

What Are Historic Districts Good for, Anyway?

Daniel Webster once said that a person who doesn't respect the past isn't performing his [or her] duty to the future. Perhaps it was Webster's eloquence that inspired the 1963 session of the New Hampshire General Court when it established New Hampshire's historic district enabling legislation. The legislators could have been very straightforward and perfectly legal by saying something prosaic like "New Hampshire municipalities may establish historic districts according to the following procedures..." What they actually DID say was:

"The preservation of structures and places of historic and architectural value is hereby declared to be a public purpose. The heritage of the municipality will be safeguarded by:

- I. Preserving a district in the municipality which reflects elements of its cultural, social, economic, political and architectural history;**
- II. Conserving property values in such district;**
- III. Fostering civic beauty;**
- IV. Strengthening the local economy; and**
- V. Promoting the use of a historic district for the education, pleasure, and welfare of the citizens of the municipality."**

[RSA 31:89-a (1963), now RSA 674:45]

In 1992, these purposes were broadened to include cultural resources and community history, and to recognize multiple districts.

It's clear that the legislators didn't intend historic districts to be isolated shrines forever frozen in white paint. Instead, they deliberately described historic districts as centers of civic and economic activity.

Historic districting is a strategy that WORKS -- literally and figuratively -- to preserve both the character and the tax base of a community.

Historic districts have the paradoxical twin virtues of stability and flexibility. They encourage continuity and the care of existing properties, while respecting changes over time -- layers of life -- that add architectural richness and visual variety to townscapes. But they do not prevent new construction, nor should they prohibit contemporary design that is respectful of existing resources.

What about the reasons NOT to have a local historic district? Whenever the idea of historic districting comes up locally, "historic district horror stories" are sure to follow. Most of them are either misinterpretations, or misunderstandings, or just plain wrong -- and they usually happened in some other state, anyway. What happens in other states is their business. What happens here in New Hampshire follows New Hampshire laws and policies, administered by New Hampshire people, in New Hampshire communities.

RESISTING A HISTORIC DISTRICT SHOWS A LACK OF TRUST IN YOUR OWN COMMUNITY'S COLLECTIVE COMMON SENSE.

Historic district horror stories seem to circulate most freely in communities that haven't adopted a historic district. Once a district is established, criticism almost always dies down, and the positive realities of historic districting chase the myths away.

Sometimes historic districts are portrayed as anti-business. That's not true! Historic districts encourage reinvestment. And historic preservation is a GOOD investment. Here are some statistics from Donovan Rypkema, a principal in a real estate & economic development consulting firm:

"Historic preservation does have a measurable economic effect on a community. This impact is not only as an economic activity in general, but in comparison to new construction in particular...Suppose a community is choosing between spending \$1,000,000. in new construction and spending \$1,000,000. on rehabilitation. What would the differences be?

- **\$120,000. more dollars will initially stay in the community with rehabilitation than with new construction.**
- **5 to 9 more construction jobs will be created with rehabilitation than with new construction.**
- **4.7 more new jobs will be created elsewhere in the community with rehabilitation than with new construction.**
- **Household incomes in the community will increase \$107,000. more with rehabilitation than with new construction.**
- **Retail sales in the community will increase \$142,000. as a result of that \$1 million of rehabilitation expenditure -- \$34,000. more than with \$1,000,000. of new construction.**
- **Real estate companies, lending institutions, personal service vendors, and eating and drinking establishments will all receive more monetary benefit from \$1,000,000. in rehabilitation than from \$1,000,000. in new construction..."**

[he goes on to say:]

"Historic preservation makes sense in large measure because historic preservation makes dollars and cents, but it also saves dollars and cents. Historic preservation is a rational and effective economic response to overconsumption. To make a new brick today to build a building on a site where there is already a building standing steals from two generations. It steals from the generation that built the brick originally by throwing away their asset before its work is done, and it steals from a future generation by using increasingly scarce natural resources today that should have been saved for tomorrow. Perhaps we have already consumed enough of somebody else's assets -- it's time for us to make better use of our own. Historic preservation is a way for us to do that."

That's the dollars; now for the sense: If the activities of historic district commissions were truly controversial, there would have been dozens of court cases in the more than 30 years that New Hampshire has had historic districts. But there have been only a few cases in which the role of historic district commissions has been specifically addressed by the New Hampshire Supreme Court.

The most important case is already several years old: *Victorian Realty Group v. City of Nashua*, 130 N.H. (1987), unanimously affirmed that the planning board may draw on a historic district commission's expertise "based on factors related to the historic character and significance of the buildings at issue" in making decisions on subdivisions and site plan approvals involving a historic district.

The Court stated, "The members of the historic district commission are the most familiar with the historic district, and are uniquely suited to provide recommendations to the planning board. We conclude that the planning board may properly consider the recommendations of the historic district commission..."

This is a clear assertion that historic district commissions can help planning boards implement the community's desire to safeguard its historic districts.

Furthermore, New Hampshire state law requires that "all districts and regulations shall be compatible with the master plan and zoning ordinance of the city, town, or county in which they exist" [RSA 674:46-a, IV.]. Many planners and local officials see historic districts as important tools for maintaining local character and for strengthening property values.

