Heritage Commission

Regulations

For

Historic District

Building Permit Applications

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Section 1. TITLE, PURPOSE AND AUTHORITY

1.01 *Title*

These *Regulations* shall be known and may be cited as the *Heritage Commission Regulations for Historic District Building Permit Applications*, referred to herein as "these *Regulations*".

1.02 *Purpose*

These *Regulations* are designed and adopted for the following purposes:

A. To provide the Heritage Commission with a regulatory framework and procedural guideline for assessing conformance of building or demolition permits to these established Regulations.

B. To provide the Heritage Commission with an appropriate and generally acceptable set of guidelines for establishing the necessary level of documentation required as part of any application submitted for review. Such documentation shall be the basis for consideration by the Commission in making fair and informed decisions with regard to the merits of applications.

C. To provide all building permit applicants, whose proposed activities fall under the regulatory review powers of the Heritage Commission, with a clear set of instructions regarding submission of applications and information regarding the Commission's basic process for reviewing applications.

D. To provide a reasonable description of the standards and criteria used by the Heritage Commission to judge the merits of any referred application for building permit within a historic district.

E. To ensure conformance with established *Regulations* governing the Historic Districts.

1.03 *Authority*

These *Regulations* are adopted by the Heritage Commission in accordance with the provisions of RSA 675:6 (relating to the method of adopting historic district regulations) and pursuant to the authority and duties conferred or imposed upon the Commission by the Board of Mayor and Aldermen through RSA 674:44-a & b and section 32.125 of the *Ordinances of the City of Manchester*.

Section 2. GENERAL PROVISIONS

2.01 *Jurisdiction*

These *Regulations* shall apply to all applications for building or demolition permits which fall under the jurisdiction of the Heritage Commission within either the Amoskeag Corporation Housing Historic District or the Amoskeag Millyard Historic District.

2.02 *Effective Date*

These *Regulations* were originally adopted by the Heritage Commission on _____ , and became effective on _____ , when a certified copy of these *Regulations* was placed on file at the City Clerk's Office.

2.03 *Applicability*

These *Regulations* shall be used to guide the organization and administration of any application for a building or demolition permit within a local historic district which proposes one or more of the activities listed herein at sections *4.02* and *4.03*, and which has been referred to the Heritage Commission for review.

2.04 *Relationship to the Zoning Ordinance*

The Heritage Commission intends these *Regulations* to implement the goals, objectives, provisions and clauses of the *Zoning Ordinance of the City of Manchester.*

2.05 *Relationship to the Master Plan*

The Heritage Commission intends these *Regulations* to implement the planning policies and goals of the *Master Plan* of the City of Manchester, especially with respect to the objectives laid out in the *Historic and Design* section of the *Master Plan.*

2.06 *Interpretation, Conflict and Separability*

The provisions and clauses comprising these *Regulations* shall be considered the minimum requirements for all building permit applications in the Amoskeag Corporation Housing and the Amoskeag Millyard Historic Districts which come under the jurisdiction of the Heritage Commission. They are not intended to interfere with the application of other laws or regulations or privately imposed restrictions. Where these *Regulations* may differ from other applicable laws or regulations, whichever provisions are more restrictive or impose higher standards shall govern. If any part of these *Regulations* is determined to be invalid, that determination will be interpreted to be applicable to that part only and the remainder of these *Regulations* will be construed to continue in full force.

Section 3. DEFINITIONS

3.01 *Usage*

For the purpose of these *Regulations*, certain abbreviations, terms and words shall be defined as set forth in this section. Unless the context clearly indicates to the contrary, words used in the present tense include the future tense; words in the plural include the singular; the word herein" means "in these regulations"; the word "shall" is always mandatory; and a "building" or structure" includes any part thereof.

3.02 *Specific Terms*

Except as otherwise stated, or as the context may otherwise require, the following words, for the purposes herein shall be defined as follows:

A. ***Abutter*** – Any person whose property adjoins or is directly across the street or stream from the parcel of land which is directly associated with an application for a building permit under consideration by the Heritage Commission. For purposes of receiving testimony only, and not for purposes of notification, the term "abutter" shall include any person who is able to demonstrate that their land will be directly affected by the proposal under consideration. For purposes of receipt of notification by the Heritage Commission of a Commission meeting or hearing, in the case of an abutting property being under a condominium or other collective form of ownership, the term abutter means the officers of the collective or association, as defined in RSA 356-B:3, XXIII.

B ***Applicant*** – A person or entity who has submitted an application to the Building Department and/or the Heritage Commission for the purpose of acquiring a building or demolition permit. An applicant need not be the owner of the property upon which the permit to carry out work is being requested. However, if the building permit application is being submitted by a non-property owner, then the application must include a written statement from the owners authorizing the applicant to carry out the proposed activity on their behalf. The land owner(s) may authorize an agent or representative by a signed and dated statement on a form available in the application package or at the City of Manchester Planning Department, or may use any other appropriate written material to designate an agent or representative if such authority is (a) clearly written out, (b) is signed by all property owners, (c) is dated, and (d) contains any limit on the length of time by which the agent may represent the land owner(s).

C. ***Building Department*** – The City of Manchester Building Department.

D. ***Commission*** – The City of Manchester Heritage Commission.

E. ***Heritage Commission*** – The City of Manchester Heritage Commission.

F. ***Local historic district*** – Either the Amoskeag Corporation Housing Historic District or the Amoskeag Millyard Historic District.

G. *Owner* – All the owners of land and/or buildings upon which work is being proposed. The land owner(s) may authorize an agent or representative by a signed and dated statement on a form available in the application package or at the City of Manchester Planning Department, or by any other appropriate written material if such authority is (a) clearly written out, (b) is signed by all property owners, (c) is dated, and (d) contains any limit on the length of time in which the agent is authorized to represent the land owner(s).

