

CHAPTER 14: IMPLEMENTATION

The Master Plan is a compilation of the Planning Board's recommendations for the desirable future of Hanover. As described in State law, it is intended to aid the Planning Board in the performance of its duties. It contains the background data upon which the Board bases its recommendations. The Master Plan is adopted by a vote of the Board after public hearings.

The implementation of the Plan is accomplished primarily through land use regulation and ordinance: subdivision regulations, site plan review regulations and the zoning ordinance. A capital improvements plan and an official map are additional municipal planning tools available for master plan implementation. Conservation activities and public education are also components of implementation.

The Planning Board intends to undertake Master Plan implementation after the Plan is adopted. This will require a comprehensive review of existing land use regulations and ordinances and consideration of innovative methods that will further the goals of the Plan.

Key among the land use and planning changes envisioned by the Planning Board for the 10 year time frame of this 2003 Master Plan are:

- A coordinated mixed use zone in the vicinity of the Hanover Fire Station, on both sides of state Rt. 10, north of the Downtown. Such a neighborhood, possibly to be known as the Dresden Village Center, should incorporate housing, retail and school functions within a walking zone, serviced by sidewalks.
- A reduction in the size of the BM (Business and Manufacturing) zone to include only the land accessible from Rt. 120 and without major environmental constraints. Mixed use is encouraged, permitting some housing and supportive commercial uses in an area primarily devoted to business. Known throughout the Plan as the Centerra North Village Center, this mixed use area is intended to interconnect and complement the adjacent Centerra Park in Lebanon.
- Revised zoning to continue the current 25%/75% development distribution in the rural area/urban service area.
- Identification of urban in-fill opportunities for higher residential densities with minimal neighborhood impact. Candidate locations include the Sand Hill area, the new Middle School/ Dresden neighborhood area, and along the West Wheelock Street corridor.
- Monitoring of population growth and development changes permitting annual review of growth and consideration of regulating it more closely.

Highlights of the Plan implementation as the Board currently envisioned include the following:

Regulatory Change

Related to Zoning:

- Implement zoning designed to result in an increase in the number of affordable housing units.
- Maintain a distinct limit to the urban area defined by the municipal service zone.

- For the Centerra North Village Center area, conduct a natural resources inventory to determine the appropriate lands for protection and those for development; coordinate with Lebanon to recognize natural resource constraints and develop complementary land use plans; revise the existing “BM” zoning district accordingly; develop a proposal for mixed commercial and residential uses.
- Draft a mixed-use zoning proposal for the Dresden Village Center emphasizing neighborhood development with pedestrian access between schools, places of employment, houses, small scale commercial establishments, nearby open space and trails, and transit stops.
- Study transfer of development rights programs, zoning density bonuses and performance standards zoning in other locales and their applicability in Hanover.
- Study the appropriateness of home business and apartment uses in each zoning district, establishing controls that will protect neighborhood values while offering opportunities for housing diversity, commuter trip reduction, and easing of property ownership expenses for individuals; consider residential use of accessory buildings (barns, carriage sheds, etc.).
- Study Hanover Center village character and potential methods of maintaining it.
- Study Etna Village options for development that are in keeping with current and historic uses.

Site Plan Review Regulations:

- Review and refine lighting standards for minimizing off-site and night sky impacts.
- Review landscaping requirements, especially as they relate to parking lots and invasive species.
- Update sign standards in consideration of new designs.
- Establish new minimum thresholds for site plan review authority.
- Clarify the types of projects which qualify for waivers.
- Standards for utility placement.
- Update erosion control standards.

Subdivision Regulation Standards:

- Review and refine road standards including traffic calming measures making speed reduction and pedestrian-friendly roads a design priority.
- Update erosion control guidelines.

Environmental Planning

- Incorporate scenic resource protection into the Site Plan Review and Subdivision Regulations.
- Adopt policies that will protect the Town from the planting and spread of invasive plant species.
- Develop open space protection incentives for the private sector, incorporating them into the land use regulations.
- Identify locations for "pocket parks" in the urban area and open space connections near all rural neighborhoods.
- Continue as a partner for conservation with the Hanover Conservation Council, the Upper Valley Land Trust and other local and State organizations.

- Develop a permanent natural resource protection plan for the Hanover Water Works property.
- Coordinate open space and trail needs with the Conservation Commission during each site plan and subdivision review.
- Develop a town wide trail plan, associated maps, signage and trailhead parking.
- Consider excavation and steep slope regulation to protect water quality; focus control efforts on lands outside the municipal service zone.
- Identify a long-term funding mechanism for the Conservation Fund.

Housing and Neighborhood Planning

- Research housing diversification options applicable to private developments; consider zoning incentives.
- Encourage the Town to participate in the provision of moderately priced units through land lease or donation, housing development or management.
- Cooperate with regional housing planners and local employers to increase the supply of affordable housing units needed by employers of the Upper Valley.
- Study the opportunity for accessory housing units in all zones and in accessory buildings throughout Town; develop appropriate conditions for such use in the interest of protecting neighborhood character.
- Determine actual housing density, lot coverage, setback and frontage in the municipal service zone neighborhoods, identifying areas for change to bring zoning controls in line with neighborhood character.
- Study the appropriateness of Planned Residential Developments throughout Town; consider location, density, community service demand and open space criteria.
- Initiate a neighborhood planning process in the public water and sewer service area to establish neighborhood visions; identify regulatory protections or capital projects that may be necessary to realize those visions.

