



**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:** 2<sup>nd</sup> 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 ~~(e)~~**(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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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;



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39 (4) Site improvement alterations without new development, re-development, expansion or  
40 change of use; or

41 (5) Establishment of a bed and breakfast.

42  
43 **(6) The reconstruction of a structure located within the Historical overlay district**  
44 **that is listed on the December 1980 National Register of Historic Places and does**  
45 **not qualify under §1.05(5) hereinabove.**

46  
47 **(7) The redevelopment of a lot or structure located within the Historical overlay**  
48 **district.**

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

50 (1) Establishment of non-residential uses where no non-residential use currently exists;

51 (2) Establishment of multi-family use where no multi-family use currently exists;

52 (3) Any other development, re-development, change of use or expansion of a multi-family  
53 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 18<sup>th</sup> century, 19<sup>th</sup> century, and early 20<sup>th</sup> 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.**

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

68 (1) Scale, proportion, height and area of a building;

69 (2) Type, shape, and pitch of roof;

70 (3) Size and spacing of windows, doors and other openings;

71 (4) Exterior materials and colors;

72 (5) Styling of front facade;

73 (6) Architectural details and features.

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

77 (1) Avoid unbroken expanses of walls. Architectural treatment shall be provided for blank  
78 building faces, which are exposed to public view. Such treatments may consist of



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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 18<sup>th</sup> century or early 19<sup>th</sup> century design shall  
93 have a peaked roof, while a brick or stone building representing late 19<sup>th</sup> 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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- 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