H. *RSA* – means the State of New Hampshire Revised Statutes Annotated.

I. *Zoning Ordinance* – means the "Zoning Ordinance of the City of Manchester, New Hampshire".

Section 4 BUILDING PERMIT ACTIVITIES REQUIRING HERITAGE COMMISSION REVIEW

4.01 *Heritage Commission Review is Part of the Building Permit Process*

A. *Building Permit Is Required Prior To the Start of Work in Historic Districts*

The *Zoning Ordinance* requires that an application for a building permit must be submitted to the Building Department, and a permit must be issued by the Building Commissioner, BEFORE THE START OF ANY of the construction or building repair activities listed herein at sections *4.02-A* & *-B* and *4.03-A*. [refer to *Appendix* 2, Art. 7.05-C.1 & C.2]

B. *Heritage Commission Review and Approval is a Required Part of the Building Permit Process in Local Historic Districts*

No building permit may be issued by the Building Commissioner for any of the activities listed below at sections *4.02-A* & *-B* and *4.03-A* until after the Heritage Commission has reviewed and approved the building permit application and filed a *"Certificate of Approval"* with the Building Commissioner. [refer to *Appendix* 2, Art. 7.05-D]

C. *Interpretation of Zoning Ordinance Terms Used in These Regulations*

The *Zoning Ordinance* functions as Manchester's official governing document regarding how land can be used within the City's municipal boundary. The *Zoning Ordinance* also includes important descriptive information related to the City of Manchester's two historic districts – the Amoskeag Corporation Housing Historic District which was created in 1980 and the Amoskeag Millyard Historic District which was created in 1994.

The City's authoritative listing of activities within a historic district which require a building permit (and Heritage Commission approval) is found at Article 7.05-C.1 & C.2 of the *Zoning Ordinance*. However, for practical reference purposes, a reformatted list of these activities is catalogued herein at sections *4.02-A* & *-B* and *4.03-A*

4.02 *Activities Requiring Heritage Commission Review in the Amoskeag Corporation Housing Historic District*

A. Any building permit application which proposes an activity to

1. construct;
2. alter;
3. move;
4. demolish;
5. change the use of, or
6. modify. . .

. . . the external appearance or design of any building, structure or place within the Amoskeag Corporation Housing Historic District must first be reviewed and approved by the Heritage Commission before any requested permit can be issued by the Building Department. [refer to *Appendix 3-D*, Art. 7.05-C.1]

B. Specific examples of activities listed above, in section *4.02-A* include, but are not limited to

1. changing the materials, color, finish, or architectural detail of exterior walls;
2. replacement or modification of window or door openings;
3. installation or removal of porches or fire escapes;
4. roofing or chimney modification or replacement;
5. installation of antennae or other appurtenances on the building exterior;
6. regrading;
7. paving and repaving;
8. installation or removal of fences, retaining walls, signing, or on-site lighting; or
9. similar activities for which a building or zoning permit might not otherwise be required. [refer to *Appendix* 2, Art. 7.05-C.1]

C. Activities Which Do Not Require A Permit in the Amoskeag Corporation Housing Historic District

A building permit is not required for ordinary maintenance or repair activities which do not involve changes in design, materials, or external appearance. Such activities include, but are not limited to, roof repair, incidental painting, repointing, groundskeeping, or other similar activities. [refer to *Appendix* 2, Art. 7.05-C.3]

4.03 *Activities Requiring Heritage Commission Review in the Amoskeag Millyard Historic District*

A. Activities that require prior Heritage Commission review and approval before any requested permit can be issued include

1. demolition of a building, structure or any external portion thereof. [refer to *Appendix* 2, Art. 7.05-C.2]

Section 5: HISTORIC DISTRICT BUILDING PERMIT APPLICATION - SUBMISSIONS AND PROCEDURES

5.01 *Requirements for a Complete Application for Purposes of Acceptance by the Heritage Commission*

A. *Project Application and Documentation – Required for all projects*

1. Application shall include the following items:

   a. a completed ***Historic District Building Permit Application*** form including a detailed narrative description of the proposed project;

   b. **graphic materials** of sufficient clarity and detail to give the Commission a clear and certain understanding of the applicant's intention regarding the proposed work (4 sets);

   c. **photographs**: one (1) set of 5" x 7" (or larger) color photographs (not photocopies) of ALL building elevations and site work areas;

   d. **specifications**: a detailed list of materials and specific color examples.

2. Any other information reasonably required by the Commission in order to make an informed decision concerning the merits of the application.

B. *Additional Project Documentation – Required for the following:*

demolitions;
building relocations;
new construction;
substantial alterations; or
any other activity deemed appropriate by the Heritage Commission

1. **Site plan drawing**

   4 copies of an accurate site plan certified with the seal of a registered architect, engineer or surveyor at a minimum scale of 1 inch = 50 feet. At minimum, the site plan shall illustrate all proposed activities for which a building permit is being requested and shall also include the following information (and any other supportive information which the applicant may wish to show):

   a. name of the applicant and the name of the property owner(s) of record;
   b. tax map and lot number of the involved property;
   c. date, north arrow and scale;
   d. pertinent zoning information governing existing and proposed uses;
   e. boundary lines of the property (including distances) if appropriate;
   f. location, width and purpose of all existing easements and rights-of-way which may substantially relate to the propose activity;
   g. location of all existing water courses and any other significant physical features;

h. location of historic hydrologic piping and penstocks, and any other known or visible historic, architectural, archaeological or cultural features.

2. **Architectural Drawings** - 4 copies of architectural plans showing:

   a. all existing and proposed structures;
   b. elevation drawings (all exterior sides) of all existing and proposed structures;

3. **Additional Information**

   The Heritage Commission may also request any other additional information reasonably required to make an informed decision concerning the merits of the application.

4. **Abutters**

   a. For the purpose of abutter notification of a public hearing, the applicant shall utilize the *List of Abutters* form included in the *Historic District Building Permit Application* and shall provide the Heritage Commission with a list of owners of record of all properties that adjoin or are directly across the street or stream from the subject property. As available in City of Manchester Assessor records, this list shall include the names of all abutters, their mailing address(es), and the Tax Map and Lot Number of abutting property. NOTE: Please refer to the definition of "Abutter" at section *3.02-A*.

   b. In addition to abutters, this list shall additionally include the name(s) and mailing address(es) of

      i. All persons or entities who own the property on which the proposed *Historic District Building Permit* activity would take place; and

      ii. Any surveyor, engineer, architect or other professional identified on any submitted plan.

5.02 *General Outline of the Heritage Commission's Submission and Review Process*

A. Each of the following basic steps must be completed BEFORE the Building Commissioner will issue a building or demolition permit:

Step 1. An applicant submits a standard building permit applicationto the Building Department.

Step 2. If the building permit application includes at least one of the activities listed herein in sections *4.02-A* & *-B* and *4.03-A* the Building Department will refer that application to the Heritage Commission for review and disposition. The City of Manchester Planning Department acts as the Heritage Commission contact.

