Excerpt from Chapter 14 (Housing Code) of the City Ordinances
(Contact Portsmouth City Clerk for a complete official copy of the City Ordinances)

ARTICLE II: DEMOLITION

Section 14.201 PURPOSE

The purpose of this Article is to encourage the preservation of buildings and places of historic, architectural and cultural value.

Section 14.202 DEFINITIONS

As used in this Article, the following words or phrases shall have the meanings set forth below, except when the context requires a different meaning.

Demolition: Razing or destruction, entirely or in part, of a building or structure, whether or not reconstruction is planned after demolition, or removal of a building or structure in whole or in part from its present location. For the purpose of this Article, demolition shall not include (a) interior demolition that does not affect the exterior of the building or structure, or (b) work necessary to repair or replace exterior finishes such as roofing, siding, trim or windows.

Demolition Review Committee: A committee appointed by the City Council and comprised of five members as follows: one member of the Historic District Commission, one member of the Planning Board, one member of the Portsmouth Historical Society, the Chief Building Inspector or his/her designee, and the Planning Director or his/her designee. Representatives of the Historic District Commission and Planning Board shall be appointed annually or as necessary.

Code Official: As defined in the zoning ordinance.

Section 14.203 APPLICABILITY

The requirements of this Article shall apply to any demolition except:

(1) Demolition of a building or structure that has been granted a Certificate of Approval by the Historic District Commission or has been approved for demolition in association with a project approved, following a public hearing, by either the Planning Board or the Board of Adjustment.

(2) Demolition of any “dangerous building” that has been ordered to be demolished pursuant to Chapter 14, Article I, Section 14.109(C).

(3) Minor demolition projects, as determined by the Code Official, that are not located in the Historic District, including but not limited to chimneys, decks, porches, steps, small outbuildings or other similar design features.

(4) Removal of partial roof components for vertical expansion such as dormers or skylights on structures that are not located in the Historic District.

Section 14.204: APPLICATION AND NOTICE

A. **APPLICATION:** Prior to the commencement of any demolition, the owner(s), contractor, or agent (hereinafter Applicant) must (a) submit a completed Demolition Permit Application (hereinafter Application) to the Inspection Department, (b) post a sign or signs as required by paragraph B below, and (c) publish a legal notice as required by paragraph B below. Such Application shall include a Demolition Plan that includes a scaled site plan showing the location of the building(s) and photographs of the existing structure(s) and, if applicable, elevations of the proposed structure(s).

B. **SIGNAGE:** The applicant shall post one or more signs on the building to be demolished, or on the lot where such building is located, so as to be clearly visible from all public ways. In the event that visibility at the building's location would be hindered in such a manner as to obstruct notice of the sign, the applicant will be required to post a sufficient number of signs as to insure clear visibility. Said sign(s) shall be provided by the Inspection Department at the time of application for the Permit.

C. **LEGAL NOTICE:**

(1) If the building to be demolished was constructed more than 50 years prior to the date of application and the area to be demolished (building footprint or gross floor area) is greater than 500 square feet, the legal notice shall read as follows:

NOTICE

An application has been submitted to demolish the building (or a portion thereof) located at _____. Further information about the proposed demolition is available from the Inspection Department, City Hall, 1 Junkins Avenue, Portsmouth, NH 03801 (tel. 610-7243). You may object to the demolition by filing a written objection with the Inspection Department at the above address.

If no written objection is received in the Inspection Department within 30 days from the date of this notice, the Demolition Permit will be issued. If a written objection is received within said period, the Demolition Review Committee will hold a public hearing on the matter within 75 days from the date of this notice. Notice of the public hearing will be published in a newspaper of general circulation, posted on the City's website, and given to all parties who have filed objections to the proposed demolition.

Date of this Notice:_____

(2) If the building to be demolished was constructed 50 years or less prior to the date of application, or the area to be demolished (building footprint or gross floor area) is 500 square feet or less, the legal notice shall read as follows:

NOTICE

An application has been submitted to demolish the building (or a portion thereof) located at _____. Further information about the proposed demolition is available from the Inspection Department, City Hall, 1 Junkins Avenue, Portsmouth, NH 03801 (tel. 610-7243). You may object to the demolition by filing a written objection with the Inspection Department at the above address.

If no written objection is received in the Inspection Department within 30 days from the date of this notice, the Demolition Permit will be issued. If a written objection is received within said period, the Inspector may order an additional delay in issuing the Demolition Permit, up to a maximum of 90 days from the date of this notice.

Date of this Notice:_____

(3) In either case, the required sign(s) shall remain posted until the Inspection Department has issued a demolition permit.

D. **PUBLICATION:** The applicant shall, within seven (7) days of submitting an Application, have published the required a legal notice in a newspaper of general circulation in Portsmouth. All costs which are incurred for publication of the legal notice are to be paid by the applicant who also will provide copies of the published legal notice to the Inspection Department prior to the expiration of the thirty (30) day period contained in the legal notice. The legal notice shall include the wording required by Section 14.204.C (1) or (2), as applicable, and shall also contain the address and description of the building or structure to be demolished and the name and address of the applicant.

Section 14.205: PROCEDURE

A. If the building to be demolished was constructed more than 50 years prior to the date of application and the area to be demolished (building footprint or gross floor area) is greater than 500 square feet, the following procedure shall be followed:

(1) If a written objection is not received by the Inspection Department within thirty (30) days of the date of notice, the Building Inspector shall verify that the notice requirements in Section 14.204 have been satisfied and the demolition may proceed.

