

3.10 ROUTE 33 LEGACY HIGHWAY HERITAGE DISTRICT (Adopted 3/22)**3.10.1 Authority:**

- a. The action of the Town of Stratham, New Hampshire in the adoption of this Ordinance is authorized under RSA 674:21.II Innovative Land Use Controls and RSA 674:16 Grant of Power.
- b. This Ordinance was adopted to promote the health, safety, and general welfare of the Town of Stratham and its citizens, including protection of the environment, conservation of land, energy and natural resources, reduction in vehicular traffic congestion, more efficient use of public funds, health benefits of a pedestrian environment, preservation of community character, education and recreation, reduction in sprawl development, and improvement of the built environment.
- c. This Section was adopted as one of the instruments of implementation of the public purposes and objectives of the Town's Master Plan. This Ordinance is declared to be in accord with the Master Plan, as required by RSA 674:2.

3.10.2 Applicability:

- a. This Ordinance shall establish the **Route 33 Legacy Highway Heritage District** (the "District"). The boundaries of the District, which includes properties with frontages along the NH Route 33 corridor from the Town Center District to the Greenland town line, are shown on the Official Town Zoning Map (as amended) entitled "Zoning Map, Town of Stratham, NH", and hereby incorporated as part of this ordinance.
- b. The provisions of the **District** shall be mandatory for development projects within the District as stipulated under **Section 3.10.5 Activities Subject to Review**. Development projects submitted for approval under this zoning district shall be subject to applicable requirements of the Subdivision and Site Plan Review Regulations of Stratham.
- c. When in conflict, the provisions of the District shall take precedence over those of other ordinances, regulations, and standards except the Local Health and Safety Ordinances and Building Codes.
- d. Section 3.8.10 Definitions of Terms contains regulatory language that is integral to the District. Those terms not defined in Section 3.8.10 or in Section II of the Zoning Ordinance shall be accorded their commonly accepted meanings. In the event of conflicts between definitions in the Zoning Ordinance and the District, those of the District shall take precedence.
- e. The requirements of Section 3.10.8 Development Standards and Tables are an integral part of the District and are legally binding. Unless otherwise noted, other diagrams and illustrations that accompany this ordinance are provided for guidance purposes and as recommended examples.
- f. If in conflict, numerical requirements shall take precedence over graphic illustrations.

3.10.3 Purpose and Intent:

- a. To recognize and preserve the uniquely historic character of the Portsmouth Avenue/Route 33 corridor, and to encourage the adaptive re-use of structures in a manner compatible with that character.
- b. To maintain and enhance the existing and surrounding neighborhood's residential and agricultural character while providing additional opportunities for Stratham-based entrepreneurs and appropriately-sized small businesses to enter the marketplace, including home-based businesses or home occupations.
- c. To foster greater private investment along Portsmouth Avenue/Route 33, particularly in the nearly three dozen historically significant properties identified along the heavily traveled corridor.
- d. To preserve existing agricultural uses and to encourage new ones that are central to Stratham's existing character and provide new venues for the creation of locally-prepared or produced goods, foods, and services.
- e. To promote mixed-use development while maintaining a buffer to adjoining residential neighborhoods and protecting the historic fabric of the highway including structures, landscapes, features, and overall character;
- f. To provide for pedestrian and bicycle travel through the creation of sidewalks, paths, and bicycle paths where appropriate.
- g. To provide additional opportunities for residents of Stratham to engage socially and to allow additional venues for community discussions, for artistic expression, and to showcase the cultural and performing arts.
- h. To incentivize the creation of a greater diversity of housing types, styles, and sizes that are more accessible to community members of all ages and income levels.

3.10.4 Heritage District Advisory Committee

- a. A Neighborhood Heritage District Advisory Committee, hereafter referred to as the Advisory Committee, shall be formed within 120 days of the adoption of the Route 33 Legacy Highway Heritage District for the purpose of reviewing and providing comments to the Planning Board for final decisions of applications. The Committee shall consist of the following members:
 - i. One appointee of the Planning Board
 - ii. One appointee of the Heritage Commission
 - iii. One appointee of the Stratham Select Board
- b. In making appointments to the Heritage District Advisory Committee, reasonable efforts shall be made to stagger the terms of appointees and to appoint at least one member who lives in or owns property within the District.
- c. An appointee to the Advisory Committee may or may not be a member of the body they are appointed by. Terms of Advisory Committee members shall be for three years, unless the appointee is a member of the body they are appointed by in which case the length of the term shall coincide with their term on the respective Board or Commission.

