



TOWN OF
NEWMARKET
NEW HAMPSHIRE

Planning Board Agenda

Tuesday, June 13, 2023, at 7:00 PM

Town Hall Council Chambers

Agenda Item #1 - Pledge of Allegiance

Agenda Item #2 – Public Comments

Agenda Item #3 - Review & Approval of Minutes

- a. May, 9, 2023

Agenda Item #4 – Regular Business

- a. Notice is hereby given that the Planning Board shall set a hold a discussion on proposed language to amend §32-161 *Downtown Overlay District* and §3.21 *Architectural/aesthetic review* of the Municipal Town Code of Newmarket, New Hampshire, that seeks to add architectural design requirements within the historic overlay district, or take any other action relative thereto.
- b. Discussion relative to forming a consultant selection committee for proposed zoning amendments along North Main Street and a discussion on forming a Master Plan Subcommittee.

Agenda Item #5 - New/Old Business

Chairman's Report
Committee Reports
Planner's Report

Agenda Item #6 - Adjourn

1 **Chapter 32 Zoning**

2 **Sec. 32-160. Downtown commercial overlay district.**

- 3 (a) Purpose. The purpose of the downtown commercial overlay district shall be to protect and enhance
4 the commercial, social, civic and residential functions of the downtown village area. It is recognized
5 that the village is an important place of business and of social interaction. Controls are intended to
6 enhance the village by recognizing the importance of street level commercial space, providing for
7 relatively high density, a mix of uses, and design compatible with the pedestrian scale and historic
8 nature of the area.
- 9 (b) Overlay district boundaries. The downtown commercial overlay district boundaries shall include all
10 properties within the M-2 district and having frontage on Main Street or South Main Street.
- 11 (c) Requirements.
- 12 (1) **Standards. Qualifying development activities on lots located within the Downtown**
13 **commercial overlay district shall require site plan review, pursuant to Appendix-B Site**
14 **Plans of the Municipal Code of the Town of Newmarket, New Hampshire.**
15 **Notwithstanding, development activities exempt from site plan review shall adhere to**
16 **the architectural design standards, pursuant to Sec. 3.21 Architectural and aesthetic**
17 **review of Appendix-B Site Plans of the Municipal Code of the Town of Newmarket,**
18 **New Hampshire.**
- 19 (2) All permitted uses allowed in the M-2 district shall be allowed, except single-family
20 residential, excluding manufactured housing, duplex residential, and age-restricted housing
21 shall be prohibited in any street level space.
- 22 (3) All uses permitted by special exception in the M-2 district shall follow the applicable
23 requirements of section 32-46(b)(2), except that multifamily residential shall be prohibited in
24 any street level space.

25
26 **Appendix B – Site Plans**

27 **Sec. 1.03.—Definitions**

28 **Renovation: An alteration or restoration modifying the exterior portions of an existing structure.**

29 **Sec. 1.05.— Applicability**

30 There are three possible applications of this Regulation to the development or change of a non-residential
31 or multi-family site. The following criteria specify the level of review necessary:

- 32 (A) *Not Applicable.* Upon receipt of a written letter of acknowledgment from the Code Enforcement
33 Officer, this Regulation is not applicable for the following:
- 34 (1) Temporary Events which require no permanent alterations to the site and which function safely
35 within the approved configuration of the site, as determined by the Code Enforcement Officer;
- 36 (2) Special Events approved by the Town Council;
- 37 (3) Home Occupations;
- 38 (4) Within the M-2 district, change of use, from one non-residential use to another non-residential
39 use, which involves no more than ~~500~~ **1000** square feet of gross floor space.

Bold and Underlined = Proposed Language | ~~Strikethrough = Proposed Language to be Removed~~

40 **(5) A renovation under 50-percent of the total area of a primary structure's exterior façade**
41 **for lots located within the Downtown commercial overlay district.**

42 (B) *Minor Review.* A Minor Review by the Planning Board shall be required for the following:

- 43 (1) Change of use of a non-residential site, for which no change in floor area is proposed, and
44 which either maintains or decreases the intensity of use on the site with respect to parking
45 demand and traffic generation or for a site with 2,000 square feet or less of gross floor area;
46
47 (2) Expansion of non-residential floor space by 500 square feet or less, with no change of use;
48
49 (3) Within the M-2 district, any change of use of an existing non-residential building which will
50 be accompanied by a renovation of the facade of the building which, in the opinion of the
51 Planning Board, will enhance its aesthetic contribution to the heritage and visual qualities of
52 the village;

53
54 **(4) A renovation greater than 50-percent of the total area of a primary structure's exterior**
55 **façade, excluding roof work, located on a lot within the Downtown commercial overlay**
56 **district.**

57
58 **(5) Waiver requests, pursuant to Sec. 5.01 Waivers and Substitutions, from Sec. 3.21**
59 **Architectural and aesthetic review, for renovations within the Downtown commercial**
60 **overlay district.**

61
62 ~~(4)~~**(6)** Site improvement alterations without new development, re-development, expansion or
63 change of use; or

64 ~~(5)~~**(7)** Establishment of a bed and breakfast.