Transportation Planning

- Consider assuming responsibility from the State for maintenance of the Etna Road through Etna village.
- Work with the Dresden School District, Dartmouth College Dartmouth Hitchcock Medical Center and other significant employers to develop a coordinated parking and traffic control plan.
- Study traffic calming methods and locations aimed at protecting our neighborhoods.
- Participate in regional traffic planning in support of car/van pooling, Advance Transit, appropriate new regional road links and bikeways.
- Reconsider and enhance standards for the protection of Scenic Roads and Class VI roads.
- Document standards for new street acceptance and road improvements.
- Support Downtown Committee efforts to improve parking policies and programs.
- Establish a policy regarding the creation of new private vs. public roads.

Municipal and School Facility Planning

- Inform the Select Board of municipal service needs of planned development to include, especially, transportation, water and waste water system demands; monitor zoning amendments for their conformance to municipal facility changes.
- Maintain a cooperative and informed position with the Dresden and Hanover School boards; participate in school transportation planning; cooperate in recreational facilities planning including shared use of facilities.
- Actively pursue cooperative planning efforts with neighboring communities.

Regional Planning

- Maintain membership and participation in Upper Valley Lake Sunapee Regional Planning Commission.
- Participate in Dartmouth Hitchcock Medical Center traffic and parking planning.
- Participate in Upper Valley Transportation Management Association, Upper Valley Transportation Advisory Committee and Advance Transit to address local and regional transportation needs.
- Continue conservation and natural resource protection work with the Hanover Conservation Council, Upper Valley Land Trust, Connecticut River Joint Commissions, Connecticut River Watershed Council, Appalachian Trail Conference Land Trust and adjoining municipalities.
- Work with Twin Pines Housing Trust, Upper Valley Housing Coalition, Dartmouth College, and area employers and developers to facilitate the provision of affordable housing.

Capital Planning

- Build open space, parks and bikeway expenditures into the Capital Improvements Plan.
- Increase Town funding of conservation efforts in line with growth pressures.

Schedule and Mechanics

- Consider Master Plan updates periodically in an effort to keep the document current and the scale of the job reasonable.
- Encourage the Selectmen to appoint special committees as the need arises; such focus groups have proven successful in the past, bringing carefully crafted proposals to the Planning Board for consideration.
- Establish an annual schedule for zoning changes with deadlines for public, staff and Board input.

APPENDIX 14-1: IMPLEMENTATION TOOLBOX

This appendix lists some of the tools available to the Town for implementing elements of the Master Plan. First, regulatory tools, those that could be added to our land use controls, are listed. The next section lists options for protecting land, some of which are regulatory. The last section is a discussion about approaches to preserving and enhancing historic sites and areas. This appendix is not an exhaustive list, but is meant to serve as a resource to the people who read and implement the Master Plan.

REGULATORY TOOLS

Building or lot coverage The amount of land covered or permitted to be covered by a building or other improvements usually measured in terms of percentage of a lot.**

Cluster development A development pattern in which the uses are grouped or clustered through a density transfer rather than spread evenly through out a parcel as in conventional lot by lot development. A zoning ordinance may authorize such development by permitting smaller lot sizes if a specified portion of the land is kept in permanent open space either through public dedication or through creation of a homeowners association. Cluster development allows flexibility in layout of the development so that fragile natural resource lands (steep hillsides, wetlands, ravines) can be left undisturbed. This results in less monotonous designs and lower costs by savings realized by shorter roads and utility lines. See also RSA 674:21**

Downzoning A change in the zoning classification of land to a classification permitting development that is less intensive or dense, such as from multi-family to single family. A change in the opposite direction is called upzoning.**

Growth management The use by a community of a wide range of techniques in combination to permit it to determine its own amount, type and rate of growth and to channel it into designated areas. Conceptually, growth management differs from conventional approaches in that it does not accept likely population growth and its rate as inevitable; these are open to question and are subject to determination by public policy and action. See also RSA 674:22**

Impact fees A fee imposed on developers to pay for the costs to the community of providing services to a new development. See also RSA 674:21**

Impact zoning An ordinance which identifies fiscal and environmental standards to be met by new development; i.e. an applicant must demonstrate that the proposed development will not adversely affect governmental financial conditions nor the community's man-made or natural environment. In general, it tries to extend environmental or industrial performance standards to other impacts of new development on a community- especially fiscal impacts. The process relies heavily on a detailed analyses of existing conditions and of the impact of a development on the community.**

Incentive (bonus) zoning A system under which developers are given bonuses in exchange for providing amenities the community feels are desirable. This is in contrast to zoning's more traditional, more negative effect of limiting or restricting development. Bonuses granted usually

are in the form of higher permitted densities or floor area ratios to improve a development's profitability.**

Inclusionary zoning A positive and active policy and program of a community to attract minority or low or moderate income residents. Such policies are analogous to affirmative action in job recruitment. Inclusionary zoning devices usually include offering voluntary incentives, benefits or bonuses to developers to produce housing which is affordable to persons or families of low or moderate income. Inclusionary zoning includes, but is not limited to, density bonuses, growth control exemptions, a streamlined application process, or exceptions to traditional controls. See also RSA 674:21**

Land use controls A term generally referring to the use of police power techniques to control and guide land use and development. In actual use, the term normally refers to zoning, subdivision regulations, site plan regulations and official maps. See also RSA 672:1**

Mixed use zoning Zoning which permits a combination of usually separated uses within a single development.**

