

## Chapter 285

### HISTORIC DISTRICT COMMISSION REGULATIONS

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[HISTORY: Adopted by the Historic District Commission effective 8-2-1983, amended 10-4-1983, 12-2-1986, 7-7-1987, 11-1-1988, 6-6-1989, 12-3-1991, 8-3-1993, 12-5-1995, 6-6-2004, 1-2-2007, 12-6-2011, 2-3-2015. Subsequent amendments noted where applicable.]

## GENERAL REFERENCES

Historic District — See Ch. 153, Ch. 275, Art. VII.

ARTICLE I  
**General Provisions**

**§ 285-1. Purpose.**

The purpose of the Historic District Commission Regulations is to promote within the Historic District of the Town of Bedford educational, cultural, economic and general welfare of the public by the protection, enhancement, perpetuation and preservation of the District and to guide the character of the development so as to be consistent with the desired character of that portion of the Town.

**§ 285-2. Authority and adoption.**

Pursuant to the authority vested in the Bedford Historic District Commission (HDC) by the voters of the Town of Bedford on March 10, 1970, in accordance with the provision of RSA Chapter 31, Section 89a and b, of the New Hampshire Revised Statutes Annotated, 1963, as amended,<sup>1</sup> the Bedford Historic District Commission adopts the following rules governing the review of sites, buildings and signs for the Historic District of the Town of Bedford as depicted on the official Zoning Map.

**§ 285-3. Applicability.**

The purpose of these articles is to provide activities requiring approval by the Historic District Commission.

**§ 285-4. Amendments.**

Amendments to these regulations may be initiated by the Commission or members of the public. In order to be adopted, the Commission may accept or reject such change after a public hearing. The Chairperson shall thereafter transmit a record of any changes so authorized to the Building Code Official, Town Council, Town Clerk, Planning Board, and Board of Adjustment, and copies of the amendments certified by a majority of the Commission shall be filed with the Building Code Official, Town Clerk, Town Council, and Planning Board.

**§ 285-5. Separability.**

If any section, article, provision, portion or paragraph of these regulations shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect, impair or invalidate any other section, article, provision, portion or paragraph.

1. Editor's Note: Repealed 1983, effective 1-1-1984. See now RSA 674:45 and 674-46.

**§ 285-6. Applicability of other regulations, ordinances and statutes.**

In addition to complying with the regulations established herein, any person or persons owning, renting, or leasing real estate and/or buildings within the Historic District shall comply with all other applicable regulations, ordinances and statutes of the Town, State of New Hampshire and the United States government.

**§ 285-7. Relaxation of requirements.**

Where the Commission finds that strict conformity to these regulations would cause undue hardship or injustice to the applicant or to the Town; that the spirit of the regulations and the public's convenience, safety and welfare will not be adversely affected; and that additional expense will not be incurred by the Town as a result, the Commission may approve an application or plan which is substantially, although not exactly, in conformance with these regulations.

**§ 285-8. When effective.**

These regulations shall be effective upon adoption by a majority of the Historic District Commission and shall determine the status of any building or tract of land within the Historic District.

**§ 285-9. Definitions.**<sup>2</sup>

Definitions contained in the Town of Bedford Zoning Ordinance, Historic District Ordinance,<sup>3</sup> Land Development Control Regulations and in RSA 674:45 et seq. and 676:8 et seq., where applicable, shall apply to these Historic District Commission regulations.

**ABUTTER** — Any person whose property adjoins or is directly across the street or stream from the site under consideration.

**APPLICANT** — Any person or group of persons interested in performing any activities regulated within this document.

**EXTERIOR ARCHITECTURAL FEATURES** — Landscape architectural features and exterior of any structure, including kind and texture of building material, type of walls, windows, doors, lights, signs or other fixtures appurtenant to such portion.

**HISTORIC DISTRICT** — An area or areas within the Town of Bedford specifically so designated by a majority of the voters.

**§ 285-10. Delineation of District.**

That area enclosed by an outer boundary beginning at a point in the center line of Wallace Road, 400 feet north of the center line of Church Road; thence in an easterly direction along a

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2. Editor's Note: Amended during codification (upon enactment, adoption information will be inserted here).

