

The following information is excerpted from the 2015 Town of Windham Zoning Ordinance and Land Use Regulations (Section 608).

608. Historic District: An ordinance relating to the establishment of a Historic District in the Town of Windham.

Section I - Authority and Purpose: This ordinance is established under the authority granted in RSA 674:45 and 674:46. The purpose of this Ordinance is to promote the educational, cultural, economic, and general welfare of the public for the protection, enhancement, perpetuation, and preservation of the historic district. It is hereby declared that it is a public purpose that the heritage of Windham will be safeguarded by:

- A. Preserving districts in Windham which reflect elements of a cultural, social, economic, political and architectural history;
- B. Serving property value in such districts;
- C. Fostering civic beauty;
- D. Strengthening the local economy;
- E. Promoting the use of an historic district for the education, pleasure, and welfare of the citizens of Windham.

Section II - Definitions:

- A. Historic District: The area of Windham as specifically delineated on the zoning map (on a map which is on file in the Town clerk’s Office of the Town of Windham) and which:
 - 1. Has special character or special historic or aesthetic interest of value, or
 - 2. Represents one or more areas of the history of Windham.
- B. Exterior Architectural Feature: The architectural style and general arrangement of such portions of the exterior of the structure as is designed to be open to view from the public way, including color, kind and texture of the building material, type of wall, windows, dormers, lighting fixtures, walks, terraces, exterior walls, fencing and other fixtures appurtenant to such portion.
- C. Commission or Historic Commission: As used in this ordinance shall mean the Windham Historic District Commission.

Section III - Powers and Duties:

- A. Membership: Qualifications; Term; Vacancies. The Commission shall consist of five (5) members and up to three (3) alternate members, all of whom shall be appointed by the Board of Selectmen. The members of the Commission shall be appointed for three (3) year terms, except the initial appointments, which shall be staggered so no more than two Selectmen’s appointments are made annually, except when required to fill vacancies. In addition, the Selectmen may appoint three (3) persons to serve as alternate members of the Commission. Alternate members shall be appointed for three (3) year terms, one (1) each year, except initial appointments, which shall be

staggered such that only one term expires each year. Members (and alternates) of the Commission shall serve without compensation. In the event of a vacancy on the Commission, interim appointments may be made by the Board of Selectmen to complete the unexpired terms of such position.

B. Specific Powers and Duties

1. It shall be the duty of the Historic Commission to develop regulations for the accomplishment of the purposes of this Ordinance within said Historic District and within the provisions of the Ordinances and to relate said regulations to the Master Plan for Windham.
2. The Commission shall have the power to accept and use gifts, grants, as contributions for the exercise of its functions.
3. The Commission shall have the power to review and act upon all building permits for applications situated within the boundaries of any Historic District established, such power of review and approval, approval with conditions, or disapproval shall be limited to those considerations which affect the relationship of the applicant's proposal to its surroundings, to the locations and arrangement of structures, to the treatment of exterior architectural features and finish of structures, and the compatibility of the land use within the district as may be deemed to affect the character and integrity of said district to achieve the purpose of this Ordinance.
4. It shall be the duty of the Historic Commission to provide reports and recommendations regarding development proposals to the Planning Board, Zoning Board of Adjustment, and other officials who may require information pertinent to the application.
5. It shall be the duty of the Commission to seek advice from such professional, educational, cultural, and other groups of persons that may be deemed necessary in the determination of a decision. The Commission shall have the power to engage such technical assistance and consultants as may be deemed necessary to appropriately review an application to assure its compatibility with the terms and purposes of this Ordinance. The costs of any such reviews shall be paid by the applicant.
6. It shall be the duty of the Commission to file with the Building Inspector or other duly delegated authority either a certificate of approval, certificate of approval with conditions, or notice of disapproval following the review and determination of any application. Said certificate shall be filed with the Building Inspector, or other duly delegated authority within 45 days after filing of the application of said certificates unless the applicant shall agree to a longer period of time for review. Failure to file such certificate within the specified period of time shall be deemed to constitute approval by said Commission.
7. No building permit shall be issued until a certificate of approval or certificate of approval with conditions has been filed with the building inspector.