65 (C) *Major Review.* A Major Review by the Planning Board shall be required for the following:

- 66 (1) Establishment of non-residential uses where no non-residential use currently exists;
67 (2) Establishment of multi-family use where no multi-family use currently exists;
68 **(3) Development or redevelopment of a lot located within the Downtown commercial**
69 **overlay district.**
70 ~~(3)~~**(4)** Any other development, re-development, change of use or expansion of a multi-family or
71 non-residential site, and not addressed in the § 1.05(A) or (B).

72 **Sec. 3.21. Architectural and ~~f~~aesthetic review.**

73 It is important to the economic success of Newmarket that the appearance of the Town be perceived as
74 an attractive commercial environment, which reflects and compliments its heritage. The architecture of
75 Newmarket spans several periods of design in New England, including some 18th century, 19th century,
76 and early 20th century structures. It is important to continue to allow diversity of building designs and
77 architectural styles, which blend well with the buildings from these periods.

78 ~~It is also important to avoid economic hardship and impose unreasonable standards on existing building~~
79 ~~owners who wish to make modifications to their structures.~~ **The purpose of this section is to strike a**
80 **balance between architectural designs complimenting the town's urban core and fostering**

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81 **economic development opportunities in a manner that does not overburden property owners.**
82 **Accordingly,** this regulation applies only to structures located along Route 108 **and within the**
83 **downtown commercial overlay district.**

84 (A) Design Criteria. New building designs will be evaluated using the following factors. Design
85 criteria are also provided here to assist in this evaluation.

- 86 (1) Scale, proportion, height and area of a building;
- 87 (2) Type, shape, and pitch of roof;
- 88 (3) Size and spacing of windows, doors and other openings;
- 89 (4) Exterior materials and colors;
- 90 (5) Styling of front facade;
- 91 (6) Architectural details and features.

92 (B) The following criteria are to be followed not to specifically dictate one particular architectural
93 style, but rather to provide guidance to allow structures, which are consistent with one of several
94 New England styles present in town.

- 95 (1) Avoid unbroken expanses of walls. Architectural treatment shall be provided for blank building
96 faces, which are exposed to public view. Such treatments may consist of varying wall
97 setbacks, changing materials or material colors and textures, or other architectural detailing.
- 98 (2) Avoid long unbroken expanses of rooflines through the use of dormers, skylights, chimneys,
99 brick firebreaks, and changes in ridgeline.
- 100 (3) Use architectural features and details, such as cornices, pediments, columns, pilasters, corner
101 boards, cupolas, skylights and arches to create interesting buildings.
- 102 (4) Door and window openings shall be proportional to the facade length and height. Transom
103 lights are encouraged where appropriate to style.
- 104 (5) All rooftop mechanical equipment shall be screened from public view. This may be
105 accomplished by a peaked, semi-peaked, or mansard roof.
- 106 (6) Structures shall be compatible with the height, depth, and window proportions of surrounding
107 buildings.
- 108 (7) Roof design shall be consistent with the overall design of the building. For example, a
109 clapboard or brick building of the late 18th century or early 19th century design shall have a
110 peaked roof, while a brick or stone building representing late 19th century architecture may
111 have either a peaked, flat or mansard roof.

112 (C) All exterior surfaces visible to the public shall be covered with high quality material that is
113 durable and easy to maintain. No unclad, plain masonry block construction or corrugated metal
114 may be used when visible from any public space, adjacent residential area or roadway. The
115 following design features are acceptable when their use is consistent with the overall
116 architectural style of the project. Other materials may be considered acceptable if the board
117 determines they contribute to the overall aesthetics of the project.

118 (1) Roofs.

- 119 (a) Metal, copper, or colored standing seam;
- 120 (b) Shingles of asphalt, fiberglass or fire-treated wood;
- 121 (c) Slate or composite material of slate appearance.

122 (2) Walls.