Moratorium A temporary halting or severe restriction on specified development activities. Moratoriums on issuance of building permits or on sewer hook ups, for example, may be imposed to allow the community to build the necessary utilities to accommodate the new development. See also RSA 674:23**

Official map A legal document adopted by the town meeting that pin points the location of future streets and sites for other anticipated public facilities. It allows land to be reserved for a limited time to be protected from unauthorized encroachments giving the community a chance to acquire the land before it becomes developed. From the public standpoint, the official map is designed to delay any proposed development long enough for the community to buy the property before construction makes it too expensive. From the private standpoint, the map serves as a notification and warning of the location of proposed public improvements. See also RSA 674:10**

Overlay zone A set of zoning requirements that is described in the ordinance text, may be mapped, and is imposed in addition to those of the underlying district. Developments within the overlay zone must conform to the requirements of both zones, or the more restrictive of the two. It usually is applied to deal with special physical characteristics such as flood plains or steeply sloped areas, but it has other applications as well. See also RSA 674:21, I (i) and (j)**

Performance standards A minimum requirement or maximum allowable limit on the effects or characteristics of a use, usually written in the form of regulatory language. It is a more precise way of defining compatibility and at the same time is intended to expand a developer's options since, for example the fire resistance of a wall will be specified rather than the construction materials. The performance standard approach is based on the technical ability to identify activities numerically and to measure them to see if they meet ordinance requirements. See also RSA 674:21**

Phased development A term referring to programs or technique to guide the timing and sequence of development. Under one form of phased zoning, land designated for residential use but presently undeveloped could receive permission to subdivide only if the developer could show the availability of adequate public services such as sewers, drainage, park sites, and roads. The special permit or rezoning usually serves as the control vehicle. Through it, development in the designated areas would be phased as the **public services become available** ~~community is willing and able to provide the public services~~. See also RSA 674:21**

Planned unit development A form of development usually characterized by a unified site design for a number of housing units, clustered buildings and provision of common open space, density increases and a mix of building types and uses. It permits the planning of a project and the calculation of densities over the entire development, rather than on an individual lot by lot basis. It also refers to a process, mainly revolving around site plan review, in which public officials have considerable involvement in determining the nature of the development. It includes aspects of both subdivision and zoning regulation. See also RSA 674:21**

Police power The authority of government to exercise controls to protect the public's health, safety, morals, and general welfare. As distinct from eminent domain powers, in which government takes property, no compensation need be paid for the imposition of police power controls. The degree to which such exercise becomes, in effect, a taking of property, is a question of long standing and has arisen in connection with the restrictive growth management controls being imposed by many communities.**

Premature subdivision A subdivision that is proposed considerably in advance of the logical development of the town and in advance of the town's ability to provide municipal services in a cost effective manner to that area of town.

Road access limitations A technique used to manage growth, direct growth to certain locations, and control road infrastructure maintenance costs. Lot size may be dependent upon the type of road providing access to the lot. There may also be a restriction on the ability to create subdivision roads according to the condition of the town road which it would intersect.

Site plan review A process whereby local officials review the site plan and maps of a development to assure that they meet the stated purposes and standards of the zoning district, provide for the necessary public facilities such as sidewalks, streetscape improvements, roads and schools, and protect and preserve topographical features and adjacent properties through appropriate siting of structures and landscaping. The process often allows considerable discretion to be exercised by local officials since it may deal with hard to define aesthetic and design consideration. See also RSA 674:43**

Spot zoning Zoning a relatively small area differently from the zoning of the surrounding area, usually for an incompatible use and to favor the owner of a particular piece or pieces of property. The "spotness" is in the arbitrary and inappropriate nature of the change rather than, as is commonly believed, the size of the area. Special small area zoning districts, however, have been upheld where the master plan demonstrates a special need, such as for a historic area or to preserve a sensitive natural area.**

Subdivision regulations Local regulations that regulate the division of land into building lots or the division of other real estate into separate units for rent, lease or condominium conveyance. The regulations establish requirements for streets, utilities, site design, and procedures for dedicating land for open space or other public purposes to the local government or for fees in lieu of dedication, and prescribe procedures for plan review and payment of fees. See also RSA 674:36**

LAND PROTECTION OPTIONS

Acquisition of fee simple Often the first step in open space protection is for the town or conservation organization to become the owner of the land. This is a relatively simple open space protection technique and is also the most secure, as control of the property and how it used is the responsibility of the owner.

Acquisition of a property may be expensive in the case of purchase, or inexpensive in the case of donation. Purchase may be necessary when the land is threatened and the landowner is not willing or able to give the property to an entity interested in land conservation. Donation may provide the landowner with significant income tax benefits because the value of the real estate donated to a governmental or non-profit conservation organization is recognized in the tax code as a charitable contribution. Part of or all of the value of the land may be tax-deductible. Bargain sale purchase at a less-than-market-value price is a financially attractive variant of an outright purchase. It benefits the buyer (the town or conservation organization) because the cost of purchase is less. It can also benefit the landowner because the difference between the bargain sale price and the fair market value may be considered a charitable contribution and therefore qualify as an income tax deduction.

Acquisition of partial interests in land Real estate is more than a piece of property; it carries with it a complex bundle of rights, including the right to improve the property, to mine the property, to take water from the property, to graze animals, to prevent others from visiting the property, and to simply enjoy the property, to name a few examples. The bundle of rights and responsibilities that comprise land ownership may remain intact or may be allocated among a number of parties. Acquisition of fee simple means a person, or group of people, acquire the complete bundle of rights. Alternately, for example, the town might purchase a partial interest in the land, such as the right of public access. Acquisition of partial interests in land may occur by purchase, donation, or bargain sale.

