

**Temple Historic District Ordinance  
Dated 11 March 2008**

**Approved at 2008 Town Elections  
as Warrant Article #4**

## TEMPLE HISTORIC DISTRICT ORDINANCE

- 1.0 *Purposes:* Within the Temple Historic District, it is the particular purpose of this ordinance to preserve and safeguard the heritage of the Town of Temple by the designation of a district which:
- a. Reflects elements of its cultural, social, economic, political and architectural history.
  - b. Conserves property values in such district.
  - c. Strengthens the Historic District for the education, pleasure and welfare of the citizens of the Town of Temple.
- 2.0 *Qualifications:* The Historic District established in 1982 and from time to time amended in the manner prescribed by New Hampshire law shall have one or more or any combination of the following characteristics and qualifications, without limitation as to chronological period:
- a. Structures or sites at which events occur or have occurred that are identified with or exemplify the cultural, social, political, economic, and military history of the Town of Temple.
  - b. Structures or sites associated with historic personages.
  - c. Structures and sites embodying examples of architectural types or specimens reflecting elements of Temple's cultural, social, economic, political, and architectural history.
- 3.0 *Temple Historic District:* The 1982 Town Meeting action established within the Town of Temple the Historic District consisting of the Lots listed in the addendum to be known as the "Temple Historic District".
- 4.0 *Historic District Commission:*
- 4.1 There shall be appointed by the Selectmen an unpaid Historic District Commission of not less than five (5) nor more than seven (7) members and one (1) associate member, all of whom shall be residents of the Town of Temple and be selected as follows<sup>1</sup>:
- a. When available, at least one (1) from among the residents of the Historic District in the Town of Temple.
  - b. One (1) from among the Selectmen of the Town of Temple.
- 4.2 Each Commission member or associate member shall serve without pay for a term of three (3) years. The member from among the Selectmen shall serve without pay for a term of one (1) year. The Selectmen shall annually appoint or reappoint members to the Historic District Commission with terms so arranged that no more than three expire each year<sup>2</sup>.

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<sup>1</sup> Reference RSA 673:4. Note that New Hampshire State Law, also known as Revised Statutes Annotated (RSA), are subject to change from time to time.

<sup>2</sup> RSA 673:5

- 4.3 Members shall not be appointed for more than two (2) successive terms. In the event of vacancy, interim appointments may be made by the appointing authority to fill the term of an unexpired appointment.
- 4.4 Said Commission shall elect annually a chairman, vice-chairman, and secretary from among its own membership. In case of absence, inability to act, or conflict of interest on the part of a Commission member, his place shall be taken by the associate member. A majority of the members of the Temple Historic District Commission shall constitute the quorum necessary to transact business at any meeting. Unless otherwise stated in this ordinance, the decisions of the Commission shall be by majority vote of the quorum of Commission members present.
- 4.5 Said Commission, for its purposes, shall adopt and may from time to time amend rules and regulations not inconsistent with the intention of this ordinance and of the state enabling legislation<sup>3</sup>.
- 4.6 The Temple Historic District Commission may, subject to appropriation or other income, employ clerical and technical assistants or consultants, and may accept money gifts, or gifts of services, grants, and may hold or expend the same for all or any of the purposes of the Temple Historic District.
- 5.0 *Authority Granted:* The Historic District Commission is empowered to regulate the construction, alteration, moving, or demolition of structures and sites within the Temple Historic District<sup>4</sup>.
- 5.1 Such power is intended to include, but not limited to: paint, roof materials, fences, foundations, signs, window size, exterior lighting, and such other items as may affect the exterior appearance of said structures<sup>5</sup>.
- 6.0 *Certificate of Approval:* In the Temple Historic District, no building permit shall be issued for any purpose or for any alteration, construction, or demolition of a building(s) until a corresponding Certificate of Approval has been issued by the Temple Historic District Commission<sup>6</sup>.
- 6.1 A Certificate of Approval is required before the construction, alteration, , changing the outside appearance of the structure, painting a different color, moving, or demolition of any structure within the Temple Historic District and covers such items, but not limited to: paint, roof materials, fences, foundations, signs, window size, exterior lighting, and such other items as may affect the exterior appearance of said structures even though a permit may not be required under the Zoning Ordinance of the Town of Temple.