Step 3. The applicant shall submit a ***Historic District Building Permit Application*** to the Heritage Commission via the City of Manchester Planning Department. [note: this is a separate document from the standard Building Permit Application Form]

Step 4: The ***Historic District Building Permit Application*** package will be placed on the Agenda of a Heritage Commission meeting at which time the Commission will begin its review process.

Step 5: The Heritage Commission will first consider whether or not the applicant has submitted a completed application. Refer herein to section *5.01* for detailed information.

Step 6a: If the Heritage Commission determines that the applicant has filed a complete ***Historic District Building Permit Application***, the Commission will proceed to conduct a public hearing on the merits of the application package.

Step 6b: If the Heritage Commission determines that the applicant has not filed a complete ***Historic District Building Permit Application***, it has the option of either voting to disapprove the submitted application (which will prevent the applicant from acquiring the requested building permit) or granting the applicant more time to assemble the required materials. Refer herein to section *5.04* for detailed information.

Step 7: After holding a public hearing on the complete application, the Commission will deliberate and vote either to approve or disapprove. The Commission reserves the right to request additional information either from the applicant or from other sources if such information is needed to make an informed decision concerning the application. Should this is the case, the Commission will defer any further application-related proceedings until after the requested information is received and considered.

Step 8: After making a determination on the submitted application, and within 45 days of the initial filing of a complete application package, the Heritage Commission will submit to the Building Commissioner either a *"Certificate of Approval"* or a *"Notice of Disapproval"*.

Step 9: A building permit will be issued to the applicant ONLY AFTER the Building Commissioner has received the Heritage Commission's *"Certificate of Approval"*.

5.03 *Pre-application Review of Concepts, Plans and Issues*

A. ***Preliminary Conceptual Consultation:*** Though not required, the Heritage Commission encourages all potential applicants to consult with the Commission to review the basic concept of their proposal(s) and to discuss suggestions which might be of assistance in resolving problems with meeting application requirements during final consideration. Because the discussion between the Commission and the applicant involves only preliminary conceptual ideas, such discussions are non-binding and may occur without the necessity of giving formal abutter notice. Any statements made by Heritage Commission members in the course of such discussions shall not be the basis for disqualifying said members or invalidating any Commission action taken in the future.

B. ***Design Review Consultation:*** Potential applicants are also invited to consult with the Commission to review plans which go beyond the envisioning of conceptual ideas and which contain specific designs and/or engineering details. Such discussions are non-binding and

statements made by Heritage Commission members in the course of such discussions shall not be the basis for disqualifying said members or invalidating any Commission action taken in the future. Please note, however, that in the case of those proposed activities listed at section 4.02-B, or in any other instance determined appropriate by the Commission, the design review consultative session may proceed only after abutters and holders of conservation and preservation restrictions have been identified and noticed, as required herein by section *5.05-B*.

C. The Heritage Commission will not entertain or take any action to approve or disapprove any aspect of a preliminary concept or plan during a Preliminary Conceptual or Design Review consultative session.

D. Anyone wishing to schedule a consultative session with the Heritage Commission to discuss preliminary conceptual plans or designs under sections *5.03-A & -B* above may do so by contacting the Commission's administrative staff in the City of Manchester Planning Department.

5.04 *Failure to File a Complete Application*

The following shall be considered cause for the Heritage Commission to declare the application incomplete and to issue a *Notice of Disapproval*:

A. Failure of the applicant to submit all elements of section *5.01* above;

B. Failure on the applicant's part to submit a complete listing of abutters when required or failure to pay all costs and fees associated with section *5.06*;

C. Any and all cases in which the involved property is involved in litigation and the outcome of such litigation may materially affect the decision of the Commission; and

D. Any and all cases in which the proposed work, or any element of the proposed work, does not meet the express requirements of the Zoning Ordinance of the City of Manchester. The Commission may accept the application should a variance request be pending before the Zoning Board of Adjustment and that Board has requested that the Commission act first on an application. Any Commission action in these instances would be conditioned upon Board of Adjustment action.

5.05 *Heritage Commission Public Hearings and Notices*

A. Requirement to hold a Public Hearing

The Heritage Commission shall conduct a public hearing for any of the following cases:

1. All design review consultation discussions under section *5.03-B* of these *Regulations*;

2. All applications that meets the requirements of section *5.01-B* and have been determined to be complete;

3. For any matter deemed appropriate by vote of a majority of those Commission members present and eligible to vote.

B. ***Public Hearing Notice***

In all cases involving demolition, relocation, new construction and/or substantial alteration, or in any other case deemed appropriate by the Heritage Commission, and also for cases involving design review consultation under section *5.03-B*, a written notice of a public hearing shall be given via certified mail to each abutting property owner or other person or entity whose name appears on the *List of Abutters* which was submitted by the applicant as part of the required application package [refer to section *5.01-B(4)*, above].

C. 45 Day Review and Action Limit

1. Within 45 days of the initial filing with the Planning Department of a complete application for building permit within a historic district, the Heritage Commission shall issue and forward to the Building Commissioner a *Certificate of Approval* or *Notice of Disapproval* – unless the applicant agrees in writing to a date certain extension of the 45 day review period.

2. Failure to render a decision within the specified time shall be deemed to constitute approval by the Commission.

D. Joint Hearing

The Heritage Commission's participation in joint meetings and hearings with other local land use boards shall be governed by RSA 676:2. [refer to *Appendix 3*]

5.06 ***Fees and Costs***

A. The applicant shall be required to pay any legal advertising costs, abutter notification fees, and any other reasonable fees which may be imposed by the Commission to cover its administrative expenses, as well as any and all costs associated with any special investigative studies, review of documents and other matters which may be required by the Heritage Commission in order to make an informed decision regarding the merits of a particular application.

B. A notification fee shall be charged for all mailed public hearing notices (certified mail) at a rate of $2.44 per abutter, applicant, owner, and any architect, surveyor, engineer or other professional whose name appears on the submitted *List of Abutters*.

5.07 ***Order of Business for Historic District Building Permit Application Hearings***

A. The Order of Business for a public hearing conducted by the Heritage Commission with respect to an application for a building permit within a historic district shall be in accordance with Article 10.1 of the *City of Manchester Heritage Commission By-Laws*. [refer to *Appendix 4*]

Section 6 Criteria for Heritage Commission Reviews

6.01 Criteria For Reviewing All Application Activities Except Demolitions

A. In reviewing any building permit application **not involving a demolition**, the Heritage Commission give consideration to the following review criteria:

1. the purposes of the Historic District [refer to Appendix 1-A and 1-B];

2. the historical and /or architectural value of any affected building or structure and its setting;

3. the general compatibility of the proposed work, including its design, scale, arrangement, textures, colors and general variety of materials in relationship to its immediate or historical setting.