Landowners interested in conserving their property, but retaining ownership, often utilize the conservation easement. Specifying the rights which will be separated from the property in a conservation easement deed, and selling or giving the deed to a conservation group or town is a common method of land protection in the Upper Valley. Many conservation easements, for example, restrict further subdivision of the property, and residential or commercial development. Commonly, easements may also limit excavation and major disturbance of the natural ground surface. Some conservation easements reserve particular rights for present and future owners such as the right to erect agricultural structures or to allow additions on existing residential structures. Some conservation easements cover only a portion of a lot, leaving the remainder available for development according to the land use controls in effect in the community. Some easements allow use by the public. Many limit it (for example, to foot travel only), and some curtail public use completely. Every easement is written to reflect the preferences of the

landowner.

Acquisition of a conservation easement by the town or conservation group means receiving a less than fee simple interest in property. Acquisition of a conservation easement is also called acquisition of development rights, because in most cases, conservation easements convey development rights from the owner to another party. In this instance, the development right is extinguished forever. Another type of partial interest that is commonly conveyed in Hanover is a trail easement. Sometimes the Planning Board requests that a trail easement be given to the town to improve the trail system in the process of reviewing a major subdivision or site plan application.

The acquisition of partial interests in land is usually less costly than the acquisition of the land fee simple, both in the short term and the long term. The long-term municipal costs include the responsibility for monitoring, and enforcement in the event of an easement violation. Other considerations include the relative security that comes with ownership, the loss of taxes and the stewardship expenses necessary for managing the land.

In addition to the benefit of protecting the land, a landowner may be eligible for income tax benefits from the donation of a conservation easement to a municipality or conservation organization.

Current use assessment Current use assessment is designed to tax land at its “current use” value rather than at its “highest and best use” value. With reduced property tax under current use assessment, landowners may be better able to continue to own their land. As specified in RSA 79-A, current use assessment provides for reduced property assessments on field, farm, forest and wetland parcels which are at least ten acres in size; nature preserves; active farmland generating annual revenues of at least a specific amount; and recreation land of any size. Once in the program, the land cannot be developed without the owner being assessed a land use change tax equivalent to 10% of the fair market value of the land taken out of current use.

While current use does not prevent a property from being developed, it provides an incentive to keep the land undeveloped, since annual taxes are lower.

Option & right of first refusal In cases when there is a parcel of land that should be added to the open space system, but immediate purchase is not possible, an option or a right of first refusal are interim measures that could be arranged with the owner. They guarantee that there will be an opportunity to respond to the owner when the property is available for sale.

An option establishes a price at which the land could be purchased at any point during a specified period of time in the future. It gains time for raising money for the fee simple purchase, for completion of applications for grant assistance, for obtaining town appropriations, or whatever else is necessary to complete the purchase.

A right of first refusal is less specific. It guarantees a future opportunity to purchase the land at a price equal to a bona fide offer from another party. It buys time, but does not establish a fixed price or date of purchase.

Options and rights of first refusal provide legal ways for eventual property ownership while providing time for organization and assembly of financial resources. In cases in which the town is interested in purchase, neither obligates the town to making the purchase, but the town should not employ these options unless there is a high probability it will exercise the option. Options and rights of first refusal can be obtained at no cost, but are typically sold by the landowner.

Regulations The establishment of regulations to maintain open space must be reasonably related to the public health, safety and welfare. Otherwise it might be deemed a taking of property without just compensation. Nevertheless, there are a number of ways that land use regulations can successfully contribute to an open space system.

Land use regulations, particularly zoning, can be designed to keep open space free from development. This is precisely what the “NP” district in the Hanover Zoning Ordinance attempts to do. This zoning approach is unique and not suited to much of the land in town because land is zoned “NP” only at the request of the landowner. “NP” designation does not provide permanent protection, as changes in the “NP” designation are made upon petition of the property owner followed by vote of Town Meeting. The limited development (only seasonal residences) and large lot sizes required in the “F” district have been crucial in reducing development pressure on the east side of Moose Mountain. However, while it has, to date, created an ambience in the eastern part of town, it does not specifically protect its natural resources. Therefore, additional conservation mechanisms should be used.

Regulations such as those contained in Article VII of the Zoning Ordinance (wetland and waterbody protection) effectively restrict development from impacting water resources in a major way, but at times, with review, do allow some development in the wetland and the surrounding buffer. Regulation of lot coverage and setbacks ensure that there is a mix of structures and open space on a lot.

Planned residential development and open space development regulations are designed to encourage a development plan which sets aside meaningful open space, typically for the use by the residents of the development. The key here is ensuring that the open space also contributes in a logical way to the open space system in town, has some relationship with the town-wide network, and provides some public open space benefit.

Regulatory approaches do not take land from the tax rolls and only require a commitment from the town to administer and enforce the provisions of the land use controls. However, regulatory approaches to open space protection are only a Town Meeting vote away from being abolished or changed to become less (or perhaps more) effective. The Town should not use the Conservation Fund to avoid enforcement of regulations.