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- 123 (a) Wood clapboards (painted or stained), or vinyl;
124 (b) Red brick;
125 (c) Granite, marble, or stone (natural or finished).
- 126 (3) Windows.
- 127 (a) Multi-paned windows or groupings (removable mullions are acceptable);
128 (b) Large paned windows, consistent with late 1800s or early 1900s architecture are
129 acceptable on the ground floor;
130 (c) Etched, beveled, sandblasted or stained glass;
131 (d) Other window types as architecturally appropriate or application specific.
- 132 (4) Trim.
- 133 (a) Wood (painted or stained);
134 (b) Anodized aluminum or vinyl.
- 135 (5) Color.
- 136 (a) No specific color requirements are mandated; however, the use of day glow colors or
137 garish corporate logos masquerading as painting are discouraged.
- 138 (6) Fencing.
- 139 (a) All fencing installed in the B-1 and ~~M-2 District along Route 108~~ **the Downtown**
140 **commercial overlay district** shall be of natural (wood) or architectural materials such as
141 ornamental metal fencing.
142 (b) The installation of chain link fencing in these areas shall be prohibited.
- 143



Current Location of Downtown Commercial Overlay District

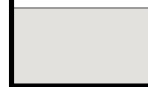
Prpared for: Planning Board
Prepared by: Department of Planning
and Community Development
Date: June 9, 2023



Legend



Downtown Commercial Overlay District



Parcels



TOWN OF
NEWMARKET
NEW HAMPSHIRE

PLANNING BOARD

May 9, 2023 at 7:00 PM

DRAFT MEETING MINUTES

Members Present: Eric Botterman (Chair), Val Shelton (Vice-Chair), Scott Blackstone (Town Council Ex officio), Jane Ford, Jeff Goldknopf, Bart McDonough (Director of Planning & Community Development), Patrick Reynolds, and Timothy Rossignol.

Member Absent: Michal Zahorik (alternate)

Chair **Eric Botterman** opened the meeting at 7:03 PM. [time on DCAT 5:35]

The voting members this evening will be **Eric Botterman, Valerie Shelton, Scott Blackstone, Jane Ford, Jeff Goldknopf, Patrick Reynolds, and Timothy Rossignol.**

1. Pledge of Allegiance

2. Public Comments

The Chair opened public comment at 7:04 PM. No one from the audience wished to speak during public comments. The Chair closed comments at 7:04 PM.

3. Acceptance of Minutes

[time on DCAT 6:23]

a. March 21, 2023

Action

Motion: **Valerie Shelton** moved the approval of the draft minutes of March 21, 2023 as written.

Second: **Tim Rossignol**

Discussion: none

Vote: **Approved Unanimously 7-0-0**

b. April 11, 2023

Action

Motion: **Jeff Goldknopf** moved the approval of the draft minutes of April 11, 2023

as written.

Second: Patrick Reynolds

Discussion: none

Vote: **Approved 5-0-2 (Jane Ford and Eric Botterman abstained)**

4. Regular Business

Read by Chair: [time on DCAT 7:36]

a. Pursuant to RSA 675:7 and §32-238(n) *Review and change of method of assessment of the Municipal Code of the Town of Newmarket, New Hampshire, notice is hereby given that the Planning Board shall hold a public hearing on proposed changes to the adopted impact fee assessment methodologies. The proposed changes seek to remove water and sewer from the impact fee schedule and to update the unit price fee while maintaining references for water and sewer usages, or take any other action relative thereto.*

The Chair opened Public Comments at 7:06 PM.

Hearing none, the Chair closed Public Comments at 7:06 PM.

The Chair welcomed comments and discussion from the members. **Bart** was asked to review the changes. He stated that nothing in the ordinance is changing...only the methodologies are changing. The PB has previously reviewed all documents for these changes. Once approved by the members, a Public Hearing will be noticed.

Action

Motion: **Valerie Shelton** moved that the Planning Board approve the change in the impact fee assessment methodologies in the Municipal Code of the Town of Newmarket to remove the water and sewer from the impact fee schedule and to update the unit price fee while maintaining references for water and sewer usages.

Second: **Jane Ford**

Discussion: none

Vote: **Approved Unanimously 7-0-0**

Read by Chair: [time on DCAT 10:54 -1:39:06]

b. *Notice is hereby given that the Planning Board shall set a hold a discussion on proposed language to amend §32-161 Historic overlay district and §3.21 Architectural/aesthetic review of the Municipal Town Code of Newmarket, New Hampshire, that seeks to add architectural design requirements within the historic overlay district, or take any other action relative thereto.*

The Chair asked **Bart** to update the members on revisions he has made based on the lengthy discussion at the last meeting of Draft #1. At that meeting the members were discussing a way to implement thresholds. Once **Bart** consulted with legal counsel after the last meeting, he was informed that the Town has no authority to legislate thresholds. He thought of ways to achieve something close to thresholds by creating two new definitions. **Bart** will be referencing Draft #2 dated May 9, 2023 which is attached to the minutes as Addendum pages 1-5.