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<sup>3</sup> NH Statutes Title LXIV, Planning and Zoning, chapters 672 through 677. RSA 674:45-50 specifically address Historic Districts

<sup>4</sup> RSA 674:46

<sup>5</sup> Such power does not include the regulation of solar, wind, renewable energy systems per RSA 672:1 (III-a) and 674:17(I-j), amateur radio service antennas per RSA 674:17(III), growing and harvesting horticultural commodities per RSA 674:32c, and ordinary maintenance or repair that does not alter the exterior appearance per RSA 674:48.

<sup>6</sup> RSA 676:9

- 6.2 An application for a Certificate of Approval will be obtained from the Selectmen's Office, and the completed application submitted back to the Selectmen's Office. The Selectmen's Office will date stamp the completed application when received and will forward it to the Historic District Commission recognizing that time is of the essence.
- 6.3 An application for a Certificate of Approval shall be submitted in writing and state the location, nature, and where pertinent, the materials, color and texture of the matter or item for which such certificate is sought. Any sketches or other information reasonably required by the Commission to determine the appropriateness in question shall be made available by the applicant.
- 6.4 The Commission may review such application at its next regularly scheduled meeting or at a special meeting. A special meeting may be called by any member of the Commission with twenty four (24) hour notice to every member. If there is unanimous agreement among Commission members present that the proposed change is consistent with the character of the Historic District, then a Certificate of Approval shall be granted. If the application is for a change in exterior color and if five (5) or more Commission members present agree that the proposed change is consistent with the character of the Historic District, then a Certificate of Approval shall be granted. Otherwise, the Commission shall hold a public hearing on the application for a Certificate of Approval in the following manner:
- a. Within ten (10) days after the filing of an application for a Certificate of Approval, the Commission shall mail (postage prepaid) to the applicant, abutters to the applicant's property, and owners within the Historic District that have direct view of the applicant's property, not less than ten (10) days notice of a public hearing before the Commission on such application.
- 6.5 The Historic District Commission, in considering each application, shall consider the appropriateness of proposed features, building, structures, and appurtenant fixtures, location on the lot, and the removal or demolition of any building or structure or appurtenant fixture in the district, wherever such features, building, structures, and appurtenant fixtures are subject to public view.
- a. The Historic District Commission, in considering the appropriateness of any features or fixtures mentioned in any such application, shall keep in mind the purposes set forth above and shall consider, among other things, the historic and architectural style, the general design, arrangement, textures, materials, and color of the building or structure or appurtenant fixtures in question, the relation of such features to similar features of buildings in the immediate surroundings, and the position of such building or structure in relation to the street or public way and to other buildings and structures.
  - b. In determining appropriateness, the Commission may request reports and recommendations regarding the feasibility of the applicant's proposal from the Planning Board, fire chief, building inspector, health officer, and such other administrative officials as may possess information pertinent to the concerns of the Commission. The Commission shall have the power to engage such technical assistants and consultants as may be deemed necessary to carry out the purpose of this ordinance.
  - c. The Commission shall not make any recommendations or requirements except for purposes of historic preservation and of preventing changes incongruous with the Historic District, its buildings, sites, and surroundings.