Transfer of development rights A market for development rights can be established by creation of a transfer of development rights program. Typically, such a program is implemented in a town's zoning ordinance. Through the Master Plan and zoning processes, sending zones (areas to be less densely developed or conserved by sending some or all of their development rights away) are identified as important parts of the open space system. Receiving zones (areas to be more densely developed) must be designated. Purchasers of development rights can use the transferred development rights in the receiving zones. With a transfer of development rights program the market theoretically creates the open space system by removing the development rights from lands that should be left as open space and placing development in other specified locations.

In order to sell the development rights from land in a sending zone, an instrument similar to a conservation easement is executed. The transfer of development rights is carefully worked out when the system is set up by local ordinance, and subsequently monitored to keep track of the lands from which development rights have been sold. See also RSA 674:21

TOOLS FOR THE PRESERVATION & ENHANCEMENT OF HISTORIC SITES AND AREAS

To date, the continued protection of Hanover's historic resources has been accomplished largely by the actions of individual owners and an overriding community-wide respect for the Town's historic assets. Uniformly high standards of upkeep and maintenance are evident in most of the structures within the Town. Decaying buildings and neglect are rare, outweighed by a sense of pride and understanding identifiable by visitor and resident alike. Currently, the Hanover Planning Board controls development through zoning. Zoning regulations may not be enough to protect the Town's historic resources in the future. It should not be assumed that land use controls and federal incentives alone will be sufficient to preserve Hanover's important assets. It is the private sector which provides the fuel and support necessary to ensure that the Town's cultural resources remain an integral part of everyday life. It is a broad-based partnership between different levels of support which must be sought.

To ensure that Hanover is able to retain its historic assets in the future, the various vehicles for preservation available at the private, local and federal levels are discussed below and should be considered.

Private citizens and organizations Much of the responsibility for historic preservation is undertaken by private individuals or groups. According to 1990 U.S. Census figures, 39.6% of Hanover's housing units were built prior to 1940 (as compared to 39% Statewide). Considering the Town's high proportion of older housing units, pride in ownership and regular maintenance alone can be responsible for remarkable preservation results. Cases of neglect and decay are rare in Hanover; general maintenance is rewarded by a very favorable real estate market. Unfortunately improvement work undertaken with good intentions can often result in techniques or materials inconsistent or insensitive to an older building. As a result, the integrity of the building is compromised and work done may actually damage the building it was intended to preserve, often proving more expensive than the proper treatment. A wealth of specialized information covering topics sensitive to the needs of older buildings ranging from the pros and cons of vinyl and aluminum siding, stripping paints, window replacement to re-pointing brick is available from the Upper Valley Lake Sunapee Regional Planning Commission Office or NH Division of Historical Resources.

Historical societies and other organizations can enhance the public's awareness of the importance of preserving the town's historic quality through slide shows, walking tours, pamphlets and publications.

Historic resources survey Preservation through documentation is perhaps the most basic, essential and non-controversial of preservation strategies. There are several advantages in undertaking an historic resources survey. In addition to providing a permanent written and photographic record of a town's architecture, a good inventory is the foundation for other preservation tools and can be used to establish historic districts or to prepare nominations for listing of historic structures in the National Register of Historic Places. Data gathered in a survey may encourage a greater appreciation of the built environment by local citizens. Historic resource assessments are also necessary for accomplishing environmental reviews required in projects receiving Federal funding. As the beginning of a comprehensive historic preservation strategy, information gathered should act as a firm base for future decision-making, by identifying buildings suitable for and worthy of rehabilitation.

To date, a comprehensive survey of historic resources in Hanover has yet to be conducted. Resources along West Wheelock Street were surveyed by a consultant to the New Hampshire Department of Transportation in 1993 as part of the Ledyard Bridge replacement project.

National Register of Historic Places The National Register of Historic Places is the official list of the Nation's cultural resources worthy of preservation. Established by the National Historic Preservation Act of 1966 and administered by the National Park Service within the Department of the Interior, the Register lists properties of local, state and/or national significance in the areas of American history, architecture, archeology, engineering and culture. Resources may be nominated individually, or in groups, as districts, or multiple resource areas.

In New Hampshire, any individual may prepare a nomination application. National Register forms, maps and photographs are submitted to the N.H. State Historic Preservation Office for review by the State Review Board. Following approval at the State level, it is sent to Washington, D.C. for final review, approval and listing.

Benefits of National Register Listing

1. Recognition of local, state or national significance often stimulating appreciation of local resources and encouraging pride in ownership.
2. Provides for review and amelioration of effects which any Federally-funded, licensed or assisted project might have on the property.
3. Eligibility for certain federal tax benefits including the 20% investment tax credits for the rehabilitation of income-producing buildings and the charitable deduction for donations of easements.
4. Qualification for federal preservation grants when funding is available.

To be eligible for listing in the National Register, properties or districts must generally be older than fifty years and meet the evaluation criteria in the Federal Regulations summarized below:

The quality of significance in American history, architecture, archeology, engineering, and culture in districts, sites, buildings, structures and objects that possess integrity of location, design, setting, materials, workmanship, feeling and association, and

- a) that are associated with events that have made a significant contribution to the broad patterns of our history; or
- b) that are associated with the lives of persons significant in our past; or
- c) that embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- d) that have yielded, or may be likely to yield, information important in prehistory or history.