1 Reference page 2 of the addendum:
2

3 **Sec. 1.03 Definitions**

4 Redevelopment: Any construction, demolition, alteration, or improvement that disturbs
5 more than 20,000 square feet of area ~~or adds more than~~ or, **exceeds** 5,000 square feet
6 of **additional** impervious area on an existing developed parcel. ~~This definition of the~~
7 ~~redevelopment only pertains to the stormwater management and sediment~~
8 ~~requirements of Section 3.07~~
9

10 **Reconstruction: An alteration, restoration or expansion that modifies or adds on**
11 **to the exterior portions of an existing structure.**

12
13 **Redevelopment, Historic overlay district: the demolition of existing structures**
14 **and replacement with new development within the Historical overlay district.**

15
16 **Bart** also added #5 to enable a non-applicability case. Reference addendum page 2,
17 Sec. 1.05 Applicability:
18

19 **(5) Reconstruction to an existing structure within the Historic overlay district that**
20 **is not listed on the December 1980 National Register of Historic Places, or the**
21 **reconstruction to those structures that are listed on the December 1980 National**
22 **Register of Historic Places but were altered to such an extent whereby the**
23 **historic characteristics, as identified on the December 1980 National Register of**
24 **Historic Places, have been eliminated.**
25

26 **Bart** also added #6 and #7 under Minor Review by the Planning Board in Sec. 1.05
27 Applicability. Reference page 3 of the Addendum.
28

29 **(6) The reconstruction of a structure located within the Historical overlay district**
30 **that is listed on the December 1980 National Register of Historic Places and does**
31 **not qualify under §1.05(5) hereinabove.**
32

33 **(7) The redevelopment of a lot or structure located within the Historical overlay**
34 **district.**
35

36 **Bart** also discussed the changes to **Sec. 3.21 Architectural and aesthetic review**. He
37 replaced paragraph two with new language. Reference page 3 of the Addendum.
38

39 ~~It is also important to avoid economic hardship and impose unreasonable standards on~~
40 ~~existing building owners who wish to make modifications to their structures. The~~
41 **purpose of this section is to strike a balance between architectural designs that**
42 **complement the town's historical heritage and the economic viability of**
43 **redevelopment. Accordingly,** this regulation applies only to structures located along
44 Route 108 **and the historical overlay district.**
45

46 The Historical Overlay District (HOD) includes 152 properties and these properties are

1 mostly not in the downtown. The Town also has a Downtown Rt. 108 Historic District
 2 which includes all of Rt. 108 through Town to the line and is largely included in the
 3 HOD. **Val** asked the question: what are we trying to achieve with these changes? If the
 4 community is concerned, why has no one come to speak to the Board. **Scott** explained
 5 his understanding of the concerns expressed to the Town Council members.

6 **Bart** said that he looks at these changes as a stop-gap measure until the Town
 7 undergoes the planned comprehensive review of the gateway which will extend all the
 8 way along Rt. 108. This process will include a serious discussion about design and the
 9 desired character of the Town. He plans to have an architect present to help with the
 10 conversation. **Bart** has spoken with some developers and the major concerns were
 11 overly burdensome restrictions and costs and that when the PB members change,
 12 subjectivity could change, and there could be uncertainty about the ordinance. The
 13 members discussed other communities in the seacoast that have a separate set of
 14 restrictions and a separate review process for their HODs. Many members are
 15 concerned that no members of the public have come to share their concerns or ideas. It
 16 was agreed that if changes are to be proposed to the HOD, then all 152 properties
 17 should be noticed in order to afford them the opportunity to have input in this process
 18 (see Addendum page 6 for the map prepared in 1980) .

19 **Val** would like to know if the members want these changes to apply to the 1) **Historic**
 20 **Overlay District** or 2) the **Downtown Rt. 108 Overlay District**. The Chair took a straw
 21 vote and the results were (2) for the HOD, (4) for the Downtown Rt. 108, and (1) for
 22 either. **Bart** would like the PB to define what they want included in the Downtown Rt.
 23 108 Overlay District. The members suggested that the district should run from the
 24 railroad tracks north to the Lamprey River Bridge.

25
 26 **Bart** will be modifying the proposal based on the extensive conversations of the Board
 27 this evening for further discussion at the next meeting. He recapped his goals before the
 28 next meeting: 1) move all language changes to the Downtown Rt. 108 Overlay District,
 29 2) any type of development there would go the PB for review, and 3) the proposed
 30 delineation of the Downtown Rt. 108 Overlay District. Thank you Bart!

31 *****

32
 33 **#5 Committee Assignments for 2023-2024** [time on DCAT 1:39:07]

34 The following committee assignments were made without objection for 2023-2024:

35 **Jeff Goldknopf** – Conservation Commission

36 **Patrick Reynolds** – Energy and Environment Advisory Committee

37 **Jane Ford** – Capital Improvement Program Committee (CIP)

38 Thank you for continuing to serve for another year!

39
 40 **#6 Committee Reports** [time on DCAT 1:41:28]

41 Town Council: **Scott Blackstone** reported on that the TC now has a full membership,
 42 so committee appointments will be happening shortly. The two new members are Sonke
 43 Dornblut and Justin Glazebrook. The Town has completed a facilities study focusing
 44 mainly on the Town Hall and the Fire Station. Arbor Park (across from the Post Office)
 45 is being redeveloped. They have budgeted ~ \$90,000 for new landscaping and a
 46 Wentworth Cheswell sculpture in the form of a bench with Mr. Cheswell sitting/reading

1 on the bench. After the TC approved the new 15 minute parking spots on Central Street,
2 it was discovered that they had already been approved in 2006, but no signage was
3 posted.