4. the general size and scale of any proposed new construction in relation to its immediate built environment, its general neighborhood setting, and to the Historic District in which the proposed work will take place. Heritage Commission members may consider such factors as the height of the new construction, its overall mass and orientation to adjacent streets, type of roof, fenestration, materials, colors and architectural details.

B. In addition to the review criteria listed in section *6.01-A* above, the Heritage Commission shall give consideration to the following guidance documents for applicable information and additional assessment criteria:

1. the *Standards for Rehabilitation within the Amoskeag Corporation Housing Historic District* [available from the City of Manchester Planning Department]; and

2. the Secretary of the Interior's current *General Standards* and *Standards* for historic preservation, rehabilitation, restoration or reconstruction, as issued by the United States Department of the Interior [refer to *Appendix 5A-F*].

6.02 Criteria for Reviewing Applications involving Demolitions

A. *Demolitions Involving an Entire Structure*

In reviewing an application for a demolition permit involving an entire structure, the Heritage Commission shall:

1. give consideration to the purposes of the individual Historic District where the property involved with the demolition action is located [see Appendix 1-A and 1-B]; and also

2. give consideration to any of the following as reasonable grounds for approving the demolition:

   a. if the structure or portion of structure is structurally unsound or unsafe as determined by the Building Commissioner;

b. if the structure is not a contributing element to the qualities that make its associated historic district a unique resource; or

c. if there is no foreseeable or reasonable economic use of the structure and the loss of the structure would not adversely affect the overall continuity or eliminate landmark elements in the District.

B. ***Partial Structure Demolitions***

In reviewing an application involving a demolition of a portion of a structure, the Heritage Commission shall:

1. take into account the purposes of the individual Historic District where the property involved with the demolition action is located [see Appendix 1-A and 1-B]; and also

2. give consideration to the following as a reasonable grounds for approving the demolition:

   a. the partial demolition does not disrupt the integrity of the overall structure;

   b. the involved structure has been determined to be a non-contributing element to the qualities that make its associated historic district a unique resource – as determined by a qualified historic preservation specialist.

C. ***"Landmark" Status of Amoskeag Mill Buildings and Sites***

For reasons cited therein, the Heritage Commission will be reluctant to approve the demolition of certain historic sites, structures and places in the Amoskeag Millyard Historic District which are listed in the *Heritage Commission Resolution Regarding "Landmark" Status of Amoskeag Mill Buildings and Sites*, [see Appendix 8].

6.03 ***Findings***

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

1. ***Certificate of Approval***

If a majority of the Heritage Commission members present and voting concludes that the applicant's proposal meets the purposes of these *Regulations*, then the Commission shall issue to the Building Commissioner a *Certificate of Approval,* signed and dated by the Chairperson, which shall include any changes, conditions and/or stipulations assigned by the Heritage Commission which were deemed necessary for the applicant to comply with the provisions of these *Regulations*.

2. *Notice of Disapproval*

   a. If the majority of the Heritage Commission members present and voting concludes that the application does not meet the requirements of these *Regulations*, then the Commission shall issue a written *Notice of Disapproval* which will state the reasons for such decision. This *Notice* shall be signed and dated by the Chairperson.

   b. The issuance of a *Notice of Disapproval* shall prohibit the Building Commissioner from issuing a building, demolition or other permit as it may pertain to the disapproved application.

   c. If the applicant's proposal is denied, the applicant may make modifications to the proposed plans and resubmit the application for a hearing without prejudice.

6.04 *Public Inspection of Decisions*

All decisions of the Commission shall be made available for public inspection within 72 hours and placed on file with the City of Manchester Planning Department.

6.05 *Enforcement and Appeals*

A. *General:* In addition to the provisions of the Manchester *Zoning Ordinance* empowering the Building Commissioner to enforce the City zoning codes as they may pertain to the Amoskeag Corporation Housing and Millyard Historic Districts, the Heritage Commission may additionally enforce these regulations under the authority of RSA 674:50 and such other authorities as may be available to it. [see Appendix 6]

B. *Appeals:* Any person or persons jointly or severally aggrieved by a decision of the Heritage Commission in their review of Historic District Building Permit Applications shall have the right to appeal that decision to the Zoning Board of Adjustment in accordance with the provision of RSA 676:5 and RSA 677:1-14 [see Appendix 7].

6.06 *Penalties*

Violation of these *Regulations* may be punishable as provided by RSA 676:17.

6.07 *Validity*

Should any section, clause, provision, portion or phrase of these *Regulations* be found invalid or unconstitutional by any court of competent authority, such finding shall not affect, impair or invalidate any other section, clause, provision, portion or phrase of these *Regulations.*

APPENDICES

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APPENDIX 1-A

Article 4.01-B.3 City of Manchester Zoning Ordinance – Establishment and Purpose of the Amoskeag Millyard Historic District Overlay

4.01-B.3 ***Amoskeag Millyard Historic District Overlay.*** In order to provide for the preservation of structures and areas of historic or architectural value in the Amoskeag Millyard, the Amoskeag Millyard Historic District Overlay is superimposed over the entirety of the "Amoskeag Millyard Mixed Use District" (AMX). The preservation of structures and areas of historic or architectural value in the Millyard is hereby declared to be a public purpose. The purpose of this overlay is not to prohibit demolition, new construction and alterations, but to insure that the unique character of the Amoskeag Millyard is preserved. Preventing the irretrievable loss of historic or architecturally significant buildings and their unique character is important to the economic well-being of the City, which will be strengthened by:

a. Preserving the Millyard's architectural and historic setting;
b. Conserving the property values in the district;
c. Promoting Manchester's unique character;
d. Strengthening the local economy; and
e. Promoting the use of the historic district for education, pleasure, and welfare of the citizens of Manchester and visitors to the City.