Each individual building within a National Register District may not be an outstanding landmark on its own, but the group of structures taken as a whole must convey a strong sense of history and integrity. Structures which have been greatly altered or which do not contribute to the character of the district are noted "non-contributing". Once nominated, a National Register District must have the approval of a majority of property owners, with each owner having a single vote regardless of the number of eligible properties he may own and regardless of whether

the property contributes to the district's significance. For a single privately-owned property with one owner, the property will not be listed if the owner objects. Listing in the Register does not interfere with a property owner's right to alter, manage, dispose of or even demolish his property unless for some reason Federal funds are involved. Nor does National Register listing require that an owner open his property to the public.

Within Hanover two structures are currently listed on the Register, the Etna Library and the stone bridge on Great Hollow Road, although there many other structures, individual and in districts, which are eligible. Nearby districts include the White River Junction Historic District, the Canaan Street Historic District, the Colburn Park District in Lebanon, the Lyme Center and Lyme Common Historic Districts. In Claremont, the Claremont Multiple Resource District was listed in addition to the Monadnock Mills District and numerous individual properties, including an archaeological site. Over forty-five (45) individual buildings or sites and fifteen (15) districts in the Upper Valley Lake Sunapee Region are listed in the National Register.

It should be noted that although the relocation of structures including the Webster Cottage, Choate House and Woodward-Lord House, has resulted in the continued preservation of these important early village structures, removing an historic structure from its original site frequently makes it ineligible for National Register standing according to National Park Service criteria.

National Register listing can be an important tool for identifying and planning the future of significant resources. Listing can act as a catalyst to change public perception and improve an area's image, but cannot in itself prevent major detrimental alterations or even demolition. It remains an important psychological first step towards historic awareness, respect and protection.

Local historic districts The term "historic district" can refer either to a locally designated historic district or as has previously been discussed, to a National Register Historic District. Both are useful preservation tools but differ in the way in which they are established and the protection they afford. An historic area may be both a locally designated historic district and a National Register District.

The most comprehensive preservation tool available to local governments under state law is the creation and administration of a local historic district. An historic district is characterized by a grouping of structures and/or sites which physically and spatially comprise a specific environment. Buildings may represent a cross section of ages and styles but should be unified by past events or by plan or physical development. As authorized by RSA 674:45, an historic district commission may be designated by local town meeting to prepare a suitable ordinance which establishes a frame work for the commission's decisions and administration. The commission may contain 5 or 7 members each with a demonstrated interest and ability to understand, appreciate and promote the purposes of the district. In order for a town to adopt an historic district ordinance two public hearings should be held at least 15 days apart. Fourteen days notice must be given with proper notification in a paper of general circulation and proper posting. After the public hearings, an official ballot must be taken. A majority of the voters must vote for the historic district ordinance before it can go into effect.

The concept of historic districts exemplifies the growing recognition that buildings cannot live in a vacuum but protection must be provided to structures as part of the total environment. The purpose of an historic district is to protect and preserve areas of outstanding architectural and historic value from inappropriate alterations and additions which might detract from an otherwise distinctive character. The New Hampshire legislation (RSA 674:45) identifies

the following purposes of historic districts:

- preserves an area which reflects cultural, social, economic, political and architectural history;
- conserving property values;
- fostering civic beauty, strengthening the local economy; and
- promoting the use of the district for the education, pleasure and welfare of community citizens.

After preparing an appropriate ordinance, the commission is given authority to consider the appropriateness of any proposed construction, exterior changes or demolition of any structure within the district. In addition to the buildings, streetscape features, above ground utility structures and signs are often also regulated. Each individual ordinance must outline precisely permitted and prohibited actions and regulated activities. Expectedly, ordinances take on varying degrees of strictness. Permitted activities might include routine maintenance, painting, replacement of exterior features with similar features, rehabilitation and routine landscaping. Prohibited uses might include artificial siding, lighted signs, mercury vapor lighting, etc. An historic district ordinance can specify the use of land as well as its appearance or aspect, though a town can limit the commission's powers so as not to include land use regulation.

It is important to emphasize that historic district commissions control noncontributing structures as well as new construction within a district. Alterations and additions within a district are individually reviewed in respect to their mass, scale and detailing in relation to surrounding structures.

An historic district commission may be abolished upon petition of twenty-five (25) voters followed by two public hearings and a town meeting, with a 2/3 vote needed to abolish. The success of any local historic district is dependent on a variety of factors including local support and the ability and commitment of the town to enforce such regulation.

Heritage commissions Effective in 1992, New Hampshire communities were given another preservation tool in the form of the heritage commission. Unlike local historic district commissions, whose responsibilities are limited to specific parts of a community, heritage commissions are intended to have a broader, town-wide scope with the responsibility of advising and assisting other local boards and commissions, including the planning board. While some communities may opt to have heritage commissions that are only advisory, other may decided to merge an existing historic district commission with the heritage commission. Through this legislation (RSA 674:44-a and 674:45-46), New Hampshire municipalities can choose their own level of official involvement in historic preservation.

Another innovation of the heritage commission legislation is that it allows communities to establish a non-lapsing heritage fund which the heritage commission can spend after a public hearing, without going back to the selectmen or town meeting, to acquire property and/or easements, in much the same way a municipal conservation commission might.

