

ORDINANCE #2002-14

An Ordinance Relative to the
***Amend Municipal Code - Title III- Zoning Ordinance,
Section XII - Historic District***

First Reading:11/18/02

Second Reading/Public Hearing: 12/02/02

Adopted: 12/02/02

WHEREAS the Londonderry Historic District Commission/Heritage Commission has determined that in order to better serve the community in the national historic preservation program and maintain standards consistent with the National Historic Preservation Act of 1966, (NHPA) and enrich, develop and maintain local historic preservation programs in cooperation with the State Historic Preservation Program; and,

WHEREAS the Londonderry Historic District Commission/Heritage Commission wishes to carry out the purposes of the NHPA, and in so doing receive grant funds as they may become available; and,

WHEREAS the Londonderry Town Council wishes to amend the Zoning Ordinance to reflect said requirements for certification by the NHPA;

NOW THEREFORE BE IT RESOLVED by the Londonderry Town Council that the Municipal Code, Title III - Land Use Codes, Chapter I - Zoning Ordinance, Section XII - Historic District, is hereby amended as attached.

John Silvestro - Chairman
Town Council

(TOWN SEAL)

Marguerite Seymour - Town Clerk/Tax Collector

A TRUE COPY ATTEST:

12/02/02

TOWN OF LONDONDERRY, N.H.
ZONING REGULATIONS
REVISED 2002
Section XII - (1201 - 1203)
Chapter 1—ZONING ORDINANCE
SECTION XII - HISTORIC
DISTRICT

1201 Authority

- A. After the adoption of this Ordinance, the Town Council shall be and are hereby authorized to appoint the Historic District /Heritage Commission contemplated by such Zoning Ordinance, such board to consist of seven (7) members, and five (5) alternates, according to the provisions of RSA 673:4-a. Thereafter, the Town Council shall be responsible for filling vacancies and maintaining full membership on the Historic District/Heritage Commission within sixty days and members and alternate members may be removed for cause in a manner as provided by RSA 673:13.
- B. All meetings shall be held and conducted pursuant to the provisions of the Londonderry Town Charter, Section 8.13 "Procedures", the Londonderry

Administrative Code, Chapter III "Boards, Committees and Commissions", and New Hampshire RSA 91:A.

1202 PURPOSE AND INTENT

- A. To safeguard the heritage of the Town of Londonderry as it is represented in structures of historical and architectural value
- B. To preserve a district or districts in the Town of Londonderry which reflect elements of its cultural, social, economic, and political history
- C. To foster civic beauty
- D. To promote the use of Historic District(s) for the education, pleasure and

welfare of the citizens of
Londonderry

E. To guide the character of
development so as to be
consistent with the
desired character of a
particular portion of
town

F. To strengthen the local economy

G. To conserve property taxes

1203 QUALIFICATIONS

A. The Historic District
established herewith and
from time to time
amended in the manner
prescribed by New
Hampshire law has one
or more or any
combination of the
following characteristics
and qualifications,
without limitations as to
cultural or chronological
period:

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Section XII - (1203.A - 1205)

Chapter 1—ZONING ORDINANCE

SECTION XII - HISTORIC DISTRICT/203

1203 QUALIFICATIONS (Cont'd)

A. The Historic District established (Cont'd)

1. Structures or sites at which events occur or have occurred that contribute to and are identified with or significantly represent or exemplify the broad cultural, political, economic, military, social or sociological history of Londonderry, New Hampshire and the nation; including sites and buildings at which visitors may gain insight or see examples of particular items of larger patterns in the North American heritage.
2. Structures or sites importantly associated with historic personages
3. Structures or sites importantly associated with historic examples of a great idea or ideals
4. Structures or structural remains and site embodying examples of architectural types or specimens valuable for study of a period, style or method of building construction, of community organization and living, or of landscaping or a single notable structure or a single site representing the work of a master builder, master designer, architect or landscape architect.
5. Structures contributing to the visual continuity of the district.