Historic district regulations are quality assurance standards, so that one owner's major investment (or treasured homestead) isn't negated by a "sleaze job" next door.

At the state level, developers, investors, planners, and architects who want to be known for excellent work purposely seek out properties in historic districts. It reduces their risk factors; they know up front what the rules are; and they know that the historic district acts as an early warning system to insure that any changes to surrounding properties (which could affect the value of their investment) will be subject to consistent ground rules and community standards, administered through an open public process in which they or their clients, as abutters, can participate.

A historic district commission can be an important source of expert technical assistance for property owners, helping them to cope with the creatures that think of historic buildings as Old Home Day dinner; educating owners about good and bad historic preservation techniques; and sharing simple but effective advice about getting maximum benefit from the effort and expense involved in preservation work.

Historic district members can provide professional-level architectural and historical expertise which might be otherwise unavailable or unaffordable for many applicants.

Generally -- unless the citizens demand it -- historic districts do NOT regulate paint colors, since paint is cosmetic and colors, no matter how jarring, can be changed in a day or two. In communities with historic districts, the more frequent complaint is that the commission isn't able to do enough, not that it's doing too much.

One of the things a historic district commission must do, as part of developing a proposed district and ordinance, to conduct a local historical resources survey which is linked to statewide as well as local historical themes and contexts. (The Division of Historical Resources can provide how-to advice and some assistance.)

Communities that have established a local survey process, a historic district or heritage commission, a historic district ordinance, and a historic district, are eligible to apply for "Certified Local Government" status. If the local historic district ordinance, regulations, and procedures meet special state and federal program standards, the municipal government enters into a "Certification Agreement" to establish the basic historic preservation performance standards that the entire municipality -- not just the historic district commission alone -- must fulfill in order to become and remain certified. After they meet the certification standards, the "CLGs" become part of a technical assistance and information-sharing network with the DHR and other CLGs, which strengthens the local preservation program. They are also eligible to apply for federal matching grants from a special pass-through fund set aside for the exclusive use of Certified Local Governments. CLGs are monitored regularly to insure that they continue to meet program requirements and can remain eligible for CLG funds and services.

The CLG program is a federal incentive. The 1992 state legislative session enacted a new state incentive: heritage commissions, which give local governments in New Hampshire new abilities to recognize and protect historical and cultural resources. Unlike historic district commissions, whose responsibilities are limited to specific parts of a community, heritage commissions are intended to have a town-wide or city-wide scope, and a range of activities that is determined by each individual municipality.

Heritage commissions do for cultural resources what conservation commissions do for natural resources. Functionally, heritage commissions are somewhere between historical societies and historic district commissions, with their precise role determined locally. And while their primary duties are to advise and assist other local boards and commissions, including the planning board, heritage commissions are also empowered to accept and expend funds for a non-lapsing heritage fund, and to acquire and manage property and property rights.

Some communities have heritage commissions that are only advisory, but others want their commissions to take a much more active role, and to assume the responsibilities of a historic district commission. And all of these are local decisions, authorized by the state enabling legislation: it gives communities a menu, not a mandate.

When communities consider creating heritage commissions or historic districts, it's easy to get distracted by procedures and processes and legalistic technicalities; but those are details. The principal reason for having a historic district (or several) is that a historic district is a community's way of taking a deep breath and a long look around at itself and saying, "This is special. This is important to all of us in many different ways. This is too good to waste. This is a place we should take care of together."

Taking time to establish historic districts is a good investment. A historic district helps citizens to recognize and appreciate the often-overlooked (or taken-for-granted) values of time and place, and helps to keep those values in place. It reminds us to look for richness of detail in our "everyday" environment.

Most important, a historic district is a way of recognizing that books aren't our only source of information about the past.

When we lose the storytelling capability of a building or a place, we may be silencing historical voices that can't communicate with us in any other way. And the danger here is not only the dramatic demolition of a well-known landmark. It is also the gradual but pervasive erosion (or perversion) of historical character that can happen with the accumulation of incremental changes to buildings and places. Yet often those causing the losses would have made different (and more respectful) choices with only the slightest encouragement, or better information.

Historic districts are an ideal tool for focusing a community's attention and fostering wise decisions that, over the years, add up to a whole that has value and meaning greater than any of its separate parts.

Making the effort to establish and to maintain historic districts is an effective way to acknowledge the character and meaning of our community life, with its three-dimensional heritage of people, places, and patterns.

Historic districts help us to recognize and fulfill our responsibility both to the past and, simultaneously, to the future.

So, how do you DO it? What you need to know is in the two books cited below; consider them cookbooks or instruction manuals or field guides -- and then study them, and follow them. When you're puzzled, call the Division of Historical Resources. And always remember: historic districting is a public process for the public benefit. The more people who are involved in the process, the better -- and the more popular -- the final results will be.

FOR MORE INFORMATION:

New Hampshire Planning and Land Use Regulation: 2002-2003 Edition. Issued by the New Hampshire Office of State Planning, Concord, New Hampshire. Charlottesville, Virginia: LexisNexis, Matthew Bender & Company, Inc., 2002. (New editions issued annually.)

Preserving Community Character: Ways to Reconcile Change with the Character of a Place. Jaffrey, New Hampshire: New Hampshire Association of Historic District Commissions, 1988.

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