4 Energy and Environment Advisory Committee: **Patrick Reynolds** reported that,
5 although he did not attend the last meeting, he believes that their work is complete on
6 the Community Power Initiative. They have held all of their hearings and it is ready to go
7 forward to the Town Council. The energy section recommendations for the Master Plan
8 are complete as well and will be coming to the Planning Board shortly.

9 Conservation Commission: **Jeff Goldknopf** reported that the ConCom had a very
10 interesting speaker at the April 13th meeting. Cody Crytzer, a graduate student at UNH,
11 gave a very informative presentation of his M.S. thesis to the ConCom. His research
12 objectives were to 1) understand barriers and opportunities of access to nature and its
13 benefits for underserved communities, 2) share information about barriers and
14 opportunities with local, regional, and state organizations in this sector, and 3)
15 contribute to strategies to ensure equity is at the forefront of all environmental
16 protection, justice efforts, and future policy considerations. **Jeff** wanted to recommend
17 that members check out the DCAT recording at: [Newmarket NH Video on Demand](https://www.telvue.com)
18 ([telvue.com](https://www.telvue.com)) .

19 Planner's Report: **Bart** reported that the RFP for the rezoning project for the gateway
20 has gone out and bids are expected in June for the work to begin in July. A steering
21 committee will be set up for this project soon. The RFP for the Master Plan Update has
22 also gone out and, hopefully, the update will begin toward the end of July. **Val** asked
23 about the Economic Development Committee and if the Town Manager had mentioned
24 that to him. **Bart** will check on that for the members. **Bart, Val,** and Mike Hoffman
25 attended a Housing Opportunity Housing Academy. As part of the grant application, this
26 was one of several meetings meant to help them become better facilitators during
27 community engagement to achieve a successful outcome. NH Finance provides so
28 much helpful information on housing. St. Anslem College has just published a 'Zoning
29 Atlas'. [NH Zoning Atlas \(anselm.edu\)](https://www.anselm.edu) . The Town is applying for Coastal Resilience
30 Grant to fund a draft Master Plan Chapter for the riverfront area. This would help the
31 Town create a vision and set goals. They will go with Strafford Regional Planning
32 Commission and Plan NH and a charrette will be planned if we get the funding by the
33 end of June. **Bart** reported that he was asked to go to Concord to testify about what
34 Newmarket has done with the recent ADU changes and where we see challenges in the
35 Town regarding planning. **Bart,** Ellen Snyder, and Tom Jones have completed the draft
36 initiative called "Pathways for People and Nature". The three goals are 1) To protect our
37 drinking water supplies, restore and maintain the natural shoreline along the Lamprey
38 and Piscassic Rivers, and protect freshwater wetlands and salt marsh that provide
39 many benefits to our community. 2) To protect critical natural habitats and places to
40 maintain connectivity across the landscape for animals on land and in the water, and 3)
41 To create trail connectivity across town and between our neighboring communities to
42 ensure safe recreating and commuting for pedestrians and cyclists. Once the
43 Conservation Commission discussed the draft at their next meeting, **Bart** will send a
44 copy to the PB members. The Durham Planning Board has invited **Bart** and Ellen
45 Snyder to speak to at the May 24th meeting to discuss: 1) Current planning issues in
46 Newmarket, 2) Potential for connectivity of trails between Durham and Newmarket, 3)

1 Possible zoning changes on Route 108 in Newmarket, and 4) Opportunity to ask any
2 planning-related questions to the Newmarket Town Planner. **Val** asked if there were any
3 updates on some of the projects approved by the Board. **Bart** mentioned the Mill Town
4 project off of Tanner Circle is proceeding, but other projects are having funding
5 difficulties.

6
7 **#7 Adjourn** [time on DCAT 2:10:37]

8
9 **Motion:** **Jane Ford** moved to adjourn the meeting at 9:06 PM.

