

wireless telecommunications use. The Zoning Administrator shall notify the owner of the land by certified mail of the planned cessation of use and order the removal of the facility within 90 days of receipt of the written notice.

- B. If the wireless telecommunications facility is not removed within this time period, the Planning Board shall, after holding a public hearing with notice to the owner and abutters, issue of declaration of abandonment. At such time, the municipality may remove the wireless telecommunications facility and return the site to its pre-construction condition by utilizing the funds posted by financial surety to the Town previously mentioned.

ARTICLE VII Historic District

§ 275-46. Purpose.

- A. It is hereby declared as a matter of public policy that the recognition, preservation, enhancement, and continued use of buildings, structures, sites, and areas within the Historic District defined in this chapter having historical, architectural, cultural, or design significance are required in the interest of the economic prosperity, cultural enrichment, health, and general welfare of the community.
- B. The purposes of this article are to:
- (1) Safeguard the heritage of the Town of Bedford by providing for the protection of the structures and areas representing significant elements of its cultural, social, economic, political, and architectural history;
 - (2) Enhance the visual character of the municipality by encouraging and regulating the compatibility of new construction within the Historic District to reflect or respect established architectural traditions;
 - (3) Foster public appreciation of, and civic pride in, the beauty of the Town of Bedford and the accomplishments of its past;
 - (4) Strengthen the economy of the Town of Bedford by protecting and enhancing the attractiveness of the community to residents, tourists, and visitors;
 - (5) Conserve property values within the Town of Bedford; and
 - (6) Promote the private and public use of structures and areas within the Historic district of the Town of Bedford for the education, pleasure, prosperity, and general welfare of the community.

§ 275-47. Powers and duties of Historic District Commission.

- A. The Historic District Commission shall adopt and amend regulations for the administration of the Historic District.

- B. The Historic District Commission shall be responsible for the administration of this article and regulations within the Historic District.
- C. The Historic District Commission shall review all applications for permits for construction, alteration, removal, or demolition within the Historic District.
- D. Such powers of review shall be limited to those considerations which will have an impact on the character and integrity of the district.
- E. The Historic District Commission may consult with other boards and officers of the Town, or with historical, cultural, or educational groups, or persons to reach a decision.²⁷
- F. The Historic District Commission shall have the power to accept and use gifts, grants, or contributions for the exercise of its functions.

§ 275-48. Location of district.

The location of the Historic District of the Town of Bedford shall be shown on the Zoning Map, Town of Bedford, New Hampshire.

§ 275-49. Activities requiring review.

- A. Regulated activities. It is unlawful for any person to construct, alter, move, or demolish any building, structure, or improvement which lies within the Historic District without first obtaining a certificate of approval from the Historic District Commission. **[Amended 3-14-2006]**
- B. Historic Commission review. For the purpose of this article, the following activities shall be reviewed by the Historic District Commission and as detailed in the Historic District Commission Regulations: **[Amended 3-14-2006]**
 - (1) Erection, alteration, sand blasting, abrasive cleaning, relocation, or demolition of the building or structure, and construction on any site; **[Amended 3-14-2006]**
 - (2) Erection, alteration, or removal of any exteriors or visible features of a building or structure;
 - (3) Construction or reconstruction of any stone wall or fencing; and **[Amended 3-14-2006]**
 - (4) Grading, excavation, or removal of stone walls, fences, and trees.

§ 275-50. Activities not requiring review by Commission. [Amended 3-14-2006]

The Historic District Commission shall not require review of the following activities and as detailed in the Historic District Commission Regulations:

27. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

- A. Ordinary maintenance and repair. Ordinary maintenance and repair of any architectural feature which does not involve removal or a change in design, dimensions, materials, or outer appearance of such features.
- B. 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.

§ 275-51. Application procedure.

The following procedures shall be followed in processing applications for approval of work covered by this article:

- A. Application. An application, on forms established by the Historic District Commission, shall be submitted to the Historic District Commission for review and approval of any work to be performed within the Historic District of the Town of Bedford.
- B. Fees. The applicant shall be required to pay an application fee and legal notice fee as established by the Historic District Commission.
- C. Project description. The application shall include a narrative description of the project and graphic materials of sufficient clarity and detail to give the Commission a clear and certain understanding of the applicant's intention regarding the work contemplated and its consistency with the Historic District Ordinance and regulations.
- D. Application documents. The applicant shall supply site plans, building plans, elevations, perspective sketches, photographs, building material samples, or other information reasonably required by the Commission to make its determination of approval or disapproval.
- E. Review by additional Town officials. In reviewing the application package, the Commission may request reports and recommendations regarding the feasibility of the applicant's proposal from the Planning Board, Fire Chief, Building Code Official, Health Officer, and other administrative officials who may possess information concerning the impact of the proposal on the Historic District.
- F. Hearing. The Historic District Commission shall conduct a hearing on all applications, providing notice as required by law to each abutting property owner and the general public.
- G. Approval. The Commission shall issue a certificate of approval or notice of disapproval within 10 calendar days of the date of the final hearing unless the applicant shall agree to an extension in writing. **[Amended 3-14-2006]**

§ 275-52. Review criteria.