- 7.0 *Granting of a Certificate of Approval:* Within a period of forty-five (45) consecutive calendar days after the receipt of a completed application for a Certificate of Approval, or within such further time as the applicant may in writing allow, the Commission shall determine whether the proposal will be appropriate in its opinion in the Historic District in accordance with the purposes of this ordinance, and shall file a Certificate of Approval or Notice of Disapproval with the Town of Temple Selectmen's Office. No building permit shall be issued without a Certificate of Approval. Failure to file said Certificate of Approval or Notice of Disapproval by the Commission within the specified period of time shall be deemed to constitute approval<sup>7</sup>.
- 7.1 Notwithstanding that the applicant's proposal may be deemed inappropriate, owing to conditions especially affecting the lot, building, or structure involved (but not affecting the Historic District generally) the Commission may find that failure to issue a Certificate of Approval will involve a peculiar and unusual hardship (physical, financial, or otherwise) to the applicant, and that such Certificate of Approval may be issued without substantial derogation from the intent and purposes of historic preservation in Temple as stated above.
- a. If the Commission determines that an applicant's proposal is not appropriate, owing to aforesaid conditions, but that failure to issue a Certificate of Approval will cause substantial hardship, the Commission shall forthwith approve such application and shall issue to the applicant a Certificate of Approval in which the Commission may impose conditions.
- 7.2 If the Commission determines that a Certificate of Approval should not be issued, the reasons for such determination shall be entered in its records, and may include recommendations respecting the proposed construction, reconstruction, alteration, moving, or demolition<sup>8</sup>.
- 7.3 Whatever its findings, the Commission shall forthwith notify the applicant and the Selectmen's Office within one hundred forty four (144) hours of its determination and shall furnish the applicant in writing a copy of the reasons therefore and of its recommendations, if any, as appearing in the records of said Commission<sup>9</sup>.
- 8.0 *Historic District Appeals:* Appeals may be taken to the Temple Zoning Board of Adjustment by any owner of property wholly or partly within the Historic District, and by any other person, agency, or group if aggrieved by a ruling of the Historic District Commission. The Zoning Board of Adjustment shall hear and act upon such appeals within the periods of time prescribed by New Hampshire Statute.
- 9.0 *Enforcement:* In case of violation of the ordinance, the Selectmen may institute any appropriate actions or proceedings to prevent such unlawful action or to restrain, correct, or abate such violation.
- 10.0 *Separability:* In case any subsection, paragraph, or part of this ordinance be for any reason declared invalid or held unconstitutional by any court of last resort, every other subsection, paragraph, or part shall continue in full force and effect.

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<sup>7</sup> RSA 676:4(Ib) and 676:9

<sup>8</sup> RSA 676:3(I)

<sup>9</sup> RSA 676:8(II)

## TEMPLE HISTORIC DISTRICT ORDINANCE ADDENDUM

The below named parcels or lots shall constitute the Temple Historic District and said parcels are described by Tax Map number and by the names of the present owner of record.

Map 7A, Lot 5	331 NH Rt. 45 6 Applewood Ln.	Lillian P. Maynard
Map 7A, Lot 6	9 Main St.	Town of Temple (Town Hall, Library, Highway Garage)
Map 7A, Lot 7	17 Main St.	Temple Congregational Church (Church and Friendship Hall)
Map 7A, Lot 8	19 Main St.	Margaret Cournoyer (Store)
Map 7A, Lot 9	25 Main St.	William N. Banks, Jr.
Map 7A, Lot 15	5 Hadley Hwy.	J. Michele Clements
Map 7A, Lot 38	15 Gen. Miller Hwy.	Mary E. Schubert
Map 7A, Lot 39	370 NH Rt. 45	Mary E. Felt, Trustee of Mary E. Felt Revocable Trust
Map 7A, Lot 40	Town Green	Town of Temple
Lot 7 – 40-1	Old Burying Ground	Town of Temple
Map 7A, Lot 45	340 NH Rt. 45	NAP Hospitality (Birchwood Inn)
Map 7A, Lot 46	338 NH Rt. 45	Temple Congregational Church (garage)
Map 7A, Lot 47	3 Leighton Ln.	Temple Congregational Church (rectory)