Historic building rehabilitation tax incentives The rehabilitation of older buildings, frequently less expensive than new construction, is a cost-effective solution benefiting the tax base while filling older structures with new life. The Economic Recovery Act of 1981 provides attractive incentives in the form of federal investment tax credits for the substantial rehabilitation of income-producing older buildings. The act was enacted to support preservation by eliminating certain favorable tax incentives, which encouraged the demolition of historic structures. Credits

are deducted from taxes owed, not income earned with an 18 year cost recovery period. Currently the tax incentives take two forms:

ITC	Building Use	Eligible Properties
10%	Commercial and Industrial	40 years or older
20%	Commercial, Industrial and Income Residential	certified historic structures 50 years or older undergo a certified rehabilitation

To be eligible for the 20% credit, a building must be a certified historic structure, either listed individually on the National Register or contributing to a Register Historic District or certified Local District. Certified rehabilitation work must adhere to the Secretary of the Interior's Standards for Rehabilitation, a list of ten standards developed to ensure that significant features of a building will not be compromised. Only the 20% category carries any guidelines for how work is to be done but owners of properties within historic districts must use the 20% or obtain certification that their structure is not historic to elect the lesser credits. Despite increased paperwork and procedures, those choosing the 20% are favored by a larger credit and more advantageous depreciation rules. Municipally-owned structures are not eligible for these credits.

Revolving funds Revolving funds are self-replenishing loan pools. The money in the pools is mostly composed of donations and is used to restore buildings. The fund revolves when the restored building is sold. With a revolving fund, a nonprofit organization can either acquire a deteriorating building, restore it, and then sell it or make low interest loans available to those who need to restore their historic buildings.

Scenic road designation New Hampshire State Law RSA 231:157-158 enables a town to designate any road as scenic unless it is a Class I or II highway. Upon petition of ten persons who either are voters of the town or whose lands abut the proposed designated road, a vote can be held at town meeting to consider the proposal. A positive vote at the town meeting can designate a scenic road.

A scenic road designation protects trees and stone walls situated on the public right-of-way. After designation of a scenic road "any repair, maintenance, reconstruction or paving work done with respect thereto shall not involve or include the cutting or removal of trees, or the tearing down or destruction of stone walls, or portions thereof, except with the prior written consent of planning board or official municipal body. . ." (RSA 231:158).

In addition to the State law, in 1979 Hanover's Board of Selectmen adopted a "Scenic Road Policy Statement" in compliance with the 1979 Town Meeting request under Article 17. This statement may be obtained at the Town Offices.

Designation of a road as "scenic" will not affect the town's eligibility to receive state aid for road construction. Nor will it affect the rights of abutting landowners.

Designation of scenic roads enables a town to preserve the rural environs around its historic structures. A scenic road designation also stimulates pride in, and respect for the existing landscape. This is an especially important tool for Hanover's rural areas, whose heritage is reflected in the inseparable bond between architecture and landscape.

Discretionary preservation easements A property tax incentive mechanism to help save historic New Hampshire agricultural buildings. A new state law, RSA 79-D, creates a mechanism to encourage the preservation of historic New Hampshire barns and other agricultural buildings by authorizing municipalities to grant property tax relief to barn owners who (a) can demonstrate the public benefit of preserving their barns or other historic farm buildings, and (b) agree to maintain their structures throughout a minimum 10-year preservation easement.

The new law is based on the widespread recognition that many of the state's old barns and other farm outbuildings are important local scenic landmarks and help tell the story of New Hampshire's agricultural heritage. Yet many of these historic structures are being demolished or not repaired because of the adverse impact of property taxes. RSA 79-D encourages barn owners to maintain and repair their buildings by granting them specific tax relief and assuring them that assessments will not be increased as a result of new repair work.

The program represents a uniquely New Hampshire approach; it is strictly voluntary on the part of the property owner and combines statewide eligibility criteria and guidelines with decision-making and implementation at the local level. It is closely modeled after New Hampshire's open space discretionary easement program (RSA 79-C), which authorizes local governments to grant property tax relief to encourage the preservation of open land.

On or before April 15 of the new tax year, any owner of an historic barn or other farm building may seek relief by applying to their local governing body (town selectboard or city government) to grant a discretionary preservation easement and by agreeing to maintain the structure in keeping with its historic integrity and character during the term of the easement. The application, available at town and city halls, includes a map showing the location of the structure(s) and a description of how the property meets at least one of the prescribed tests of public benefit.

The town selectboard or appropriate city government department will then have 60 days in which to act on the application. A public hearing is required, providing an opportunity for local historical commissions or others to express support for barn preservation efforts. If the municipality determines, in exercising its discretion, that the proposed preservation of the structure is consistent with the purpose of the law, it may acquire an easement on the structure for a minimum of ten years and grant tax relief within a range of a 25% to 75% reduction of the structure's full assessed value. Maintaining and repairing the building will not result in an increase in its assessed value for property tax purposes.

For this program, "historic agricultural structure" is defined as a barn or other structure, including the land on which it is built, which was or is used for agricultural purposes and is at least 75 years old. The test of demonstrated public benefit is met if the structure complies with one or more of the following:

1. it provides scenic enjoyment to the general public from a public road or waterway,
2. it is historically important on a local, regional, state or national level, or
3. it contributes to the historic or cultural integrity of a property listed on or eligible for the New Hampshire State or National Registers of Historic Places, or is in a locally designated historic district.

In determining eligibility, the selectboard or appropriate city department shall refer to statewide guidelines adopted by the New Hampshire Historic Agricultural Structures Advisory Committee. The municipality may also weigh the public benefit to be gained by the preservation of the structure versus the tax revenue to be lost if the easement is accepted. The statewide

guidelines include consideration of whether there is local interest and support for the structure's preservation, its historic and agricultural significance, and the degree to which tax relief will encourage its preservation.

