

- a. An application must be submitted to the Heritage Commission for a Certificate of Approval for any work to be performed which is within the scope of this Article. Applications shall be available from the Town Clerk during normal business hours. Applications must be submitted to the Commission's clerk or chairperson a minimum of fifteen (15) days prior to the meeting at which the application will be considered for acceptance. **Amended 3/12/2002**
- b. There shall be no application fee. Notice to abutters and legal advertising shall be paid by the town if the applicant is a potential homeowner or the homeowner of a single-family residence. If the applicant is a business or commercial entity, the costs of notice to abutters and legal advertising shall be paid by the applicant.
- c. The Commission shall, at the next regular meeting or within thirty (30) days following the delivery of the application, determine if a submitted application is complete according to the Commission's regulations and shall vote upon acceptance. If the application is not complete, then the Commission shall specify to the applicant those items that are missing. Upon determination by the Commission that a submitted application is complete according to the Commission's regulations, the Commission shall schedule a public hearing and shall act to approve, conditionally approve, or disapprove within forty-five (45) days from the date the Commission votes to accept the application, subject to extension or waiver by the applicant. **Added 3/12/2002**

14. Information Required with Application

The applicant shall make written application to the Commission through the building inspector for a Certificate of Approval if a building permit is required. For all other activities application for a Certificate of Approval shall be made directly to the Commission. The application shall include:

- a. the Commission's application form;
- b. completed permit application form (if applicable); **Amended 3/12/2002**
- c. a list of abutters and their addresses;
- d. narrative description of the project;
- e. reasonable visual materials, sketches or drawings or photographs to give the Commission a clear and certain understanding of the applicant's intention regarding the work contemplated.

The Commission may request, and the applicant shall supply at his/her cost, site plans, building plans, elevations, sketches, photographs or other information reasonably required by the Commission to make its determination of approval or disapproval.

15. Additional Information Required for Adequate Review

In reviewing the application package, 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 other administrative officials who may possess information concerning the impact of the proposal on the historic district. In furtherance of the review, the Commission may perform a site visit and solicit advice from professional, education or other groups or persons as may be deemed necessary for making a reasonable decision. If the applicant is a potential homeowner or the homeowner of a single-family residence, costs incurred in connection with such additional information shall be borne by the town. The Board of Selectmen shall be notified for approval of expenditures before incurring any said costs. If the applicant is a business or commercial entity, the costs incurred in connection with such additional information shall be borne by the applicant. The business or commercial entity shall be notified before incurring any said costs.

16. Hearing and Notices

- a. The Heritage Commission shall conduct a hearing on the application within thirty-five (35) days of the determination of a completed application package.
- b. The Heritage Commission shall file a certificate of approval or a notice of decision pursuant to RSA 679:9 within forty-five (45) days after the application is accepted. Amended 3/12/2002
- c. Failure to file the certificate of approval or notice of decision within the specified time shall constitute approval by the Commission.
- d. Written notice of the Commission hearing date shall be given to each abutter by Registered Mail, postmarked at least fourteen (14) days before the hearing date, in cases involving relocation, new construction and/or substantial alteration. Notice shall include a brief description of the proposal.
- e. The Commission shall provide notice of the hearing in accordance with procedures in RSA 91-A:2, II. Notice shall be given for the time and place of each public hearing at least 10 calendar days before the hearing and shall include a brief description of the proposal. The notice required under this section shall not include the day notice is posted or the day of the public hearing. Notice shall be posted in at least 2 public places.
- f. To the extent practical, joint hearings will be held in the case of applications requiring hearings before other municipal boards.

17. Findings

At the conclusion of its review, the Heritage Commission shall issue in writing one of the following documents:

**a. Certificate of Approval**

- 1) If in the opinion of a majority or tie vote of the Heritage Commission members present and voting, the applicant's proposal meets the intent

of this Article, then the Commission shall issue a Certificate of Approval together with any changes, conditions and/or stipulations necessary to comply with the provisions of this Article, signed by the chairperson. In the event of a tie vote the Commission shall issue a Certificate of Approval.

- 2) After the issuance of this Certificate, the building inspector may issue a building, demolition or other permit for the approved project.

**b. Notice of Disapproval**

- 1) If in the opinion of the majority of the Heritage Commission members present and voting, the application does not meet the purposes of this Article, then the Commission shall issue a Notice of Disapproval in writing together with the reasons for such decision, signed by the chairperson of the Commission. The applicant has the right to appeal under Section XIII, B.19.
- 2) No building permit shall be issued under a certificate of approval has been filed with the building inspector; but, in the case of disapproval, notice of disapproval shall be binding upon the building inspector or other duly delegated authority, and no permit shall be issued.
- 3) If the applicant's proposal is denied, the applicant may 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 with the modifications. Subsequent applications by unsuccessful applications shall be limited; unless the re-submitted application is materially different from its predecessor, the Commission may not lawfully consider the merits of the application. The burden of proving a material change shall lie on the applicant.

18. Notice and Filing of Decision

When the Heritage Commission votes to approve or disapprove an application or deny a motion for rehearing, the minutes of the meeting at which such vote was taken, including the written decision containing the reasons therefore, shall be placed on file in the Town Clerk's/Selectmen's office and shall be made available for public inspection within one hundred forty-four (144) hours of such vote. **Amended 3/13/2001**

19. Appeals

Any person or persons jointly or severally aggrieved by a decision of the Heritage Commission shall have the right to appeal that decision to the Zoning Board of Adjustment in accordance with the provisions of RSA 677:17 and RSA 676:5.

20. Enforcement

In case of the violation of any ordinance or regulation made under the authority conferred by Chapter RSA676, the Board of Selectmen, in addition to other remedies, may institute injunction, mandamus, abatement, or any other applicable action or proceedings to prevent or enjoin or abate or remove such violation.

21. Penalties

Violation of this historic district ordinance may be made punishable as provided by RSA 676:17.

22. Validity

If any section, clause, provision, portion or phrase of these Articles shall be held to be invalid or unconstitutional by any court of competent authority, such holding shall not affect, impair or invalidate any other section, clause, provision, portion or phrase of this Article.

23. Amendments

This Article may be amended in accordance with state statutes.

24. Conflicting Provisions

- a. Whenever the regulations made under the authority hereof differ from those prescribed by any statute, ordinance, or other regulation, that provision which imposes the greater restriction or the higher standard shall govern.
- b. Any provisions as set forth by this Ordinance shall not contradict or compromise criteria established by the National Register of Historic Places for maintenance of a registered structure or site.
- c. Nothing in this ordinance shall be construed as repealing or modifying any private restrictions/covenants existing at the time of adoption of this ordinance placed upon property by covenant, deed or other private agreement, or any restrictive covenants running with the land to which the Town is a party, but shall be in addition thereto.