- d. Members of the Advisory Committee shall appoint a Chairperson and Vice Chairperson on an annual basis.
- e. The Advisory Committee, in consultation with the Planning Board and Planning Department, shall publish a list of meeting dates and deadlines annually. The Advisory Committee shall set at least one application deadline in every month of the calendar year. The Advisory Committee may amend any meeting date so long as adequate public notice is provided consistent with state law. All meetings of the Advisory Committee shall be public meetings.
- f. The Advisory Committee shall be empowered to carry out the following activities:
 - i. Establish Rules of Procedure, in accordance with RSA 671:1.
 - ii. Adopt guidelines, guidance documents or similar materials to assist applicants, the Advisory Committee, and the Planning Board in the composition, review, and efficient processing of Heritage District applications.
 - iii. Advise the Planning Board to guide decision-making on all Heritage District applications, through the submission of written recommendations and comments, including on, but not limited to, the following matters:
 - 1. To provide recommendations related to site design and architectural characteristics of applications.
 - 2. To provide recommendations related to requested waivers when applicable under these regulations.
 - 3. To advise the Planning Board, when applicable, if an application meets the Conditional Use Permit criteria required under the Zoning Ordinance.
 - 4. To recommend final action on applications, including approval, denial or conditional approval of applications. The Advisory Committee may provide recommended language for conditions of approval.

Comments provided by the Advisory Committee shall be advisory in nature and the Planning Board shall not be bound by such comments. The Planning Board shall make all final decisions on applications.

 - iv. When infrastructure improvements are planned to the corridor by the Town or the NH Department of Transportation, the Advisory Committee may provide comments to guide the design and/or implementation of such improvements. Additionally, the Committee may publish recommend roadway design and/or cross-sections to help guide planning, design, or engineering of improvements to public transportation infrastructure.
 - v. The Advisory Committee may participate in any public planning or design processes directly affecting the Portsmouth Avenue/Route 33 corridor.

3.10.5 Activities Subject to and Exempt from Review

- a. The following construction activities occurring within the District shall be subject to review by the Advisory Committee and final decision by the Stratham Planning Board:
 - i. The demolition, partial demolition, or removal of any structure that is over 100 square-feet in area that is at least 50 years old.

- ii. The construction of new structures, including accessory structures over 100 square-feet in area, or the addition to an existing structure. Construction activities may be exempt from review if they meet the requirements of Section 3.10.5.b.3.
- iii. Any activity which requires Site Plan Review as stipulated in the Stratham Site Plan Regulations.
- iv. Site work that increases the amount of impervious surface coverage on a parcel by more than 2,500 square-feet.
- v. New or replacement permanent signage unless it meets all requirements of Section 3.10.7.b of this Ordinance.
- vi. The removal or clear cutting of existing vegetation more than 12,000 square-feet in area.
- vii. The replacement of siding or roofing materials if the replacement material is of a different material unless the replacement material meets the requirements of Section 3.10.5.b.5.
- viii. The siting of ground-mounted solar energy facilities shall be subject to review and approval unless such facilities meet the criteria outlined below, in which case such facilities shall be exempt from review and approval.
 - 1. Views of the solar facilities must be screened from the public right-of-way.
 - 2. The solar facilities must be a small size array as defined under the Solar Energy Ordinance. Medium- and Large-scale arrays shall require review by the Advisory Committee and approval by the Planning Board and meet all requirements of Solar Energy Ordinance.
- b. The following activities within the District shall be exempt from review by the Heritage District Advisory Committee and approval of the Stratham Planning Board:
 - i. The demolition, partial demolition, or removal of any accessory structure that is under 100 square-feet and the demolition, partial demolition or removal of any structure that is less than 50 years old.
 - ii. The construction of a new accessory structure that is 100 square-feet or less in area and less than 12-feet in height.
 - iii. The construction of an addition to an existing structure shall require review and approval unless the addition meets all of the following criteria, in which case the addition shall be exempt from review and approval:
 - 1. The addition is less than 250 square-feet;
 - 2. The addition is located to the rear or side of an existing structure;
 - 3. The addition, based on the determination of the Stratham Code Enforcement Officer/Building Inspector, is not visible from the Portsmouth Avenue/Route 33 public right-of-way.
 - iv. Painting of exterior features
 - v. The replacement of building siding and roofing materials if the replacement material is of the same general material. Additionally, the replacement of building siding materials may be exempt from review by the Advisory Committee and approval by

the Planning Board only if existing vinyl, aluminum, or stucco siding is proposed to be replaced with wood siding or a like material.

