

Introduced: 09/14/98
Second Read/Publ. Hrg.: 10/19/98
Adopted: 10/19/98

Ordinance 98-2
**AN AMENDMENT TO THE ZONING ORDINANCE
RELATING TO AN HISTORIC DISTRICT**

WHEREAS: the Londonderry Planning Board has voted to adopt the Historic District Ordinance and add it to the existing Zoning Ordinance to be known as Section X and to renumber the subsequent Zoning Ordinance Sections accordingly; and,

WHEREAS: the Londonderry Planning Board has voted to adopt changes to other sections of the Zoning Ordinance to incorporate the adoption of the newly created Historic District, including Section II – Definitions; Section III – Districts and Uses; and

WHEREAS: the Londonderry Town Council is vested with the power to effect such changes to the Zoning Ordinance; and,

WHEREAS: the Town Council recognizes that such change will promote the conservation of the Town's heritage and history and establishes such preservation regulations so as to not unreasonably interfere with the Town's capacity for planned, orderly and sensible expansion of its services to accommodate such growth;

NOW THEREFORE BE IT ORDAINED by the Town Council of the Town of Londonderry that Section X – Historic District is added to the Zoning Ordinance and subsequent section numbers thereafter amended to be sequential.

Arthur E. Rugg, Chairman
Londonderry Town Council

A TRUE COPY ATTEST:
10/19/98

Joan M. Savina
Town Clerk

SECTION X = HISTORIC DISTRICT

1001 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 of Londonderry To strengthen the local economy
- F. To conserve property taxes

1002 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:
 - 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

1003 DISTRICT AREAS

- A. An Historic District or Districts shall e 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 of the Tax Assessor's Map of the Town of Londonderry as follows:

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1003 *DISTRICT AREAS (Cont'd.)*

| <u>Map</u> | <u>Lot #</u> | <u>Street Location</u> |
|------------|--------------|----------------------------|
| | 6 | 18-1 Pillsbury Road |
| | 6 | 98 Pillsbury and Mammoth |
| | 6 | 97-1 Pillsbury and Mammoth |
| | 6 | 65 Mammoth and Nashua |

1004 *USES*

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

1005 *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 a 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

1006 *PROCEDURE*

- A. The following procedure shall be followed in processing applications of work covered under Section 1005:
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 1007)

1007 CRITERIA

- A. The purpose of these criteria is 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 not 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 should 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.
 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.

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1007 CRITERIA (Cont'd.)

2. Construction of New Buildings (Cont'd.)

- 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 façade 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

5. Signage

- a. Off street parking shall be placed to the rear of buildings where possible, fenced and screened with appropriate plantings
- 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, Section 1903.

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

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1007 CRITERIA (Cont'd.)

6. Streetscape (Cont'd.)
 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.
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.

1008 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.

1009 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 applicants proposal meets the criteria of Section 1007
- 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 1007
- 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.
- 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

1010 APPEALS

- A. Any person or persons jointly or severally 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.

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1011 ENFORCEMENT/PENALTIES

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

1012 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 phase of the Ordinance.

~~End of Section~~