8. In the case of a certificate of disapproval, such notice shall be binding upon the Building Inspector or other duly delegated authority and no permit shall be issued. In case of disapproval, the Historic Commission shall state the reasons for such disapproval in a written statement to the applicant and placed on file with the Building Inspector within 5 days of such decision being made.
9. The Historic Commission may refuse to issue a certificate of approval or certificate of appropriateness for the erection, reconstruction, alteration, demolition, partial demolition or removal of any structure within the Historic District, which in the opinion of the Historic Commission would be detrimental to the interest of the Historic District against the public interest of the Town.
10. In addition to the aforementioned powers the Historic Commission may conduct surveys of buildings for the purposes of determining those of historic and/or architectural significance and pertinent facts about them; formulate recommendations concerning the preparation of maps, brochures, and historic markers for selected historic and/or architectural sites and buildings; cooperate with and advise the governing body, and the Planning Board and other municipal agencies involving historic and/or architectural sites and buildings.”

Section IV – Interpretation: Nothing in this Ordinance shall be construed to prevent ordinary maintenance or repair of any structure or place within any historic district.

Section V – Criteria Used When Reviewing Applications: The Historic Commission shall not consider interior arrangement features not subject to any public view. The Historic Commission shall consider the following criteria when reviewing applications:

General design and arrangement. (Density, scale, unity in composition.)

- A. Exterior architectural features and the extent to which they harmonize with existing features and the extent to which they harmonize with existing features found within the Historic District.
 1. All signs, which are subject to, view from a public street, way or place.
 2. The type or types of materials to be used on the structure. (Board and batten, clapboard, brick, fieldstone, granite, wood shakes, roofing material, etc.)
 3. The types of roof, within the area there are several types of roof, depending on the area of construction, gable salt box, hip, and gambrel.
 4. Architectural Detail: The relationship of detail may include cornices, lintels, arches, balustrades, railing, entrance, doors, window dormers, chimney, etc.
 5. The type or types of material used to construct or install paving, walks, walls, steps etc. (Asphalt, stone dust, cobbles, granite, bluestone, fieldstone, etc.)

6. The type or types of material used to construct fencing or screening.
7. The placement of and type of lighting fixtures, lights, poles and trash receptacles.
8. Color: The predominant color should reflect historical accuracy and may be a natural material or may be painted. This allows considerable latitude for variation within a single color spectral grouping.
9. Height shall not be more than 2 ½ stories or a maximum of 35 feet.

Section VI - Procedure

- A. Certificate of Approval. Notwithstanding any inconsistent ordinance, local law, code, rule or regulation concerning the issuing of building permits, no change in any architectural feature, in the district shall be commenced without a certificate of approval or certificate of approval with conditions from the Historic Commission nor shall any building permit for such change be granted without such a certificate of approval having first been issued. The certificate of approval required by this section shall be in addition to and not in lieu of any building permit that may be required by any ordinance, local law, code, rule or regulation of the Town of Windham.
- B. Pre-Application Review Procedure. Prior to the formal submission for consideration, preliminary scale drawings and outline specifications, including color samples for outside work, may be submitted for review and informal discussion with the Historic Commission. The purpose of this review shall be to acquaint the applicant with standards of appropriateness of design that are required for the proposed development. In case of very minor projects involving repair or alterations to existing buildings and other data are sufficiently clear and explicit, may grant preliminary and final approval at one session. Should said data indicate alterations, remodeling, or repairs not changing the exterior appearance, the Historic Commission may exempt the application from the provisions of Section VI and approve permit.
- C. Data to be Submitted with Formal Application: Application for a certificate of approval shall be made upon forms prescribed by the Historic Commission and shall contain the following information:
 1. Name, address, telephone number of applicant.
 2. Location of building, structure, or land, the exterior architectural features of which are proposed to be changed.
 3. Drawings for the proposed alterations, additions, or changes and for new construction of building or property use. As used herein, drawings shall mean plans and exterior elevations drawn to scale with sufficient detail to show the architectural design of the building. Plans and drawing do not need to be drawn by an architect.
 4. Samples of materials, texture, and color.
 5. Site Plan including all improvements affecting appearances such as walls, walks, steps, terraces, lighting, fencing, accessory buildings, sign and other elements.

6. Sign: Any proposed sign or existing sign to be changed either in size, color, or lettering, shall be shown on a detailed scale drawing showing the type of lettering, all dimensions and colors, a description of materials to be used and methods of illumination, if any, and a plan showing the location on building or property.
7. All of the above mentioned data shall be filed with the Historic Commission through the Community Development Department.

Section VII - Violations: Failure to comply with any of the provisions of this ordinance shall be deemed a violation and subject to Section 1300 of the Zoning Ordinance.

Section VIII - Allowed Uses: The following land uses are allowed in the Historic District:

1. Municipal Uses except solid waste facilities and stand-alone antenna towers
2. Offices for professional occupations as defined in the Windham Zoning Ordinances Section 200
3. Churches
4. Assembly Halls
5. Single family residences