- vi. The siting of solar energy facilities, provided they meet the criteria of Section 3.10.5.a.8 of this Ordinance and all other requirements of the Zoning Ordinance.
- c. If a case arises where there is a question whether an application requires review by the Advisory Committee and approval of the Planning Board, the Planning Board shall be empowered to make a final decision on whether the application requires review by the Advisory Committee and approval of the Planning Board or is exempt from the provisions of this Ordinance.

3.10.6 Site Design Standards:

- a. Purpose & Intent: The purpose and intent of this Ordinance is to preserve as much of the remaining historic character of the Portsmouth Avenue/Route 33 corridor as is practicable while allowing new construction that is appropriately scaled and consistent with the existing character of the built environment. In order to advance these objectives, the following standards shall apply to all applications for development in the District, however the Planning Board shall be empowered to waive any requirement of this section if the Board determines that such action will not diminish the historic and architectural character of the corridor.
- b. Architectural Standards:
 - i. Building architectural design shall be consistent with or complementary to the existing character and land uses of the District, which is characteristic of traditional New England single-family and agricultural uses.
 - ii. The historic character of buildings/structures will be retained and preserved. The removal of distinctive materials or alteration of original features will be avoided. Further, new additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the historically significant structures. The new work shall be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.
 - iii. Building placement should follow the existing and historic development pattern of the highway, and should minimize visual, noise, and odor impacts to abutting properties and the public right-of-way.
 - iv. Multiple buildings on the same site and attached buildings should be designed to create a cohesive visual relationship, as well as efficient circulation and access for pedestrians and vehicles. Accessory buildings should be designed to complement the primary building and/or use on the site in design and material expression.
 - v. Unless part of a barn or associated agricultural structure, long unbroken or unadorned wall planes shall be avoided such that building facades and walls should not extend beyond 50 feet without including changes of wall plane that provide strong shadow or visual interest.
 - vi. Franchise or corporate style architecture is expressly prohibited. Highly contrasting color schemes (unless historically and architecturally appropriate) are prohibited in the District.

- vii. Fences in the traditional historic New England Village style and materials (i.e. picket, split rail, wrought iron, brick, stone) shall be used. Chain link security fences may be allowed only where necessary for safety or security and where placement is limited to the rear yard of the property. The Planning Board may permit vinyl fencing if it determines the material is consistent with the existing character of the property and will not detract from the character of the surrounding area.
 - viii. Exterior building siding materials shall include natural wood and/or cement based artificial wood siding, glass, or natural brick or stone materials. The Planning Board may permit vinyl or other siding materials if it determines the material is consistent with the existing character of the property and will not detract from the character of the surrounding area.
 - ix. Sloped roofs are required. The Planning Board may permit flat-roofed buildings only if it determines that the siting of the structure will not detract from the visual character of the surrounding area.
 - x. Standing seam, copper roofing, asphalt, wood, and slate shingles are preferred. Photovoltaic (PV) panel roof materials, which “simulate” traditional roofing materials, are acceptable.
 - xi. Window and door openings on the front façade shall occupy a total of no less than 20% and no more than 70% of the gross square footage of that facade. The size and placement of windows should be commensurate with architectural style of the buildings and landscape elements in the development.
 - xii. All windows and doorways shall be encased with wood or simulated wood trim.
 - xiii. True divided light windows and shutters are encouraged. Shutters shall be sized such that when closed they cover the window.
 - xiv. Material or color changes generally should occur at a change of plane. Piecemeal embellishment and frequent changes in color or material are prohibited.
 - xv. Rooftop mechanical equipment shall be fully screened from view of abutting properties and from the public right-of-way.
 - xvi. All new electrical utilities shall be located underground.
- c. Dimensional Requirements:
- i. Structures shall be sited such that their front setbacks are generally consistent with structures on abutting properties located on the same side of the road. Therefore, the front setback shall be determined by calculating the existing setbacks of the primary structures of the abutting properties located on the same side of the street. The permitted front setback shall be within 10 feet of the average of the existing setbacks of the abutting properties. However, in no case shall the front setback be required to be more than 35-feet.
 - ii. Side and rear setbacks shall be a minimum of 20-feet.
 - iii. No structure shall exceed a height of 35 feet.
 - iv. No structure shall exceed a gross building footprint size of 10,000 square-feet.
 - v. New structures shall not be sited in front of, or in a manner that distorts the view of historic buildings, as viewed from the public right-of-way.