10 **Second:** **Tim Rossignol**

11 **Discussion:** none

12 **Vote:** **Approved Unanimously 7-0-0**

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16 Respectfully submitted,

17
18 Sue Frick
19 Recording Secretary
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24 **DCAT:**
25 https://videoplayer.telvue.com/player/XSekdEeRsk0JHQVHAvKJVka7_5VjxKP/videos
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1 Addendum page 1
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Title: Historic Overlay District Zoning Amendments
Date: May 9, 2023
To: Planning Board of the Town of Newmarket, New Hampshire
From: Department of Planning and Community Development
Addition: 2nd Draft

Bold and Underlined = Proposed Language | Strikethrough = Proposed Language to be Removed

1 **Sec. 32-161. Historic overlay district.**

2 (a) *Purpose.* The purpose of the historic overlay district is to protect and preserve cultural
3 resources, particularly structures, buildings, and places of historic, architectural, and
4 community value in an effort to promote a vibrant downtown, support existing and new
5 business, conserve property values, foster economic development and revitalization,
6 strengthen and expand the local economy and business community, and instill an
7 appreciation of the town's cultural heritage and civic beauty for the education, pleasure, and
8 general welfare of the citizens of Newmarket.

9 (b) *Overlay district boundaries.* The historic overlay district shall include all the property within
10 the area delineated as the "Newmarket Industrial and Commercial Historic District" as listed
11 on the National Register of Historic Places in December 1980. District boundaries may be
12 amended and new districts may be proposed following the enactment procedures of RSA
13 675.

14 **(c) Standards. Any reconstruction, expansion, ~~or exterior alterations or redevelopment of~~ to a lot**
15 **or structure shall require site plan review, pursuant to Appendix-B Site Plans of the Municipal**
16 **Code of the Town of Newmarket, New Hampshire.**

17 ~~(d)~~**(d)***Enforcement.* The provisions of this section shall be enforced as provided in RSA 674:49
18 and section 32-8.

19 ~~(d)~~**(e)***Penalties.* Any person who violates any of the provisions of this section shall be subject to
20 fines and penalties pursuant to RSA 676:17.

21 (Ord. of 2-14-1996, § 5.09(A), (B), (I), (M); Ord. No. 2008/09-3, 5-6-2009; Ord. No. 2009/10-01,
22 7-29-2009; Ord. No. 2009/2010-05, 11-4-2009; Ord. of 06-21-2017)

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4
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1 Addendum page 2



Title: Site Plan Regulation Amendments
Date: May 9, 2023
To: Planning Board of the Town of Newmarket, New Hampshire
From: Department of Planning and Community Development
Addition: 2st Draft

Bold and Underlined = Proposed Language | Strikethrough = Proposed Language to be Removed

1 Sec. 1.03 – Definitions

2 Redevelopment: Any construction, demolition, alteration, or improvement that disturbs more than
3 20,000 square feet of area or adds more than or, exceeds 5,000 square feet of additional
4 impervious area on an existing developed parcel. This definition of the redevelopment only
5 pertains to the stormwater management and sediment requirements of Section 3.07

6 Reconstruction: An alteration, restoration or expansion that modifies or adds on to the
7 exterior portions of an existing structure.

8 Redevelopment, Historic overlay district: the demolition of existing structures and
9 replacement with new development within the Historical overlay district.

10 Sec. 1.05. Applicability.

11 There are three possible applications of this Regulation to the development or change of a non-
12 residential or multi-family site. The following criteria specify the level of review necessary:

13 (A) Not Applicable. Upon receipt of a written letter of acknowledgment from the Code
14 Enforcement Officer, this Regulation is not applicable for the following:

- 15 (1) Temporary Events which require no permanent alterations to the site and which
16 function safely within the approved configuration of the site, as determined by the Code
17 Enforcement Officer;
18 (2) Special Events approved by the Town Council;
19 (3) Home Occupations;
20 (4) Within the M-2 district, change of use, from one non-residential use to another non-
21 residential use, which involves no more than 500 square feet of gross floor space.

22 (5) Reconstruction to an existing structure within the Historic overlay district that
23 is not listed on the December 1980 National Register of Historic Places, or the
24 reconstruction to those structures that are listed on the December 1980 National
25 Register of Historic Places but were altered to such an extent whereby the
26 historic characteristics, as identified on the December 1980 National Register of
27 Historic Places, have been eliminated.

28 (B) Minor Review. A Minor Review by the Planning Board shall be required for the following:

- 29 (1) Change of use of a non-residential site, for which no change in floor area is proposed,
30 and which either maintains or decreases the intensity of use on the site with respect
31 to parking demand and traffic generation or for a site with 2,000 square feet or less of
32 gross floor area;
33 (2) Expansion of non-residential floor space by 500 square feet or less, with no change of
34 use;
35 (3) Within the M-2 district, any change of use of an existing non-residential building which
36 will be accompanied by a renovation of the facade of the building which, in the opinion
37 of the Planning Board, will enhance its aesthetic contribution to the heritage and visual
38 qualities of the village;

Proposed Zoning and Site Plan Regulation Amendments | May 9, 2023 Planning Board Meeting | 2

