

ARTICLE 45-8 HISTORIC DISTRICT

§ 45-8-1 PURPOSE

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 Ordinance 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.

The purposes of this Ordinance are to:

- (a) 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;
- (b) 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;
- (c) Foster public appreciation of, and civic pride in, the beauty of the Town of Bedford and the accomplishments of its past;
- (d) Strengthen the economy of the Town of Bedford by protecting and enhancing the attractiveness of the community to residents, tourists, and visitors;
- (e) Conserve property values within the Town of Bedford; and,
- (f) 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.

§ 45-8-2 POWERS AND DUTIES OF THE 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 Ordinance 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 recent decision.
- (f) The Historic District Commission shall have the power to accept and use gifts, grants, or contributions for the exercise of its functions.

§ 45-8-3 HISTORIC DISTRICT DEFINED

The location of the Historic District of the Town of Bedford shall be shown on the

§ 45-8-4 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 03/14/06].*

(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 03/14/06].*

- (1) Erection, alteration, sand blasting, abrasive cleaning, relocation, or demolition of the building or structure, and construction on any site; *[Amended 03/14/06].*
- (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 03/14/06]*
- (4) Grading, excavation, or removal of stone walls, fences, and trees.

§ 45-8-5 EXEMPTIONS

The Historic District Commission shall not require review of the following activities and as detailed in the Historic District Commission Regulations: *[Amended 03/14/06].*

(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.

§ 45-8-6 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 regulation.

(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 Inspector, 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 ten (10) calendar days of the date of the final hearing unless the applicant shall agree to an extension in writing. *[Amended 03/14/06]*.

§ 45-8-7 REVIEW CRITERIA

In making a determination on an application, the Historic District Commission shall take into account the purposes of this Ordinance and consider, but not be limited, 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 building or structures within the district and similar factors which relate to the setting for such structure or grouping of structure.

(e) Project Impact

Impact that the applicant's proposal will have on the setting and the extent to 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. At the removal or alteration of any historical material or distinctive architectural features should be avoided when possible.
- (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**
- (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.

§ 45-8-8 CERTIFICATE OF APPROVAL

- (a) No regulated activities shall occur without first receiving a certificate of approval from the Historic District Commission. *[Amended 03/14/06].*
- (b) Modifications of Approved Application *[Added: 3/12/96.]*
 - (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 reapproved 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 Inspector may allow a reasonable substitution in design or materials. The applicant shall then immediately file an amended plan with the Historic District Commission.

§ 45-8-9 APPEALS

Any person or persons jointly or severely 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.

§ 45-8-10 ENFORCEMENT *[Added: 3/12/96.]*

- (a) The exterior work of the approved application must be completed within two (2) 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 (2) years, or receive an extension of time from the Historic District Commission, shall result in enforcement by the Zoning Administrator of Section 45-13-4: Violations and Penalties, of the Bedford Zoning Ordinance. *[Amended 03/14/06].*