d. Parking Standards:

- i. Surface parking areas must be limited and sufficiently screened in the District. The number of surface parking spaces provided for a use shall not exceed the minimum number of spaces required under the Stratham Site Plan Regulations by a factor of more than 15 percent. The Planning Board may waive this requirement if additional parking is provided in the form of overflow parking that is only utilized for special events and and/or unusual circumstances and includes a pervious surface treatment.
- ii. Parking areas must be located to the side or rear of a structure and should be setback at least 20-feet from the boundary with a public right-of-way or an abutting property. The Planning Board may waive this requirement, if after consultation with the Advisory Committee, the Board determines that there is no reasonable alternative location on the parcel in which to locate parking conforming with this requirement.
- iii. Parking areas located fronting a roadway or located within 20-feet of an abutting property boundary shall be subject to the landscaping and screening requirements of Section 3.6.10.e.2, Landscaping Standards, of the Ordinance.
- iv. For site with two or more uses, shared parking shall be permitted and encouraged to maximize parking resources and reduce the provision of parking facilities that go unutilized during most hours of the day. For applications that include shared parking, the Planning Board may require the applicant provide a parking demand memorandum prepared by a certified professional indicating how the uses will generate differing peak periods of parking demand.

e. Landscaping Standards:

- i. The Planning Board, at its sole discretion, may require a Landscape Plan for any application under this Ordinance. Additionally, the Planning Board may require landscaping be planted to provide screening and to reduce the visual effects of new development along the corridor. For applicants seeking site plan approval, conformance with the Landscaping Requirements of the Site Plan Regulations is required.
- ii. Use of native species of trees, shrubs, ground cover, and flowering plants is encouraged. Landscaping should be tolerant of a New England climate, including to road salt applications.
- iii. For properties with an approved non-residential use, the following Landscaping Standards shall apply:
 1. Street Trees: A Street Tree strip shall be provided running parallel with the lot frontage along a public right-of-way. A minimum of one indigenous shade tree shall be provided for every 40-feet of road frontage along the property and must be planted within 15-feet of the boundary with the public right-of-way. Examples of indigenous shade trees include but are not limited to maple and oak trees. Street trees shall be spaced at least 20-feet apart at the time of planting and must be a minimum of 2.5 inches in caliper at the time of planting.
 2. Landscaping of Parking Areas: Parking areas facing a public right-of-way or located within 20-feet of an abutting property boundary must include sufficient screening. Screening may be provided in the form of a continuous and dense mix of indigenous trees and shrubs planted within 12-feet of the limits of the parking area facing the roadway or abutting property. Alternatively, a mix of landscaping

and stone walls or fencing compatible with the character of the District may be utilized to provide sufficient screening.

f. Exterior Lighting Standards:

- i. Site lighting shall not adversely impact surrounding uses and residential projects, and be designed with minimal light spilling or reflecting into adjacent properties and with protection of the night sky and wildlife habitat. Such lighting shall not blink, flash, oscillate, or be of unusually high intensity of brightness, except for purposes of providing emergency services or to protect public safety. Soft white lighting is preferred.
- ii. For commercial uses, a photometric plan, indicating levels of illumination in foot-candles at ground level is required. The average illumination of an area shall not exceed 3 foot-candles. Illumination measured at the property line shall not exceed 0.5 foot-candles.
- iii. All exterior lighting shall be fully-downcast. The Planning Board may waive this requirement in order to illuminate the architectural features of a historic building, a flag mounted on a flagpole, or large trees, if the lighting otherwise meets all requirements of the Ordinance and does not exceed an initial output of 1,800 lumens. In such cases, up-lighting is permitted but only if it is located at the ground level and narrowly directed to illuminate the features described in this section.
- iv. Freestanding exterior lights shall be no taller than 15-feet in height and fully downcast.
- v. Exterior lighting shall be consistent with the historic character of the District and shall generally be of a lantern, agricultural, or gooseneck style. The Planning Board shall have the authority to waive this requirement if alternative styles of lighting are deemed necessary for site function and/or security.
- vi. Exterior lights associated with approved commercial uses shall be dimmed or turned off after 9 pm.
- vii. Seasonal holiday lighting shall be exempt from these regulations.

3.10.7 Standards for Signage

- a. Applications for permanent signage in the District must meet all of the following requirements:
 - i. No signage in the District shall be internally illuminated.
 - ii. Only one freestanding sign is permitted for each property in the District that includes an approved home occupation, commercial, agricultural, or multi-family residential use, or that advertises a multi-unit housing development. No permanent freestanding signage shall be permitted on properties where the principal use is a duplex or single-family residence unless the property includes an approved home occupation.
 - iii. Externally illuminated signage is permitted if the lighting source is located above the sign and fully downcast and projected to illuminate only the sign area. Only soft-white lighting of signage is permitted.
 - iv. Signage must be consistent with the character and architecture of the property.
 - v. Freestanding signs shall not exceed a height of 10-feet.
 - vi. Freestanding signs must not exceed an area of 16 square-feet.

- vii. Only one wall sign is permitted per road frontage on structures that include approved agricultural, commercial, or multi-family residential uses. No wall sign shall exceed an area of 16 square-feet. A second wall sign, not to exceed 10 square-feet, shall be permitted only on properties that have more than one road frontage or include more than one structure that houses approved agricultural, commercial, or multi-family uses. Wall signs must be similar in character and general appearance to any freestanding signs on the property. Wall signs must be mounted to the façade of the building and congruent with the architecture of the structure. Roof-mounted signs are prohibited.
- viii. Both freestanding and wall signage shall be made of wood or masonry materials or of materials that are designed to realistically mimic the appearance of wood or masonry. Acceptable masonry materials include stone, brick, or slate.
- ix. Directional signs must be set back a minimum of five feet from the boundary line with the right-of-way. The Planning Board shall be empowered to limit the number of directional signs sited on a property as part of its site plan review authority.
- b. Applications for permanent signage shall not require review of the Advisory Committee and approval of the Stratham Planning Board if the signage conforms to all of the requirements of Section 3.10.7.a of the Ordinance and meets all of the following standards:
 - i. Signage shall be limited to no more than two colors.
 - ii. Freestanding signs shall be limited to either a post sign or a monument sign as defined under Section 3.10.7.c. and meeting all the requirements outlined therein.
- c. Post and Monument Signage
 - i. Post Signs - A post sign consists of a one or two-sided sign hanging from the extended arm or bracket of a single post anchored into the ground. A post sign shall not exceed 8 square-feet in area and 10-feet in height. Please refer to Exhibit A for examples of acceptable post signs. Post signs must conform to the design examples outlined in Exhibit A.
 - ii. Monument Signs - A monument sign consists of a one or two sided sign anchored by either two individual posts or a base that is equal to or larger in width than the sign it supports. For monument signs supported by two posts, the sign must not exceed the height of the posts by more than one-foot and the sign may not obscure the forward view of the posts. Additionally, the combined width of the sign posts shall be no less than 10 percent but no more than 50 percent of the width of the sign area. For signs supported by a base, the width of the base must be larger than the width of the sign area but shall not exceed the sign area width by more than 40 percent. A monument sign shall not exceed 16 square-feet in area and six-feet in height. Please refer to Exhibit A for examples of acceptable monument signs. Monument signs must conform to the design examples outlined in Exhibit A.
- d. Residents and businesses in the District are permitted to display Temporary signage, provided such signage meets the following requirements:
 - i. Only one temporary sign per property may be displayed at a single time in the District.
 - ii. Temporary signs on parcels where commercial or residential uses are the primary uses shall be displayed no more than 60 days in a calendar year. Temporary signs

on parcels where agriculture is the primary use shall be displayed no more than 180 days in a year.