APPENDIX 1-B

Article 4.01-B.4 City of Manchester Zoning Ordinance – Establishment and Purpose of the Amoskeag Corporation Housing Historic District Overlay

4.01-B.4 ***Amoskeag Corporation Housing Historic District Overlay.*** The Amoskeag Corporation Housing Historic Overlay District is hereby superimposed over the Amoskeag Millyard Mixed Use District (AMX). The purpose of this overlay district is to protect an area of unique character and architecture which can contribute significantly to the attractiveness and vitality of downtown Manchester. The creation of this overlay district recognizes that the character and nature of the area depends on the unity of design of a complex of buildings that represents a value greater than the sum of the individual contributions of each structure. The character and value of the area within the overlay is recognized as a fundamental component of the City's early development. The continuity of rich architectural expression, quality and integrity in closely related styles, materials, scale and detail of individual buildings is an integral component of long range development goals for the downtown. The opportunities that the area offers are include retention of the architectural and historic values characteristic in this complex, and the presence of valuable resources for present and future housing and office needs. Through coordinated landscaping, development of pedestrian ways, and improvements to private and public open spaces adjoining the buildings, a rich, attractive and vital urban environment can be created and preserved for future generations. This overlay is intended to regulate the exterior appearance of existing and proposed structures, and to restrict those activities that could alter the use and appearance of the exterior spaces adjoining these buildings, while encouraging the rehabilitation and improvement of this area.

APPENDIX 2

Article 7.05 City of Manchester Zoning Ordinance – Historic Districts

7.05 *Historic Districts*

A. Authority for Historic Districts

The Historic Districts, including the Amoskeag Millyard Historic (AMH) District and the Amoskeag Corporation Housing Historic (ACH) District, are adopted pursuant to section *1.03, Authority*, of this Ordinance, and in accordance with the provisions of RSA 674:46, *Authority Granted* (for Historic Districts). Pursuant to RSA 674:44b, *Powers* (of Heritage Commissions), within the Historic Districts the Heritage Commission is authorized to assume the powers and duties granted to historic districts commissions in accordance with RSA 674:46a, *Powers and Duties of the Historic District Commission.*

B. Establishment of the Historic Districts

The Historic Districts are established in accordance with, and for the purposes so stated in Section 4.01, *Establishment and Purpose of Districts*, of this Ordinance, and encompass lands as indicated in Section 4.02, *Official Zoning Maps*, of this Ordinance.

C. Permit Requirements in Historic Districts

1. Except as provided in Section 7.05-C.3, within the Amoskeag Corporation Housing Historic (ACH) District it shall be unlawful for anyone to construct, alter, move, demolish, change the use, or modify the appearance or design of any building, structure, or place without applying for and receiving from the Building Commissioner a permit for such activity. Activities which require permits include, but are not limited to, changing the materials, color, finish, or architectural detail of exterior walls; replacement or modification of window or door openings; installation or removal of porches or fire escapes; roofing or chimney modification or replacement; the installation of antennae or other appurtenances on the building exterior; regrading; paving or repaving; installation or removal of fences, retaining walls, signing, or on-site lighting; or similar activities for which a building or zoning permit might not otherwise be required.

2. Except as provided in Section 7.05-C.3, within the Amoskeag Millyard Historic (AMH) District it shall be unlawful to demolish a building or structure or any external portion thereof, without applying for and receiving from the Building Commissioner a permit for such activity.

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Appendix 2 Article 7.05 City of Manchester Zoning Ordinance – Historic Districts Continued

3. A permit is not required for ordinary maintenance or repair activities which do not involve changes in design, materials, or external appearance. Such activities include but are not limited to roof repair, incidental painting, repointing, groundskeeping, or other similar activities.

D. Review of Permit Applications by the Heritage Commission

All permit applications required under Section 7.05 C shall be submitted by the Building Commissioner to the Heritage Commission for its consideration. A permit may be issued only following approval of an application by the Heritage Commission and the transmittal of a Certificate of Approval to the Building Commissioner. In the event of disapproval of a permit application by the Heritage Commission, a notice of disapproval shall be forwarded to the Building Commissioner.

E. Standards for Review of Permits by the Heritage Commission

1. In reviewing a permit application within the Amoskeag Corporation Housing Historic District, the Heritage Commission shall take into account the purposes of the District, and give consideration to the following:

   a. The historical and/or architectural value of the building or structure and its setting;

   b. The general compatibility of the proposed exterior modifications including design, scale, arrangement, textures, colors, and materials in relationship to the existing building or structure and its setting, and to the District;

   c. The general size and scale of proposed new construction in relationship to the existing surroundings, including such factors as the building height and mass, orientation to adjacent streets, type of roof, fenestration, materials, colors, and architectural details; and

   d. The design, scale, arrangement, textures, colors, and material of site features and improvements including yards, parking lots, driveways, walkways, signs, and landscaping as they affect the setting for a building or structure and the character of the District.

2. In reviewing a permit application in the Amoskeag Millyard Historic District (AMH), the Heritage Commission shall take into account the purposes of the District. The Commission shall consider selective demolition of portions of the buildings if such demolition does not disrupt the integrity of the overall structure. The Commission shall give consideration to the following as reasonable grounds for approving the demolition of an entire structure:

   a. if the structure is structurally unsound or unsafe as determined by the Building Commissioner;

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Appendix 2 Article 7.05 City of Manchester Zoning Ordinance – Historic Districts Continued

b. if the structure is not a contributing element to the qualities that make the AMH District a unique resource; or

c. if there is no foreseeable or reasonable economic use for the structure and the loss of the structure would not adversely affect the overall continuity or eliminate landmark elements in the AMH District.

F. Certificate of Approval Period of Validity

If a permit, for which a Certificate of Approval has been issued, has not been exercised within one (1) year from the date of the decision, then the Certificate shall be deemed to have expired.

G. Uses Allowed in the ACH District

Within the ACH District, uses, as identified in Section 5.08, Table of Use Regulations, Subsections G-1, H-1(1), H-1(2), H-3(1), H-3(2), H-3(4), H-6(2) of this Ordinance are allowed in addition to the uses allowed in the base district. These uses shall be permitted only in existing structures constructed prior to the effective date of this amendment, and the gross floor area of these structures shall not be increased more than ten (10) percent over that which existed as of the date of adoption of this Ordinance.

APPENDIX 3

RSA 676:2 Joint Meetings and Hearings

676:2 Joint Meetings and Hearings.

I. An applicant seeking a local permit may petition 2 or more land use boards to hold a joint meeting or hearing when the subject matter of the requested permit is within the responsibilities of those land use boards. Each board shall adopt rules of procedure relative to joint meetings and hearings, and each board shall have the authority on its own initiative to request a joint meeting. Each land use board shall have the discretion as to whether or not to hold a joint meeting with any other land use board. The planning board chair shall chair joint meetings unless the planning board is not involved with the subject matter of the requested permit. In that situation, the appropriate agencies which are involved shall determine which board shall be in charge.