In making a determination on an application, the Historic District Commission shall take into account the purposes of this article and consider, but not be limited to, the following:

- A. Historical, architectural, or cultural value. The historical, architectural, or cultural value of the subject building(s), structure(s), or landscape(s), and their relationship and contribution to the setting.
- B. Compatibility. The compatibility of the exterior design, arrangement of elements, texture, and materials proposed to be used in relationship to existing buildings or structures and their settings.
- C. Scale and size. The scale and general size of new construction in relation to existing surroundings with consideration of such factors as height, width, street frontage, number of stories, roof type, facade openings, and architectural detail.
- D. Other factors. Other factors, including yards, off-street parking, screening, fencing, entrance drives, sidewalks, signs, lights, and/or landscaping which might effect the character of any buildings or structures within the district and similar factors which related to the setting for such structure or grouping of structures.
- E. Project impact. Impact that the applicant's proposal will have on the setting and the extent which it will preserve and enhance the historical, architectural, and cultural qualities of the district and community.
- F. Compatible use. Every reasonable effort shall be made to provide a compatible use for a property which requires minimal alteration of the building, structure, site, and its environment, or to use a property for its originally intended purpose.
- G. Historical preservation. The distinguishing original qualities or character of a building, structure, site and its environment shall not be destroyed. The removal or alteration of any historical material or distinctive architectural features should be avoided when possible.²⁸
- H. Alterations. All buildings, structures, and sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance shall be discouraged.
- I. Appropriate changes. Changes which may have taken place in the course of time are evidence of the history and development of a building, structure, site, and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.
- J. Stylistic features and examples of skilled craftsmanship. Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure, or site shall be treated with sensitivity.
- K. Restoration vs. replacement.

28. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

- (1) Deteriorated architectural features shall be repaired rather than replaced, whenever possible.
 - (2) In the event replacement is necessary, the new material should match the material being replaced in composition, design, texture, and other visual qualities.
 - (3) Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historical, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.
- L. **Cleaning.** The surface cleaning of structures shall be undertaken with the gentlest means possible. Sand blasting and other cleaning methods that will damage the historical building material shall not be undertaken.
- M. **Preservation of archaeological resources.** Every reasonable effort shall be made to protect and preserve archaeological resources affected by or adjacent to any project.
- N. **Contemporary design.** Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural, or cultural material, and such design is compatible with the size, scale, color, material, and character of the property, neighborhood, or environment.
- O. **Additions or alterations.** Whenever possible, new additions or alterations to structures shall be done in such a manner that if such additions or alterations were removed in the future, the essential form and integrity of the original structure would be unimpaired.
- P. **Demolition or relocation of buildings or other structures.**
- (1) Before a building or other structure is demolished or moved out of the district or neighborhood, the applicant shall, in good faith, prepare a detailed plan for reuse of the vacated sight which the Commission determines will meet the requirements of a certificate of approval.
 - (2) Such certificates of approval for demolition, relocation, or reuse shall only be granted upon a showing by the applicant that to deny such certificate would result in a hardship unique to the property in question and that such hardship is not common to the neighboring properties within the district or neighborhood.

§ 275-53. Certificate of approval.

- A. No regulated activities shall occur without first receiving a certificate of approval from the Historic District Commission. **[Amended 3-14-2006]**
- B. Modifications of approved application **[Amended 3-14-2006]**
- (1) Any deviation from the approved application in the actual construction, renovation, or change in a building or site shall render such application null and void.

- (2) Modifications to an application must be approved by the Historic District Commission at a regular public hearing.
- (3) In the event that an unanticipated modification is discovered to be necessary during the actual construction process, the Bedford Building Code Official may allow a reasonable substitution in design or materials. The applicant shall then immediately file an amended plan with the Historic District Commission.

§ 275-54. Appeals.

Any person or persons jointly or severally aggrieved by a decision of the Historic District Commission shall have the right to appeal that decision to the Zoning Board of Adjustment in accordance with state law.

§ 275-55. Enforcement [Added 3-12-1996]

- A. The exterior work of the approved application must be completed within two years after the issuance of the certificate of approval. "Exterior work" is defined as construction of the building, painting, landscaping, driveways, and retaining walls.
- B. Failure to complete the exterior work within two years, or receive an extension of time from the Historic District Commission, shall result in enforcement by the Zoning Administrator of § 275-87, Violations and penalties, of this chapter. [Amended 3-14-2006]

ARTICLE VIII

U.S. Route 3 Corridor Performance Zoning District

§ 275-56. Statutory authority. [Amended 3-8-1994]

This Article VIII is enacted by the Town of Bedford pursuant to RSA 674:21, II. This innovative land use control ordinance shall provide for all approvals, including the granting of conditional or special use permits, by the Planning Board. Any decision made by the Planning Board under this innovative land use control ordinance may be appealed directly to Superior Court in the same manner provided by statute for appeals from the Planning Board, as set forth in RSA 676:5, III, and RSA 677:15. A waiver process from particular requirements set forth in Article VIII may be employed by the Planning Board where the applicant demonstrates substantial compliance with the standards set forth in Article VIII, § 275-58, Purpose, Subsections A through E.

§ 275-57. Intent.

- A. Zoning was first implemented as a technique for separating incompatible types of land development, thereby protecting low-intensity uses from the harmful or disagreeable impacts of high-intensity uses. However, conventional zoning may produce its own set of undesirable side-effects.