Conservation and preservation easements New Hampshire Law RSA 447:45-47 covers Conservation Preservation and Agricultural Conservation Restrictions, commonly known as easements. An easement is a property right that can be bought or sold. It allows a property owner to put limitations on his property when an easement is sold or for another person to set limitations upon the property owner when an easement is purchased. Easements can be of two types: conservation or preservation.

A preservation easement is an agreement between an historic property owner and a government agency or preservation organization which gives the latter the right to review any proposed changes to the structure. In return for giving an easement, a property owner is eligible under the Tax Treatment and Extension Act of 1980 to make a deduction from his taxes. If the easement is considered a lifetime gift then the property owner could receive a deduction for up to 50% of his adjusted gross income. Costs of such a program may be significantly lower than buying properties outright to protect these valuable resources, particularly when easements can be acquired by donation.

Two major types of preservation easements have been employed in the past. First of all the property owner could donate an exterior facade easement. This could include air rights, exterior maintenance, alterations, etc. The second type of preservation easement is for the interior of an historic structure. This type of easement is rarely used for it is often difficult to enforce and also to acquire. An interior easement can restrict all or part of the interior.

In rural areas, conservation easements can play a vital role in preserving the lands around historic sites. Typically, a conservation easement can be donated to protect open spaces, scenic areas, waterways, wildlife and farmland. If properly administered, easements are a superior method of conserving and protecting land, water and historic resources; perhaps better and longer than zoning or locally designated historic districts.

Covenants A covenant is a contractual agreement where the owner agrees to maintain the historic and architectural character of his building. A covenant can either be in the form of an affirmative provision or a negative provision. An affirmative provision requires the owner of an historic structure to provide for certain upkeep of the exterior appearance of his building. A negative provision, or a restrictive covenant, contracts the owner to abstain from changes to his historic building that would alter its historic or architectural integrity. The right to enforce a covenant is normally granted to a preservation agency. The general difference between easements and covenants is that easements are considered to be an interest in real estate, whereas covenants are only a contractual obligation. Under certain circumstances, however, covenants become binding upon future owners as well, thus blurring the difference between the two.

Deed restrictions Under New Hampshire Law RSA 447:45-47 an owner can place restrictions upon the deed for his property assuming a charitable or preservation organization or governmental body is willing to accept and monitor the restrictions. Approximately six properties in Hanover currently have conservation and preservation restrictions on them; one is monitored by the Society for the Protection of New Hampshire Forests and the others by the Hanover Conservation Commission. In terms of preservation, this may be especially appropriate

for an owner with a home he no longer can afford to own and maintain and would like to see future owners preserve. If a property owner donates a preservation restriction in perpetuity to a public body or a non-profit organization, he may be eligible for a charitable deduction from his federal income tax.

Innovative land use controls In the State of New Hampshire, RSA 674:21 gives communities authority to adopt a variety of innovative land use controls which may support the preservation of community character and consequently historic resources. For example, the use of clustering allows development to be located away from sensitive areas, agricultural land, or historic areas. The concept of the transfer of development rights is another strategy which may be used to help a community retain its historic character.

Building code provisions Standards which are intended to protect the public's health and safety, such as building codes, may present unique complications to the use or rehabilitation of an historic building. As a result, some communities have elected to amend local building codes to exempt historic structures from certain requirements, other than life safety provisions. This allows historic buildings to continue to be used safely not imposing a modern set of standards that are impossible for an older building to meet without a significant loss of integrity. For example, Chapter 32 of the Basic Building Code of Building Officials and Code Administrators (BOCA), specifically addresses the need for sympathetic treatment of historic structures and may allow for historic buildings to be exempted from the Code in some cases.

Recommendations for those interested in rehabilitating historic structures

1. Every attempt should be made to retain historic architectural details whenever possible including cornices, decorative brickwork and brackets. Repair rather than replace whenever possible.
2. The covering up of buildings with synthetic siding or brick veneers should be discouraged as they can seal in moisture and contribute to deterioration while masking original detailing. Similarly, covering materials applied to original building surfaces should be carefully removed whenever possible.
3. The painting and sealing of brick should be discouraged. Where brick surfaces are already painted, there is no need to remove the paint.
4. Harsh cleaning methods such as sandblasting should not be undertaken as they may prove detrimental to the building in future years.
5. Care should be taken in repointing brick and every attempt should be made to match mortar in terms of mortar color, joint profiles and mortar composition. Mortar which is more dense than brick (especially with portland cement) may cause spalling of the bricks.
6. Building alterations that seek to replicate an arbitrary style or period such as the "colonial" or "country" should be avoided. Do not add blinds at windows that historically had no blinds. Features of a fine older building can stand well on their own merits.
7. Color applied to a woodframe structure or wood details should be consistent with the historic character of the building and the adjacent streetscape.
8. Signage is a key ingredient of any downtown. Graphics and awnings should be simple so as not to diminish or detract from buildings of historic or architectural significance. A sign should never cover any of a building's key architectural details. Bulkheads and transoms of storefronts should be left uncovered whenever possible.

9. When replacement of windows is deemed necessary, replacements should imitate original in terms of material, sash arrangement, scale of mullions, ratio of glass to frame, and other visual qualities. Avoid metal framed storm windows and doors in favor of wood framed units.

Source: *Secretary of the Interior's Standards for Rehabilitation*

**Copied or excerpted from *The Language of Zoning* by Michael J. Meshenberg, Planning Advisory Service, Report No. 322, American Society of Planning Officials, November 1976.