II. Procedures for joint meetings or hearings relating to testimony, notice of hearings, and filing of decisions shall be consistent with the procedures established by the chapter for individual boards.

III. Every local land use board shall be responsible for rendering a decision on the subject matter which is within its jurisdiction.

APPENDIX 4

The Order of Business for a public hearing conducted by the Heritage Commission

(Taken from the City of Manchester Heritage Commission By-Laws)

The Order of Business for a public hearing conducted by the Heritage Commission with respect to an application for building permit within a historic district shall be in accordance with Article 10.1 of the *City of Manchester Heritage Commission By-Laws*, as follows:

1. The Chairperson gives a brief explanation to the applicant(s) and others present of:

   a. *The order in which public hearing cases will be heard,*
   b. *The application review process, and*
   c. *The public hearing order of business.*
   d. *The cases for public hearing will be heard in the order they are received by the Planning Department although the Commission may, by majority vote, make an exception when warranted.*

2. The first public hearing case is called to order by Chairperson.

3. The Chairperson asks the applicant/agent to stand so that he/she may be identified.

4. The applicant/agent is given an opportunity to present their building permit application and any supporting information.

5. Each Heritage Commission member is given an opportunity to speak or ask questions.

6. The abutters or concerned citizens are given an opportunity to speak. Any written comments from abutters or concerned citizens will be read into the record.

7. Each Heritage Commission member is given a second opportunity to speak or ask questions.

8. The applicant/agent is allowed a rebuttal. The Chairperson may limit the rebuttal as deemed necessary.

9. The Chairperson closes the public hearing for this case.

10. The Heritage Commission begins deliberation on the case.

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Appendix 4 The Order of Business for a public hearing conducted by the Heritage commission Continued

11. In accordance with RSA 676:9, the Commission shall, within 45 days after the filing of the application (unless the applicant/agent agrees to a longer period of time), approve, or not, the application for Historic District building permit and file with the Superintendent of the Building Department a certificate of approval or, in the case of disapproval, a notice of disapproval. Failure to file a certificate or notice within the specified period of time shall constitute approval by the Commission.

12. The second public hearing case (if necessary) is called to order by the Chairperson.

13. Repeat public hearing order of business items 3-12.

[Adopted on March 18, 1998]

APPENDIX 5-A

Background information on the Secretary of the Interior's Standards for the Treatment of Historic Properties

Original Development:

The *Secretary of the Interior's Standards for the Treatment of Historic Properties* were originally developed pursuant to the authority of sections 101(f) (g), and (h), and section 110 of the National Historic Preservation Act (NHPA) of 1966, as amended. This Federal law required the Office of the Secretary of the Interior to prepare standards and guidelines for establishing standards for the nation's Federal preservation programs and for advising Federal agencies on the method of preserving historic properties listed or eligible for listing in the National Register of Historic Places.

General Scope of Application:

In addition to Federal agency personnel responsible for cultural resource management pursuant to section 110 of the National Historic Preservation Act, the Office of the Secretary of the Interior encourages State Historic Preservation Offices to use the *Standards* to carry out their areas of responsibility under the National Historic Preservation Act, and additionally promotes its use by local governments who wished to establish a comprehensive approach to the identification, evaluation, registration and treatment of historic properties within their jurisdictions or by other individuals and organizations who have a need to use the basic technical standards and guidelines for historic preservation activities.

In general, the information contained in the *Secretary of the Interior's Standards for the Treatment of Historic Properties* relates to historic buildings of all materials, construction types, sizes, and occupancy and its intended scope encompasses both the exterior and the interior of historic buildings. Information available in the *Standards for the Treatment of Historic Properties* also cover landscape features which are related to historic buildings as well as the building's site and environment and attached, adjacent or related new construction.

Sources:

The *Secretary of the Interior's Standards for the Treatment of Historic Properties* were originally published in 1977, revised in 1990 as part of Department of the Interior regulations (36 CFR Part 67) and further updated in 1995 (60 FR page 35843). The text included herein was taken from the Code of Federal Regulations at 36 CFR part 68.

APPENDIX 5-B

The Secretary of the Interior's General Standards for Historic Preservation Projects

The following general standards apply to all treatments undertaken on historic properties listed in the National Register:

1. Every reasonable effort shall be made to provide a compatible use for a property which requires minimal alteration of the building, structure, or site and its environment, or to use a property for its originally intended purpose.

2. The distinguishing original qualities or character of a building, structure, or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.

3. All buildings, structures, and sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance shall be discouraged.

4. Changes which may have taken place in the course of time are evidence of the history and development of a building, structure, or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.

5. Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure, or site shall be treated with sensitivity.

6. Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should match the material being replaced in comsition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historic, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.

7. The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken.

8 Every reasonable effort shall be made to protect and preserve archeological resources affected by, or adjacent to any project.

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Appendix 5-B The Secretary of the Interior's General Standards for Historic Preservation Projects

Continued

9. Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material, and such design is compatible with the size, scale, color, material, and character of the property, neighborhood or environment.

10. Wherever possible, new additions or alterations to structures shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired.

This list is from The Secretary's Standards for Historic Preservation Projects, published by the Technical Preservation Services Division of the Heritage Conservation and Recreation Service.

APPENDIX 5-C

The Secretary of the Interior's Standards for Preservation

Preservation means the act or process of applying measures necessary to sustain the existing form, integrity and materials of an historic property. Work, including preliminary measures to protect and stabilize the property, generally focuses upon the ongoing maintenance and repair of historic materials and features rather than extensive replacement and new construction. New exterior additions are not within the scope of this treatment; however, the limited and sensitive upgrading of mechanical, electrical and plumbing systems and other code-required work to make properties functional is appropriate within a preservation project.

PRESERVATION STANDARDS:

1. A property will be used as it was historically, or be given a new use that maximizes the retention of distinctive materials, features, spaces, and spatial relationships. Where a treatment and use have not been identified, a property will be protected and, if necessary, stabilized until addi-tional work may be undertaken.

2. The historic character of a property will be retained and preserved. There placement of intact or repair-able historic materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.

3. Each property will be recognized as a physical record of its time, place, and use. Work needed to stabilize, consolidate, and conserve existing historic materials and features will be physically and visually compatible, identifiable upon close inspection, and properly documented for future research.

4. Changes to a property that have acquired historic significance in their own right will be retained and preserved.

5. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.

6. The existing condition of historic features will be evaluated to determine the appropriate level of intervention needed. Where the severity of deterioration requires repair or limited replacement of a distinctive feature, the new material will match the old in composition, design, color, and texture.