1204 DISTRICT AREAS

A. An Historic District or Districts shall be superimposed upon other established districts.

- B. Historic Districts shall be shown on the Zoning Map as from time to time adopted and amended by the Town Council of the Town of Londonderry. They may coincide with, cross or include all or part of one or more of the underlying districts. Boundaries are defined on Map 6 and Map 9 of the Tax Assessor's Map of the Town of Londonderry as follows:**

Map Lot# Street Location

6 18-1 Pillsbury Road

6 98 Pillsbury and Mammoth

6 97-1 Pillsbury and Mammoth

9 53 Grange Hall #44

1205 USES

- A. Uses permitted in the underlying zoning districts are permitted in the Historic District(s).**

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Section XII - (1206 - 1207.A.5)

Chapter 1—ZONING ORDINANCE

SECTION XII - HISTORIC DISTRICT (Cont'd)

1206 PERMIT APPLICATION - CERTIFICATE OF APPROVAL

- A. The activities set forth in subparagraph “C” below shall not be authorized until and unless a Certificate of Approval is issued by the Historic District Commission
- B. It is unlawful for any person to construct, alter, move or demolish any building or structure which lies within an Historic District, without first obtaining a Certificate of Approval from the Historic District Commission in the manner prescribed below.
- C. For the purposes of this article, the following activities shall be subject to a Certificate of Approval by the Historic District Commission:
 - 1. Erection, alteration, relocation or demolition of a building or structure in the Historic District;
 - 2. Erection, alteration, or removal of any exterior visible feature of a building or structure within the Historic District
 - 3. Alteration, construction or removal of stone walls, fencing, lighting, significant trees or signage within the Historic District

1207 PROCEDURE

- A. The following procedure shall be followed in processing applications of work covered under Section : **1206**:
 - 1. Applications must be submitted to the Historic District Commission for Certificate of Approval for any work to be performed
 - 2. There shall be no application fee required
 - 3. Applications shall be submitted through the Londonderry Building Department
 - 4. Applications shall include a narrative description of the project, detailing materials and intentions regarding the work. The Historic District Commission may request site plans, sketches, building plans and samples when applicable.
 - 5. Applicant shall explain how the project complies with the Town of Londonderry’s Historic District criteria listed below (Section **1208**)

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Section XII - (1208 - 1208.A.1.c.6)

Chapter 1—ZONING ORDINANCE

SECTION XII - HISTORIC DISTRICT

1208 CRITERIA

A. The purpose of these criteria are to guide rehabilitation and construction within the Londonderry Historic District so as to preserve the distinctive character and integrity of the district. The criteria are intended to ensure that properties in the district are not altered inappropriately.

1. Changes to Existing Structures:

- a. If proposed construction will not have any visible impact on the exterior of the buildings or structures within the district, it shall be deemed of no interest to the Commission
- b. Painting and other routine repair to existing structures within the District not involving any other exterior changes shall be deemed of no interest to the Commission
- c. When determining the appropriateness of all other alternatives, restorations, or remodeling of existing structures within the district and new construction, the following criteria shall be used:
 1. When an exterior change is proposed, significant existing materials and elements shall be retained
 2. Where glass, plastic, wood, masonry elements are an integral part of a building's historical architectural character, consideration shall be given to preservation of these elements so as to retain their original appearance.
 3. Any new design elements introduced shall respect the character and history of the building. The design of such elements shall not seek to create an appearance earlier than appropriate for the building or structure.
 4. The choice of color is not regulated, but it is recommended that colors be compatible with those used on other historical buildings in the neighborhood or characteristic of the time period in which the building was constructed.
 5. Existing historical doors and windows shall be retained and rehabilitated wherever possible. When replacement is essential, new doors and windows shall be in character with the building.
 6. Features which give a roof historical character shall be preserved or restored to the extent that such features are visible from the ground

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Section XII - (1208.A.1.c.7 - 1208.4.b)

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SECTION XII - HISTORIC DISTRICT

1208 CRITERIA

A. The purpose of these criteria(Cont'd)

1. Changes to Existing Structures: (Cont'd)

c. When determining the appropriateness (Cont'd)

7. Essential outdoor mechanical equipment shall be installed in locations which create the least disturbance to the historical appearance of the building and which involve minimum alternation and impact to its structure.

2. Construction of New Buildings

a. New construction shall be complimentary to the configuration of existing buildings.

b. New buildings shall utilize exterior materials in keeping with the exteriors of buildings in the district. The choice of color is not regulated, but it is recommended that colors used be compatible with those used on other historical buildings in the neighborhood.

c. New buildings shall respect and reflect the traditional scale, proportions and rhythms of other existing historical structures, taking into consideration the height, width, setback, roof shapes or pitches and facade patterns of existing structures within the district.