(2) If a written objection is received by the Inspection Department within thirty (30) days of the date of notice, the Building Inspector shall have fifteen (15) days to notify the applicant in writing that the Demolition Plan must be reviewed by the Demolition Review Committee (hereinafter Committee) before proceeding and forward the application to each member of the Committee.

(a) The Committee shall schedule a public hearing within thirty (30) days of notification from the Building Inspector. Notice of the public hearing shall be given to all parties who have filed objections, posted in two public places and on the City's website, and published in a newspaper of general circulation at least ten (10) days prior to the hearing, not including the day of the hearing or the day of posting.

(b) The Committee shall hear all public testimony on the building's significance. The owner or the owner's representative shall be invited to attend the hearing.

(c) At the conclusion of the hearing, the Committee shall determine that the building is "significant" or "not significant" based on whether the building is of such historic, architectural or cultural value that its removal would be to the detriment of the public interest.

(d) If the Committee finds the building is "not significant," no further review is required.

(e) If the Committee finds the building is "significant," the following steps shall be taken:

(i) The Committee shall hold a meeting with the owner or owner's representative within fifteen (15) days, or at the applicant's earliest convenience, to discuss alternatives to the proposed Demolition Plan. Public comment shall be accepted by the Committee at the meeting.

(ii)

After the meeting provided for in paragraph (i) above, the Committee shall:

a. Approve the Application as submitted; or
b. Approve any alternatives to the Demolition Plan which have been agreed to by the applicant; or,

c. Determine to delay the issuance of the demolition permit for up to the maximum time period allowed by this ordinance.

(iii) Following the completion of documentation as set forth in (ii) above, no further review is required.

B. If the building to be demolished was constructed 50 years or less prior to the date of application, or the area to be demolished (building footprint or gross floor area) is 500 square feet or less, the following procedure shall be followed:

(1) If a written objection is not received by the Inspection Department within thirty (30) days of the date of notice, the Building Inspector shall verify that the notice requirements in Section 14.204 have been satisfied.

(2) If a written objection is received by the Inspection Department within thirty (30) days of the date of notice, the Building Inspector shall order an additional delay period, not to exceed sixty (60) days from the date of receipt of the written objection(s) in instances where a significant building, site, or life safety condition is presented in the objection. However, in no event shall the delay period ordered by the Building Inspector exceed ninety (90) days from date of notice.

Section 14.206: DEMOLITION PERMIT

Upon completion of the procedure outlined in Section 14.205, the Building Inspector shall issue a Demolition Permit after the expiration of any delay period ordered pursuant to Section 14.205.

2025 New Hampshire Revised Statutes -Title LXIV - Planning and Zoning
Chapter 674 - Local Land Use Planning and Regulatory Powers
Section 674:44-a - Heritage Commission & Section 674:44-b - Powers.

673:4-a- Heritage Commissions

I. The heritage commission shall consist of not less than 3 members and no more than 7 members who shall be appointed in a manner as prescribed by the local legislative body.

II. Each heritage commission member shall be a resident of the city or town which establishes the commission. One commission member shall be a member of the local governing body. One commission member may be a member of the planning board. Not more than 5 alternate members may be appointed. When an alternate sits in absence or disqualification of a regular member, the alternate shall have full voting powers. If there is a historic district commission, one member of this commission shall be an ex officio member of the heritage commission. In determining each member's qualifications, the appointing authority shall take into consideration the appointee's demonstrated interest and ability to understand, appreciate and promote the purpose of the heritage commission.

III. Members of a heritage commission also may serve on other municipal boards and commissions, including but not limited to a conservation commission established under RSA 36-A, and a historic district commission established under RSA 673:4.

Source. 1992, 64:6. 1995, 138:4, eff. July 23, 1995.

674:44-b - Powers

I. Generally. Heritage commissions shall have advisory and review authority, specifically, as follows:

(a) Survey and inventory all cultural resources.

(b) Conduct research and publish findings, including reports to establish the legal basis for a district and preparation of historic district ordinances within the municipality prior to its adoption or amendment as provided in RSA 675:6.

(c) Assist the planning board, as requested, in the development and review of those sections of the master plan which address cultural and historic resources.

(d) Advise, upon request, local agencies and other local boards in their review of requests on matters affecting or potentially affecting cultural and historic resources.

(e) Coordinate activities with appropriate service organizations and nonprofit groups.

(f) Publicize its activities.

(g) Hire consultants and contractors as needed.

(h) Receive gifts of money and property, both real and personal, in the name of the city or town, subject to the approval of the city council in a city or the board of selectmen in a town, such gifts to be managed and controlled by the commission for its proper purposes.

(i) Hold meetings and hearings necessary to carry out its duties.

II. Property. The commission may acquire, in the name of the town or city, subject to the approval of the local governing body, by gift, purchase, grant, bequest, devise, lease, or otherwise, a fee or lesser interest, development rights, covenant, or other contractual right, including conveyances with conditions, limitations, or reversions, as may be necessary to acquire, maintain, improve, protect, limit the future use of, or otherwise conserve and properly use the cultural resources of the city or town, and shall manage and control the same; provided, however, that the city, town, or commission shall not have the right to condemn property for these purposes.

III. Historic District Commission. Heritage commissions also may assume, if authorized by the local legislative body, the composition and duties of historic district commissions.

Source. 1992, 64:2. 1993, 32:1. 1995, 138:5, eff. July 23, 1995.