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Appendix 5-C The Secretary of the Interior's Standards for Preservation Continued

7. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.

8. Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.

APPENDIX 5-D

The Secretary of the Interior's Standards for Rehabilitation

Rehabilitation means the act or process of accurately depicting the form, features and character of a property as it appeared at a particular period of time by means of the removal of features from other periods in its history and reconstruction of missing features from the restoration period. The limited and sensitive upgrading of mechanical, electrical and plumbing systems and other code-required work to make properties functional is appropriate within a restoration project.

Note 1: The *Standards for Rehabilitation* are meant to be applied to specific rehabilitation projects in a reasonable manner, taking into consideration economic and technical feasibility.

Note 2: Certain treatments, if improperly applied, or certain materials by their physical properties, may cause or accelerate physical deterioration of historic buildings. Inappropriate physical treatments include, but are not limited to: improper repainting techniques; improper exterior masonry cleaning methods; or improper introduction of insulation where damage to historic fabric would result. In addition, every effort should be made to ensure that the new materials and workmanship are compatible with the materials and workmanship of the historic property.

REHABILITATION STANDARDS:

1. A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.

2. The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.

3. Each property will 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 historic properties, will not be undertaken.

4. Changes to a property that have acquired historic significance in their own right will be retained and preserved.

5. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.

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Appendix 5-D The Secretary of the Interior's Standards for Preservation Continued

6. Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.

7. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.

8. Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.

9. New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work will be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.

10. New additions and adjacent or related new construction will 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.

APPENDIX 5-E

The Secretary of the Interior's Standards for Restoration

Restoration means the act or process of accurately depicting the form, features and character of a property as it appeared at a particular period of time by means of the removal of features from other periods in its history and reconstruction of missing features from the restoration period. The limited and sensitive upgrading of mechanical, electrical and plumbing systems and other code-required work to make properties functional is appropriate within a restoration project.

RESTORATION STANDARDS:

1. A property will be used as it was historically or be given a new use which reflects the property's restoration period.

2. Materials and features from the restoration period will be retained and preserved. The removal of materials or alteration of features, spaces, and spatial relationships that characterize the period will not be undertaken.

3. Each property will be recognized as a physical record of its time, place, and use. Work needed to stabilize, consolidate and conserve materials and features from the restoration period will be physically and visually compatible, identifiable upon close inspection, and properly documented for future research.

4. Materials, features, spaces, and finishes that characterize other historical periods will be documented priority to their alteration or removal.

5. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize the restoration period will be preserved.

6. Deteriorated features from the restoration period will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials.

7. Replacement of missing features from the restoration period will be substantiated by documentary and physical evidence. A false sense of history will not be created by adding conjectural features, features from other properties, or by combining features that never existed together historically.

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Appendix 5-E The Secretary of the Interior's Standards for Preservation Continued

8. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.

9. Archeological resources affected by the project will be protected and preserved in place. If such resources must be disturbed, mitigation measure will be undertaken.

10. Designs that were never executed historically will not be constructed.

APPENDIX 5-F

The Secretary of the Interior's Standards for Reconstruction

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 specific period of time and in its historic location.

RECONSTRUCTION STANDARDS:

1. Reconstruction will be used to depict vanished or non-surviving portions of a property when documentary and physical evidence is available to permit accurate reconstruction with minimal conjecture, and such reconstruction is essential to the public understanding of the property.

2. Reconstruction of landscape, building, structure, or object in its historic location will be preceded by a thorough archeological investigation to identify and evaluate those features and artifacts which are essential to an accurate reconstruction. If such resources must be disturbed, mitigation measures will be undertaken.

3. Reconstruction will include measures to preserve any remaining historic materials, features, and spatial relationships.

4. Reconstruction will be based on the accurate duplication of historic features and elements substantiated by documentary or physical evidence rather than on conjectural designs or the availability of different features from other historic properties. A reconstructed property will re-create the appearance of the non-surviving historic property in materials, design, color, and texture.

5. A reconstruction will be clearly identified as a contemporary re-creation.

6. Designs that were never executed historically will not be constructed.

APPENDIX 6

RSA 674:50 Remedies for Violations

674:50 Remedies for Violations. In case of the violation of any ordinance or regulation made under the authority conferred by this subdivision, the historic district commission, in addition to other remedies, may institute any appropriate action or proceedings to prevent, restrain, correct or abate such violation.

APPENDIX 7

RSA 676:5 Appeals to Board of Adjustment

676:5 Appeals to Board of Adjustment

I. Appeals to the board of adjustment concerning any matter within the board's powers as set forth in RSA 674:33 may be taken by any person aggrieved or by any officer, department, board, or bureau of the municipality affected by any decision of the administrative officer. Such appeal shall be taken within a reasonable time, as provided by the rules of the board, by filing with the officer from whom the appeal is taken and with the board a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken.

II. For the purposes of this section:

(a) The "administrative officer" means any official or board who, in that municipality, has responsibility for issuing permits or certificates under the ordinance, or for enforcing the ordinance, and may include a building inspection, board of selectmen, or other official or board with such responsibility.

(b) A "decision of the administrative officer" includes any decision involving construction, interpretation or application of the terms of the ordinance. It does not include a discretionary decision to commence formal or informal enforcement proceedings, but does include any construction, interpretation or application of the terms of the ordinance which is implicated in such enforcement proceedings.

III. If, in the exercise of subdivision or site plan review, the planning board makes any decision or determination which is based upon the terms of the zoning ordinance, or upon any construction, interpretation, or application of the zoning ordinance, which would be appealable to the board of adjustment of it had been made by the administrative officer, then such decision may be appealed to the board of adjustment under this section; provided, however, that if the zoning ordinance contains an innovative land use control adopted pursuant to RSA 674:21 which delegates administration, including the granting of conditional or special use permits, to the planning board, then the planning board's decision made pursuant to that delegation cannot be appealed to the board of adjustment, but may be appealed to the superior court as provided by RSA 677:15.

