



## NEW HAMPSHIRE DIVISION OF HISTORICAL RESOURCES

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# TOWN INITIATIVES TO PROTECT STONE WALLS

Stone walls are a New Hampshire resource too often "taken for granite" -- literally. Whether by insensitive road repairs, careless logging, or outright removal for resale to new owners in other states, our stone walls are vanishing. Several laws -- including **RSA 207:36, RSA 472:6, RSA 539:3-4, and RSA 231:157-159 (the "Scenic Roads Law")** -- afford limited protection to stone walls, but the provisions are weak, enforcement is difficult, and any fines are negligible. RSA 472:6 is probably the most useful.

**Fortunately, communities don't have to wait for state legislation; they can pass their own stone wall ordinance, just as Dublin did many years ago.** (An example from Danbury's Land Use and Zoning Ordinance: "3.7. *Land use activity may not alter the location of or remove any roadside stone wall which was made for the purpose of marking the boundary of, or which borders, any public road in the Town of Danbury, except upon written consent of the Board of Selectmen, or the Planning Board, or the New Hampshire Department of Transportation. 3.7.1. Exemptions: driveways and points of access approved by appropriate state or local authorities.*") Towns without zoning, or that may not need to amend their zoning ordinance at the next town meeting, can also adopt similarly-worded provisions as stand-alone town ordinances by a Town Meeting warrant article.

Adopting such an ordinance at the local level also strengthens the validity (and defensibility) of decisions by planning boards, zoning boards, and boards of selectmen that would have the effect of protecting or preserving stone walls.

The many roles and values of stone walls -- and the reasons for preserving them -- should be discussed in the municipal master plan; and detailed guidelines for retaining and protecting stone walls ought to be part of the subdivision and site review regulations that are adopted and used by local planning boards. Inserting a line item in the Capital Improvements Program (CIP) for maintenance and repair of municipally-owned stone walls is another way communities can demonstrate a commitment to saving stone walls. Municipal public works departments can stockpile stones excavated as a result of road and sewer and cemetery work (and can also receive "contributed" stones from private construction projects within the town) to be used for repair and restoration of stone walls.

*To explore links to other stone wall topics, click on:*

**Home page of The Stone Foundation Society**

<http://www.stonefoundation.org/>

**NH Public Radio programs on stone walls**

<http://www.nhpr.org/content/contentkw.php/2549/>

**Search the NH Revised Statutes Annotated (RSAs) for legislation related to stone walls**

<http://gencourt.state.nh.us/rsa/html/indexes/search.html> (type in key word/s as search terms)