3. Editor's Note: See Ch. 275, Zoning, and Ch. 153, Historic District, respectively

line 400 feet north of the parallel to the center line of Church Road with a line 400 feet west of and parallel to Ministerial Road; thence in a northerly direction along said line to the intersection with a line 400 feet north of and parallel to Chandler Road; thence in an easterly direction along said line to the intersection with a line 400 feet northwest of and parallel to Bedford Center Road; thence in a northeasterly direction along said line to the intersection with a line 400 feet easterly of and parallel to Liberty Hill Road; thence in an easterly direction along said line to the intersection with a line 400 feet northwest of and parallel to Bedford Center Road; thence in a northeasterly direction along said line to the intersection with a line 400 feet easterly of and parallel to Liberty Hill Road; thence in a southerly direction along said line to the intersection with a line 400 feet southerly of and parallel to Meetinghouse Road; thence in a westerly direction along said line to the intersection with a line 400 feet southeasterly of and parallel to Route 101; thence in a southwesterly direction along said line to the intersection with the easterly edge of the power line right-of-way to the west of Wallace Road; thence in a northerly direction along said right-of-way to the intersection with a line 400 feet north of and parallel to Church Road; thence in an easterly direction to the point of beginning.

## ARTICLE II Procedure

### **§ 285-11. Application deadline; required information.**

Applications for the agenda of a regular meeting of the Historic District Commission shall be closed at 4:30 p.m. 18 calendar days before the date of the scheduled meeting. An applicant must file an application with all pertinent data as required in Article III.

### **§ 285-12. Review by subcommittee; Commission deadline for approval of certificate; disapproval.**

- A. Before taking any action on the application, the Commission may delegate a subcommittee or one of its members, agents or employees to meet with the applicant. The Commission may also meet with other interested parties whose interests may be affected by the proposed building, renovation or change.
- B. The Planning Department shall review minor alterations for consistency with the Historic District Regulations and compliance with the standards below. For purposes of this section, a minor alteration by definition is a decision administered by the Planning Department. The planning staff liaison to the Historic District Commission shall approve, conditionally approve, disapprove, or refer the request to the Historic District Commission. The applicant may appeal the planning liaison's decision to the Historic District Commission. The procedures and standards for minor alterations are as follows:
  - (1) Minor alterations are replacement items similar to the style of the item being replaced, including residential lighting, commercial style trash receptacles, satellite dishes, and antennae. Minor alterations may also include the extension of a stone wall or fence of the same materials, the removal of a single live tree above 15 inches in diameter, extension of a sidewalk of the same materials, public utility structures, residential walkways, decks and patios not visible from the public right-of-way, satellite dishes and other television or radio receiving antennas where the primary dish or antenna array is nine (9) square feet or less.

- (2) Temporary structures may be approved by the Planning Director upon the issuance of a temporary certificate of use for a period not to exceed (6) six months. The structures must be promptly removed at the conclusion of the approval period, and the site returned to the original state or in accordance with the approved final development plan if applicable.
- C. Pursuant to RSA 676:9 and Article 9 of the HDC Rules of Procedures, the Historic District Commission shall file a certificate of approval or a notice of disapproval within 45 days after the filing of the application for the certificate, unless the applicant agrees to a longer period of time.
- D. In the event of disapproval, the Commission shall state in writing within 10 calendar days the reason for its disapproval, and may, if appropriate, state what changes, if any, would render the application acceptable to the Commission.

**§ 285-13. Site preservation; restriction on building changes permitted.**

All existing features of a building or site not directly involved in the building, renovation or change shall be maintained in their original condition except as required in the course of normal maintenance. All building renovation and change shall be constructed so as not to change the historic look or value.

**§ 285-14. Commencement of construction within two years of issuance of certificate required.**

Unless the applicant commences construction, renovation or change within two years after the issuance of the certificate of approval by the Commission, the approval shall be null and void; provided, however, that no other commission, board, the Building Code Official or a court has intervened with cause.

**§ 285-15. Approval voiding.**

Any deviation from the approval in the actual construction, renovation or change in a building or site after approval of the Commission shall render such approval null and void.