1 Addendum page 3



Title: Site Plan Regulation Amendments
Date: May 9, 2023
To: Planning Board of the Town of Newmarket, New Hampshire
From: Department of Planning and Community Development
Addition: 2st Draft

Bold and Underlined = Proposed Language | Strikethrough = Proposed Language to be Removed

- (4) Site improvement alterations without new development, re-development, expansion or change of use; or
(5) Establishment of a bed and breakfast.
(6) The reconstruction of a structure located within the Historical overlay district that is listed on the December 1980 National Register of Historic Places and does not qualify under §1.05(5) hereinabove.
(7) The redevelopment of a lot or structure located within the Historical overlay district.
(C) Major Review. A Major Review by the Planning Board shall be required for the following:
(1) Establishment of non-residential uses where no non-residential use currently exists;
(2) Establishment of multi-family use where no multi-family use currently exists;
(3) Any other development, re-development, change of use or expansion of a multi-family or non-residential site, and not addressed in the § 1.05(A) or (B).

54 Sec. 3.21. Architectural and aesthetic review.

55 It is important to the economic success of Newmarket that the appearance of the Town be
56 perceived as an attractive commercial environment, which reflects and compliments its heritage.
57 The architecture of Newmarket spans several periods of design in New England, including some
58 18th century, 19th century, and early 20th century structures. It is important to continue to allow
59 diversity of building designs and architectural styles, which blend well with the buildings from
60 these periods.

61 It is also important to avoid economic hardship and impose unreasonable standards on existing building
62 owners who wish to make modifications to their structures. The purpose of this section is to strike a
63 balance between architectural designs that complement the town's historical heritage and the
64 economic viability of redevelopment. Accordingly, this regulation applies only to structures located
65 along Route 108 and the historical overlay district.

- (A) Design Criteria. New building designs will be evaluated using the following factors.
Design criteria are also provided here to assist in this evaluation.
(1) Scale, proportion, height and area of a building;
(2) Type, shape, and pitch of roof;
(3) Size and spacing of windows, doors and other openings;
(4) Exterior materials and colors;
(5) Styling of front facade;
(6) Architectural details and features.
(B) The following criteria are to be followed not to specifically dictate one particular
architectural style, but rather to provide guidance to allow structures, which are
consistent with one of several New England styles present in town.
(1) Avoid unbroken expanses of walls. Architectural treatment shall be provided for blank
building faces, which are exposed to public view. Such treatments may consist of

1 Addendum page 4



Title: Site Plan Regulation Amendments

Date: May 9, 2023

To: Planning Board of the Town of Newmarket, New Hampshire

From: Department of Planning and Community Development

Addition: 2st Draft

Bold and Underlined = Proposed Language | ~~Strikethrough~~ = Proposed Language to be Removed

- 79 varying wall setbacks, changing materials or material colors and textures, or other
 80 architectural detailing.
- 81 (2) Avoid long unbroken expanses of rooflines through the use of dormers, skylights,
 82 chimneys, brick firebreaks, and changes in ridgeline.
- 83 (3) Use architectural features and details, such as cornices, pediments, columns,
 84 pilasters, corner boards, cupolas, skylights and arches to create interesting buildings.
- 85 (4) Door and window openings shall be proportional to the facade length and height.
 86 Transom lights are encouraged where appropriate to style.
- 87 (5) All rooftop mechanical equipment shall be screened from public view. This may be
 88 accomplished by a peaked, semi-peaked, or mansard roof.
- 89 (6) Structures shall be compatible with the height, depth, and window proportions of
 90 surrounding buildings.
- 91 (7) Roof design shall be consistent with the overall design of the building. For example, a
 92 clapboard or brick building of the late 18th century or early 19th century design shall
 93 have a peaked roof, while a brick or stone building representing late 19th century
 94 architecture may have either a peaked, flat or mansard roof.
- 95 (C) All exterior surfaces visible to the public shall be covered with high quality material that
 96 is durable and easy to maintain. No unclad, plain masonry block construction or
 97 corrugated metal may be used when visible from any public space, adjacent residential
 98 area or roadway. The following design features are acceptable when their use is
 99 consistent with the overall architectural style of the project. Other materials may be
 100 considered acceptable if the board determines they contribute to the overall aesthetics
 101 of the project.
- 102 (1) Roofs.
- 103 (a) Metal, copper, or colored standing seam;
 104 (b) Shingles of asphalt, fiberglass or fire-treated wood;
 105 (c) Slate or composite material of slate appearance.
- 106 (2) Walls.
- 107 (a) Wood clapboards (painted or stained), or vinyl;
 108 (b) Red brick;
 109 (c) Granite, marble, or stone (natural or finished).
- 110 (3) Windows.
- 111 (a) Multi-paned windows or groupings (removable mullions are acceptable);
 112 (b) Large paned windows, consistent with late 1800s or early 1900s architecture are
 113 acceptable on the ground floor;
 114 (c) Etched, beveled, sandblasted or stained glass;
 115 (d) Other window types as architecturally appropriate or application specific.
- 116 (4) Trim.