3. Demolition

a. Where public safety needs require the removal of a building within the district and as determined by the Building Inspector, the Historic District Commission shall allow removal.

b. A request for demolition will be based on structural instability or deterioration as prepared by a registered architect or professional engineer.

c. No demolition permit may be issued by the Building Department until the Commission has either filed with the Building Department a signed letter of approval or has failed to file a Notice of Disapproval within the specified time period of forty five (45) days.

4. Relocations

a. Buildings within the Historic District shall be retained on their present sites whenever possible.

b. Relocation shall be considered only as an alternative to demolition.

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Section XII - (1208.A.5 - 1208.A.6.e)

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1208 CRITERIA (Cont'd)

A. (Cont'd)

5. Signage

- a. All new signs and all changes to existing signs within the Historic District shall require review and approval by the Historic District Commission.
- b. New signs shall be constructed of wood, metal or stone, exhibiting historical sign design and color, and have no internal illumination.
- c. Size shall be determined given the context of the site and building(s).
- d. If there is a conflict between the requirements of the Historic District Ordinance and the Town of Londonderry Sign Ordinance, the Historic District Ordinance, of this Section, shall supercede the Sign Ordinance.

6. Streetscape

- a. Off street parking shall be placed to the rear of buildings where possible, fenced and screened with appropriate plantings.
- b. Any alterations requiring changes to topography of any property in the district shall require approval of the Commission
- c. Mature trees identified as significant (6 feet in circumference as described by the County Extension Service) may not be removed within the Historic District except in cases where:
 1. The tree is dying, dead, decayed, diseased, or a safety hazard to the public
 2. Such removal will improve other tree growth
 3. Approved for new construction or site work
- d. At least one replacement tree, a minimum of six to eight feet in height and of native species, shall be planted when a significant tree has been removed.
- e. Historical and traditional markings for property boundaries and grounds, such as stone walls, fences and tree borders shall be preserved. Replications or extensions may be introduced where appropriate.

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Section XII - (1208.A.7 - 1210.F)

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1208 CRITERIA (Cont'd)

A. (Cont'd)

7. Lighting

- a. Street lights shall be designed to harmonize with their surroundings. Daylight colored mercury vapor lamps are recommended.
- b. Traffic signal poles and mounts shall be as unobtrusive as possible.

1209 PUBLIC HEARINGS

- A. The Historic District Commission shall conduct a public hearing on the application within thirty (30) days of the filing
- B. Such public hearing shall be advertised pursuant to RSA 676:7.

1210 ISSUANCE OF CERTIFICATE OF APPROVAL OR NOTICE OF DISAPPROVAL

- A. At the conclusion of its review, the Commission shall issue in writing a Certificate of Approval or Notice of Disapproval within forty five (45) days of the filing of the application
- B. Failure to render a decision within the specified time period shall be deemed to constitute approval by the Commission
- C. A Certificate of Approval will be issued if, in the opinion of a majority of the Commission members present and voting, that the applicant's proposal meets the criteria of Section 1207.
- D. The Certificate of Approval, together with any changes, conditions or stipulations deemed necessary by the Commission for the applicant to comply with the provisions of this Ordinance, shall be signed by the Chairperson of the Commission.
- E. A Notice of Disapproval will be issued if, in the opinion of a majority of the Commission members present and voting, that the applicant's proposal does not meet the criteria of Section 1207.
- F. The Notice of Disapproval, together with the reasons for such disapproval, shall be signed by the Chairperson and shall contain written reasons for disapproval.

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Section XII - (1210.G - 1213)

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**1210 ISSUANCE OF CERTIFICATE OF APPROVAL OR NOTICE OF DISAPPROVAL
(Cont'd)**

- G. If a Notice of Disapproval is received, the applicant may and will be encouraged to make modifications to the proposed plan and resubmit for review by the Commission
- H. All decisions of the Commission shall be made available for public inspection within seventy two (72) hours and placed on file with the Town Clerk.

1211 APPEALS

- A. Any person or persons jointly or severely aggrieved by a decision of the Commission shall have the right to appeal that decision to the Zoning Board of Adjustment under RSA 677:17 in accordance with the provisions of RSA 676:5 and RSA 677:1-14.

1212 ENFORCEMENT/PENALTIES

- A. Violation of this Ordinance shall be subject to the remedies provided in RSA 676:15 and 676:17.

1213 VALIDITY/SEVERABILITY

- A. If any section, clause, provision or phrase of this Ordinance shall be held to be invalid or unconstitutional by any court of competent authority, such holding shall not affect, impair or invalidate any other section, clause, provision, portion or phrase of the Ordinance.

~~End of Section~~