**§ 285-16. Deadline for completion of exterior work; fines.**

The exterior work of the approved application must be completed within two years of the issuance of the certificate of approval. The exterior work is defined as construction of the building, painting, landscaping, driveways and retaining walls. Failure to complete the exterior work within this time frame will result in a civil fine in accordance to Chapter 275, Zoning, § 275-87, of the Bedford Town Code for each day that the exterior work is not completed.

**§ 285-17. Commission meetings.**

- A. Regular public meetings shall be held at least once in each month and may be held at the call of the Chairperson at such other times as the Commission may determine. Meetings will normally be held on the first Tuesday of the month at 7:00 p.m. in the Bedford Meeting Room or as otherwise posted. If no applications are received or there is no business to conduct, the meeting shall be cancelled and members notified by the Chairperson or his/her designee.
- B. In the event of an emergency or holiday falling on the scheduled meeting date, the Chairperson or his/her designee shall notify all members and scheduled applicants of the alternate date at least 24 hours ahead of time.
- C. Notice to abutters shall be made by mail to the owner of record, applicant, and all abutters not less

than 10 calendar days prior to the date of the Historic District Commission meeting.

- D. Three voting members shall constitute a quorum, including alternate members sitting in place of regular members, and for approval an application must have received a majority vote of those present. A lesser number of members may meet but may not vote on any matter before the Commission. If only three regular and/or alternate members are sitting on an application for a public hearing, the applicant may elect to postpone the public hearing to a future date when at least four regular and/or alternate members are seated to vote.

### ARTICLE III Specifications for Applications

#### **§ 285-18. Documentation required.**

The following documentation is required for application:

- A. General information describing or outlining the existing conditions including buildings and landscaping of the existing site as well as a list of abutters.
- B. The application shall include a record set, to be retained by the Commission, of drawings, sketches and other pertinent documents as necessary to adequately describe the building, renovation, addition or other changes to structures or sites. Documents shall include:
  - (1) A site plan, drawn to scale, showing the relationship of new work to existing proposed plantings, walks, drives, structures, public ways, property lines and major landscape features and other items included but not limited to those in § 285-26.
  - (2) Plans and all elevations, drawn to scale, showing the architectural features of the proposed new building, addition or alteration as well as the relationship of the new work to any existing structure; drawings to call out the exterior finish materials, dimensions and accurately depict doors, windows, rooflines, exterior lighting and fixtures and other architectural features and elements.
  - (3) For signs, location to be indicated on a plan or photograph showing relationship to existing or proposed structures, roadways and property lines; a scale drawing of the sign accurately depicting the size and proportions of the sign, showing dimensions, height from grade, colors, text, materials of its visible surfaces, and method of erection or installation, and illumination of sign.
  - (4) Dated photographs showing property before new work commences shall be presented to the Commission. Photographs showing completed work are also required after work has been finished. These photographs will become part of a permanent record of each property in the Historic District and will be added to the Historic District Building Inventory.
  - (5) Photographs used to depict existing conditions shall:
    - (a) Be dated as to when taken.
    - (b) Labeled as to location.

- (c) Keyed to a sketch showing location of shot and view taken.
- (d) Will be retained by the Commission as part of the application.<sup>4</sup>

**§ 285-19. Additional requirements.**

All construction, renovation or changes to a building or site shall meet the requirements of Chapter 275, Zoning, Land Development Control Regulations and any applicable state statutes. The design of the building, renovation or change shall complement the natural and man-made environments within the Historic District with the least amount of conflict.

**§ 285-20. Materials submission.**

- A. The Commission will require submittals (i.e., product literature, technical information) of exterior finish materials before final approval.<sup>5</sup>
- B. Color samples of actual exterior finish materials are requested.