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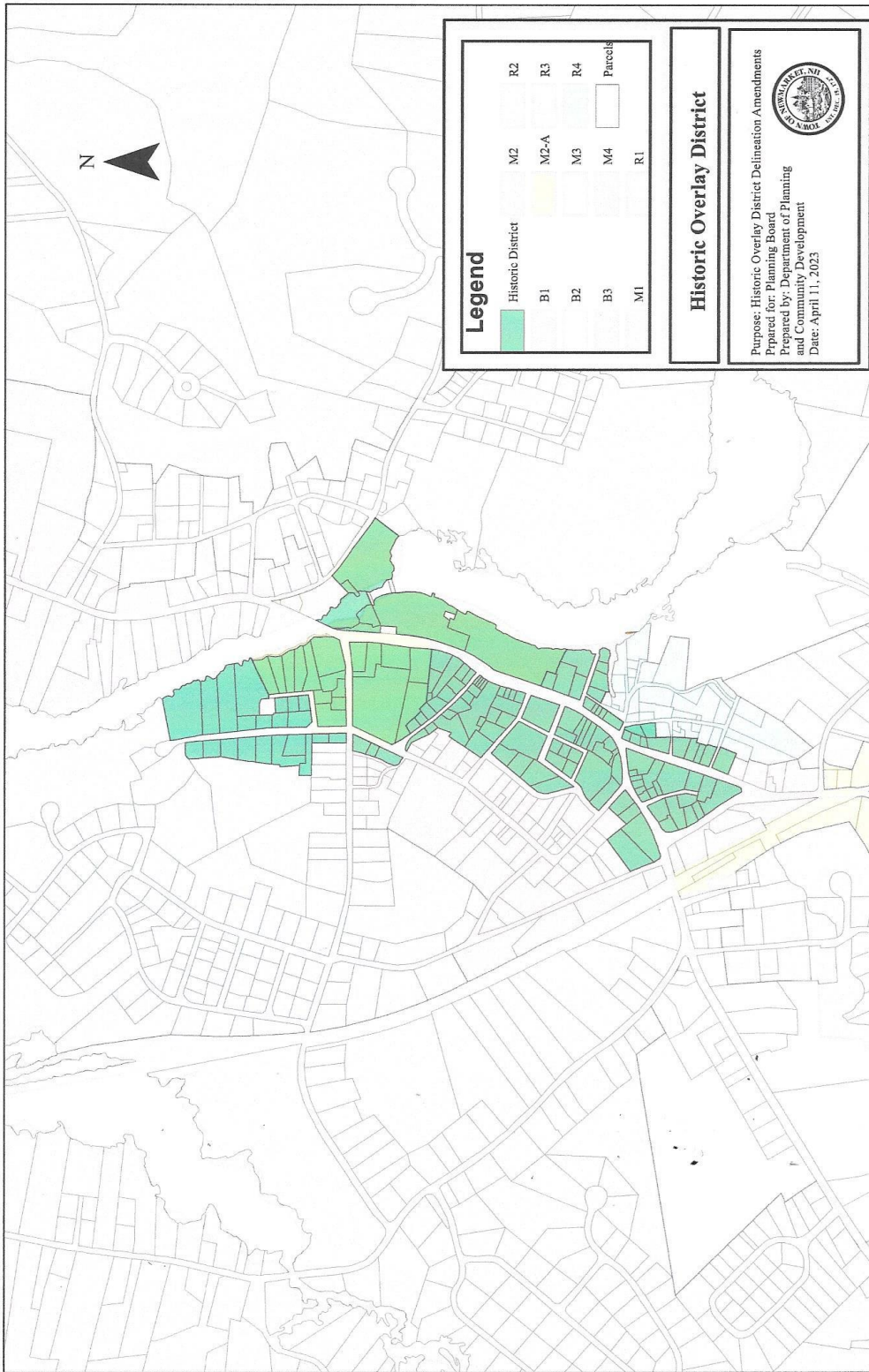
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- 117 (a) Wood (painted or stained);
118 (b) Anodized aluminum or vinyl.
119 (5) Color.
120 (a) No specific color requirements are mandated; however, the use of day glow colors
121 or garish corporate logos masquerading as painting are discouraged.
122 (6) Fencing.
123 (a) All fencing installed in the B-1 and M-2 District along Route 108 shall be of natural
124 (wood) or architectural materials such as ornamental metal fencing.
125 (b) The installation of chain link fencing in these areas shall be prohibited.
126

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1 Addendum page 6



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