APPENDIX 8

Heritage Commission Resolution Regarding "Landmark" Status of Amoskeag Mill Buildings and Sites

Heritage Commission MOTION made by V. Perry and seconded by R. Pinard seeking approval of the following RESOLUTION:

References to Zoning Ordinance

1. WHEREAS Article 7.05(E)(2) of the City of Manchester Zoning Ordinance instructs the Heritage Commission to *"take into account the purposes"* of underlying land use Districts whenever they may have occasion to review a building or demolition permit application in the Amoskeag Millyard Historic District; and

2. WHEREAS Article 7.05(E)(2) of the Zoning Ordinance also requires the Heritage Commission to approve only those structures being proposed for demolition which have been determined not to be *"a contributing element to the qualities that make the Amoskeag Millyard Historic District a unique resource"*; and

3. WHEREAS Article 7.05(E)(2) of the Zoning Ordinance further obliges the Heritage Com-mission to approve for demolition only those buildings and structures whose *"loss. . . would not adversely affect the overall continuity or eliminate landmark elements in the Amoskeag Millyard Historic District"*; and

4. WHEREAS Article 4.01(B)(3) of the Zoning Ordinance declares that the purpose of the Amoskeag Millyard Historic District is to *"provide for the preservation of structures and areas of historic or architectural value in the Amoskeag Millyard,"* and

5. WHEREAS Article 4.01(B)(3) of the Zoning Ordinance also proclaims that *"the preservation of structures and areas of historic or architectural value in the Millyard is hereby declared to be a public purpose"*, and

6. WHEREAS Article 4.01(B)(3) of the Zoning Ordinance also declares that *"preventing the irretrievable loss of historic or architecturally significant buildings and their unique character is important to the economic well-being of the City, which will be strengthened by. . . preserving the Millyard's architectural and historic setting. . . ."*; and

References to professional study of historic resources in Millyard

7. WHEREAS historic preservation consultant Lisa Mausolf prepared for the City of Manchester in the year 2000 a professional study of the existing Amoskeag Millyard for the purpose of discovering and establishing the historic, architectural, engineering and archeological qualities of the spaces and structures therein, and

8. WHEREAS Ms. Mausolf developed a New Hampshire Division of Historical Resources Area Form in conjunction with the above cited professional study for the purpose of determining whether the existing elements of the historic Millyard complex were significant enough, and maintained enough integrity, to be deemed eligible, as a district, for entry into both the State Register of Historic Places and the National Register of Historic Places; and

References to professional study of historic resources in Millyard

9. WHEREAS the Historical Resources Area Form prepared by Ms. Mausolf does expertly delineate the extent of, and does describe numerous historic, architectural, engineering and archeological qualities which are associated with the spaces and structures located within the boundary of the historic Amoskeag Millyard; and

10. WHEREAS the Historical Resources Area Form prepared by Ms. Mausolf does declare that *"The Amoskeag Manufacturing Company Millyard is significant under National Register Criteria . . . as one of the most important nineteenth and early twentieth century industrial complexes in the United States and an excellent example of the nation's early industrial growth. . . . From its beginnings as an early utopian community through its later transforma-tion into an international melting-pot, the millyard reflects the growth and decline of what was at one time the largest textile manufacturer in the world."*; and

11. WHEREAS the Historical Resources Area Form prepared by Ms. Mausolf also contains a STATEMENT OF INTEGRITY with respect to the existing Amoskeag Millyard which declares that *"Taken together the millyard buildings continue to form a cohesive unit which repre-sents a significant and distinguishable entity. Although the industrial setting which once characterized the millyard has been diminished, the individual resources in the millyard can still be understood and appreciated as integral elements in the overall industrial complex"*; and

12. WHEREAS the Historical Resources Area Form prepared by Ms. Mausolf also includes a listing of all buildings, sites and objects in the Millyard which were evaluated as part of her professional study and which also contains, for each listed item, an authoritative assessment indicating whether or not that building, site or object is a "contributing resource" in support of a potential nomination of the Amoskeag Millyard, as a district, to both the State Register of Historic Places and the National Register of Historic Places; and

13. WHEREAS the Historical Resources Area Form prepared by Ms. Mausolf also includes a map showing the location of, as well as a notation indicating each resource's "contributing" or "noncontributing" status for, each of the buildings, sites and objects listed in the Area Form; and

14. WHEREAS the documentation included in the above cited Historical Resources Area Form for the Amoskeag Millyard has been reviewed and examined by the State of New Hampshire Division of Historical Resources' Determination of Eligibility Committee and found to be eligible as a district for both the National Register of Historic Places and the State Register of Historic Places; and

Reference to local & state Scenic & Cultural Byway designations

15. WHEREAS a one mile length of Commercial Street which runs through the heart of the Amoskeag Millyard on the east side of the Merrimack River has been accepted by the City of Manchester Board of Mayor and Aldermen as a locally recognized "Scenic and Cultural Byway" and that this local Byway has subsequently been accepted into the state Scenic and Cultural Byway program in recognition of the numerous historic, architectural, archeological, cultural and natural resource qualities which have long existed or been established in the immediate environs of Commercial Street in the Millyard area; and

Reference to mission of the Heritage Commission

16. WHEREAS the City of Manchester Code of Ordinances, at section 32.121, states that the purpose of the Heritage Commission *"shall be to insure the proper recognition, use and protection of resources, primarily manmade, that are valuable for their historic, cultural, aesthetic, or community significance within their natural, built, or cultural context"* ;

17. Now, THEREFORE,

MINDFUL of the above cited organizational purposes for which the Commission was created and

IN RECOGNITION AND APPRECIATION of the expert and authoritative findings contained in the above cited Amoskeag Millyard Historical Resources Area Form, and also

IN ACCEPTANCE AND PURSUANCE of the City's above cited municipal historic preservation policies, the City of Manchester Heritage Commission HEREBY RESOLVES upon the following:

> THAT THE BUILDINGS AND SITES WHICH ARE DESCRIBED AS BEING "CONTRIBUTORY" STRUCTURES AND SITES IN THE HISTORICAL RESOURCES AREA FORM PREPARED BY MS. MAUSOLF AND SEEN ON THE MAP CONTAINED THEREIN ARE HEREAFTER CONSIDERED BY THE CITY OF MANCHESTER HERITAGE COMMISSION TO BE OF HISTORIC "LANDMARK" QUALITY AND STATUS AND, FURTHERMORE,
>
> THAT THE HERITAGE COMMISSION'S RECOGNITION OF THE LANDMARK STATUS OF THESE BUILDINGS AND SITES SHALL APPLY WHENEVER THE COMMISSION MAY HAVE OCCASION TO CONSIDER AND APPLY THE PROVISIONS OF ARTICLE 7.05(E)(2.B) & (2.C) OF THE ZONING ORDINANCE OF THE CITY OF MANCHESTER.

[Approved on September 25, 2002]