**§ 285-21. Historic District certificate of approval required.<sup>6</sup>**

Activities requiring approval include but are not limited to activities such as:

- A. Changing the architectural detail of external walls;
- B. Replacement or modification of window and door openings, or replacement or modification of windows and doors;
- C. Installation or removal of porches or fire escapes;
- D. Modification of roof plane or chimney;
- E. Alteration of a site, paving, installation or removal of signage, on-site lighting, commercial-style trash receptacles, satellite dishes and other television or radio receiving antennas where the primary dish or antenna array is in excess of nine (9) square feet, or similar activities;
- F. A change of siding materials;
- G. Construction, alteration of any stone wall or fencing as required in Article IV;
- H. Grading, excavation, or removal of stone walls, fences, and trees;
- I. Construction or reconstruction, removal, moving, demolition, sand blasting or abrasive cleaning of any structure within the Historic District.

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4. Editor's Note: Amended during codification (upon enactment, adoption information will be inserted here).

5. Editor's Note: Amended during codification (upon enactment, adoption information will be inserted here).

6. Editor's Note: Amended during codification (upon enactment, adoption information will be inserted here).

**§ 285-22. Historic District certificate of approval not required.** <sup>7</sup>

The following activities do not require approval:

- A. Interior change or renovation.
- B. Ordinary maintenance and repair of any architectural feature which does not involve removal or change in design
- C. Roofing or reroofing existing structures, provided that material remains the same (e.g., changing three-tab to architectural shingles).
- D. Screen and storm windows and screen and storm doors, provided that the existing architectural features are not removed, destroyed, or concealed.
- E. Painting or repainting of buildings or structures:
  - (1) Colors employed shall be consistent with that of the balance of the District and shall be presented in a conventional manner.
  - (2) Unconventional designs, colors, or color combinations are prohibited.
- F. In the event of a natural disaster that causes the need for an immediate remedy or action in advance of the next available Historic District Commission meeting, removal and/or temporary repair are recommended, with property owner follow-up to the Bedford Planning Office within a reasonable time frame to determine whether or not further actions will require approval.
- G. The removal of dead trees and shrubs. Property owners are encouraged to document the death of the trees or shrubs through photographs and or the opinion of an appropriate professional and provide that information to the Planning Department prior to removal.

**§ 285-23. Use of reference materials encouraged.**

Applicants are strongly encouraged to consult the Historic District reference materials located at the Town office building and architectural texts at the Bedford Public Library to discover what is most appropriate to the era and style of their property before planning construction, renovations, changes and painting.

ARTICLE IV  
**Design and Construction Requirements**

**§ 285-24. Conformity with Town and state regulations required; removal of demolition debris.**

All building construction, renovation or change of a residential or commercial building or site shall be in general conformance to applicable Town and state regulations and statutes and shall, in addition, conform to the design and material utilized in other buildings and sites in the Historic District. Any demolition or construction residue must be removed from the site within 30 days except in unusual circumstances, including but not limited to hurricanes, fires, insurance investigations, etc.

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<sup>7</sup> Editor's Note: Amended during codification (upon enactment, adoption information will be inserted here).



**§ 285-25. Building materials.**

- A. The Historic District Commission is concerned with the exterior architecture design and construction of a building or site.
- B. That portion of a building, as to facade, windows, doors, chimneys, etc., shall be designed and constructed so as to complement the main architectural style of the structure and/or other buildings within the District. Renovations may deviate from the main style in the event a secondary feature is of more historic significance, or upon determination of the District/owner that secondary features should be preserved. Exterior materials which will create an appearance consistent with the structure's architectural style are encouraged.
  - (1) Windows shall be constructed of wood or a simulation of wood and may be covered with storm or combination windows or similar permanent insulating material.
  - (2) Chimneys shall be constructed of brick or fieldstone and be constructed in conformance with existing fire regulations.
  - (3) Driveways shall be constructed so as to conform to the neighborhood of the District and shall be in proportion to the size of the lot.

**§ 285-26. Landscaping and other site work.**

- A. General. Activities requiring changes to the external site of any property requiring an appearance before the Historic District Commission by the applicant are delineated in Article III.
- B. Excavation.
  - (1) Excavations may be made only in conformance with Town of Bedford Excavation Regulations<sup>8</sup> pursuant to RSA 155-E.
  - (2) Within the Historic District, excavations shall be restored to original topography within 10 feet of a building, structure or parking area.
- C. Flora.
  - (1) Clear cutting to 1,500 square feet or more, or cutting down more than one live tree in excess of 15 inches in diameter, measured at a point three feet above existing grade, shall not be allowed without Commission approval.
- D. Other landscape features.
  - (1) Fences and other obstructions to view must not detract from the character of the District.
    - (a) Granite posts with wooden rails, picket fencing, and post-and-rail fences 48 inches or less in height are accepted styles and do not require an application to the Commission. Other

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**8. Editor's Note: See Ch. 239, Streets and Sidewalks, Art. II, Street Openings.**

styles shall require approval. Chain link fences are discouraged.’