- iii. Temporary signs shall not exceed five feet in height.
- iv. Political signage shall be exempt from these requirements.

3.10.8 Demolition Standards:

- a. It is the intent of this Ordinance to preserve as much of the remaining historic character of the Portsmouth Avenue/Route 33 corridor as is practicable. The distinguishing original qualities or character of a building, structure, or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural feature should be avoided whenever possible. In rare cases when preservation is not feasible, demolition shall not be permitted unless one or the more following conditions are met:
 - i. If a building has lost its architectural and historical integrity and importance and its removal will not result in a more negative, less appropriate visual effect on the district;
 - ii. If the denial of the demolition will result in an unreasonable economic hardship on the applicant as sufficiently proven to the Planning Board;
 - iii. If the public safety and welfare requires the removal of a structure or building;
 - iv. If the structural instability or deterioration of a property is demonstrated through a report by a structural engineer or architect. Such a report must clearly detail the property's physical condition, reasons why rehabilitation is not feasible, and cost estimates for rehabilitation versus demolition plus replacement; and
 - v. Demolition by neglect, in which a structure is permitted to degrade by the property owner due to a lack of adequate maintenance, shall not by itself represent a valid justification for demolition. The Planning Board may require mitigation be provided in applications where the Board finds that the property owner allowed for demolition by neglect and preservation of the structure is no longer viable.
- b. Jurisdiction of applications for demolitions in the District shall rest with the Planning Board after advisement by the Advisory Committee. The provisions of the Demolition Review Ordinance shall not apply to properties within the District. However, the Planning Board or the Advisory Committee may request the advisement of the Demolition Review Committee related to an application for demolition within the District.

3.10.9 Land Uses:

- a. Permitted Uses: The District shall permit residential and agricultural uses and limited commercial uses that do not detract from the residential and rural character of the corridor. Permitted and non-permitted uses, and those permitted only by Conditional Use Permit or Special Exception, are outlined in **Table 3.6 Table of Uses**. Mixed-use properties, particularly those where a business proprietor maintains his/her or their residence on the same property are permitted and encouraged.

In order to ensure that commercial uses do not detract from the residential and rural character, the following criteria are required for all properties where commercial uses are proposed within the District:

- i. All commercial uses, except for those explicitly exempt under this section, shall not exceed a gross interior floor area 2,500 square-feet of any property in the District, unless the Planning Board determines that such a use is consistent with the residential and rural character of the District and if either of the following three criteria are met:
 - 1. If the total square-footage of the property exceeds 4,200 square-feet, the Planning Board may permit commercial uses on a property to exceed 2,500 square-feet provided the use is part of a mixed-use development and residential or agricultural uses make up at least 40 percent of the total floor area of the property.
 - 2. If the commercial use is located primarily within a structure that is at least 50 years old and the Planning Board determines that the application includes a substantial investment to adaptively reuse the structure, the Board may waive this requirement.
 - 3. The following uses are exempt from this requirement: Bed & Breakfasts, Community Centers, and Performing Arts Venues. Outdoor accessory uses, including outdoor dining, shall not be counted toward the 2,500 square-foot maximum.
 - ii. For commercial uses located in the District, the hours of operation where members of the public are invited to visit the premises shall be limited to no more than 40 hours per week and shall not occur between the hours of 9 pm and 7 am. Bed and Breakfasts shall be exempt from this requirement. The Planning Board shall be empowered to waive this requirement only if the Board determines that the use will not disturb abutting property owners or alter the residential and agricultural character of the corridor.
- b. Multi-Family Housing: Multi-Family and Workforce Housing is permitted in the District by Conditional Use Permit. Multi-Family and Workforce Housing shall be designed such that these uses, as viewed from the Route 33 right-of-way, are indiscernible from the single-family housing and agricultural uses that characterize the Corridor.
- i. Multi-family housing development shall not exceed a density of three units per acre. In a multi-family development of five or more units, a minimum of 20 percent of the units must be set aside as workforce housing units.
 - ii. Senior Housing, or any form of housing that is restricted to a specific age demographic, is prohibited in the District.