- (b) A variety of connecting fence along a property line is discouraged. Any fence along the front of a building should always continue with the same style of fencing on the property sides (lines) as far as visible.
- (c) In choosing the proper fence the following should be considered:
  - [1] Architectural period of the house;
  - [2] Neighboring properties;
  - [3] Existing fences in the neighborhood;
  - [4] Height and style in relation to the house;
  - [5] Fences should not restrict the view of the neighbors;
  - [6] Plantings along flat fences are encouraged.
- (2) Landscape structures such as arbors and pergolas must be complimentary to the predominant architectural style of the property.
- (3) Visibility of the following may be required to be mitigated where the condition is found not to be in character with the Historic District: man-made decorative objects, large or obtrusive personal property, equipment and machinery such as earth moving and/or other heavy equipment, storage sheds or outbuildings, landscaping features, and swimming pools, tennis courts, antennas and satellite dishes in excess of nine (9) square feet, and trash receptacles.
- E. Stockpiling. Stockpiling of fill, rubble, stone, building materials, logs or other material, unless permitted as part of a business use, in excess of that to be used in or on a site as part of the proposed work is prohibited.

#### **§ 285-27. Signs.**

- A. The purpose of these sign regulations is to preserve the rural and historic nature and unique character of the District and to foster civic beauty. Although it is understood that the Route 101 section of the Historic District is primarily a business district, it is also an introduction to the Town of Bedford for persons traveling through the Town.
- B. It is the desire of this Commission to strengthen Bedford's economy by protecting and enhancing the attractiveness of the community to residents, tourists and visitors by carefully reviewing proposed signs to ensure that said signs, in design, size, lighting, color, materials and visual impact, are consistent with the goals and standards of the Historic District as a whole.

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9. Editor's Note: Amended during codification (upon enactment, adoption information will be inserted here).

C. All signs within the Historic District shall conform to the requirements of the Bedford Zoning Ordinance (Articles VII and IX) and the additional regulations listed below:

- (1) Location. Roof signs are prohibited. Freestanding signs on permanent posts must meet Zoning Board regulations.
- (2) Materials. Materials appropriate to the Historic District such as wood, simulated wood, stone, brick, metals such as copper, and glass are permitted. Plastic is discouraged except when it simulates wood.
- (3) Trademark and product names. Such signs shall be discouraged in favor of names of proprietors, business owners and business names. If trademark and product names are desired, the Historic District Commission shall review them to ensure that said signs in design, size, colors, materials and visual impact are consistent with the goals and standards of the Historic District.
- (4) Illumination. Signs shall be illuminated only externally by steady, stationary, shielded light sources directed solely on the sign without causing glare for motorists, pedestrians, or neighboring premises. Wires shall be buried underground. Neon shall not be permitted on any exterior sign within the Historic District. Illuminated signs within a building shall not be positioned for display onto any sidewalk, parking lot or roadway. Interior neon signs may not be visible from outside the building.
- (5) Color. Reflective, fluorescent or similar paints shall not be permitted. Simply designed and rendered signs are encouraged. Sign shall consist of no more than four colors.
- (6) Temporary signs and banners. Refer to Chapter 275, Zoning, and Chapter 216, Signs and Banners, of the Bedford Town Code.

D. General provisions.

- (1) No off-premises signs shall be permitted within the Historic District;
- (2) Any property owner, whether a person, persons, firm, or corporation, who erects or resurfaces a sign within the Historic District without a certificate of approval from the Historic District Commission and a sign permit from the Bedford Building Department shall be subject to the enforcement actions and civil penalties of the Chapter 275, Zoning (Article XI, Administration and Enforcement).