

**RULES OF PROCEDURE  
HISTORIC HISTRICT COMMISSION  
TOWN OF BEDFORD, NEW HAMPSHIRE**

Adopted by the Bedford Historic District Commission  
June 7, 1994; Amended April 6, 2004; Amended May 2, 2006

**ARTICLE 1  
AUTHORITY**

**Section 1.1 Authority**

These Rules of Procedure are adopted under the authority of NH Revised Statutes Annotated 676:1.

**Section 1.2 Name**

The name of the board shall be “Town of Bedford, New Hampshire Historic District Commission” as adopted at the Town Meeting of March 1970.

**ARTICLE 2  
POWERS AND DUTIES**

**Section 2.1 Regulations**

The Historic District Commission shall adopt and amend regulations for the administration of the historic district of the Town of Bedford.

**Section 2.2 Administration of District**

The Historic District Commission shall be responsible for administration of Article 45-8 Historic District of the Bedford Zoning Ordinance and Regulations of the Bedford Historic District.

**Section 2.3 Review and Approval of Building Permits**

The Historic District Commission shall review all Historic District Commission applications for permits for construction, alteration, removal, or demolition within the historic district for potential impact of such proposals on the character and integrity of the historic district and its objectives, by:

- A. Requesting reports and recommendations regarding the feasibility of the applicant’s proposal from the Planning Board, Fire Chief, Building Inspector, and other administrative officials who may possess information concerning the impact of the proposal upon the Historic District.
- B. Seeking advice from professional, educational, cultural, or other groups, such as the Bedford Historical Society, or other persons as may be deemed necessary for the determination of a reasonable decision. Any fees for professional consultation related to an application for a Certificate of Approval shall be approved by, and paid for, by the applicant.

- C. Scheduling public hearings for review, comment, and decisions regarding each application for construction, alteration, removal, or demolition within the District.
- D. Filing with the Building Inspector either a Certificate of Approval or a Notice of Disapproval following the review and determination of the application.

**Section 2.4 Conformance with Master Plan and Zoning Ordinance**

All designated historic districts and regulations shall be in conformance with the recommendations of the current Town of Bedford Master Plan and the requirements of the Town of Bedford Zoning Ordinance, as amended.

**Section 2.5 Ordinance Amendments: Hearings**

The Historic District Commission may, from time to time recommend to the Town Council, amendments to the zoning ordinance or zoning map. The Planning Board shall hold a public hearing in accordance with RSA 675:7 on all proposed additions or amendments to the Historic District ordinance and/or zoning map. The Planning Board shall forward to the Town Council and Town Clerk all proposed amendments to the zoning ordinance, historic district ordinance, or building code not later than the fifth Tuesday prior to the date for electing town officers.

**Section 2.6 Other Powers and Duties**

The Historic District commission may perform such research and inventory on properties and buildings within the District(s) as is necessary to promote the preservation of structures and places of historic and architectural value. The heritage of Bedford will be safeguarded by the following:

- A. Preserving a district in Bedford which reflects elements of the Town’s cultural, social, economic, political, and architectural history;
- B. Fostering civic beauty; and
- C. Promoting the use of a historic district for the education, pleasure, and welfare of the citizens of the Town of Bedford.

**ARTICLE 3  
MEMBERSHIP AND TERM OF OFFICE**

**Section 3.1 Membership: Term of Office**

The Historic District Commission shall consist of five (5) members and three (3) alternate members, who shall be residents of the Town of Bedford, in accordance with NH RSA 673:4-5, and Charter of the Town of Bedford NH, Article I-11-1-d as follows:

- A. A member of the Town Council, who shall serve as an ex-officio member, and who shall be appointed annually by the Town Council at its annual

organizational meeting;

- B. Four (4) residents of the Town of Bedford, appointed by the Town Council, one (1) of whom may be a Planning Board member, as regular members for staggered three (3) year terms; and
- C. Three(3) residents of the Town of Bedford, appointed by the Town Council as alternate members for staggered three (3) year terms, and one (1) Town Council member appointed by the Town Council to serve as alternate for the ex-officio Town Council representative.

### **Section 3.2 Vacancies**

Vacancies in the Historic District Commission occurring other than through the expiration of a term of office shall be filled as follows: For an appointed, ex-officio, or alternate member, the Town Council shall appoint a replacement member for the unexpired term.

### **Section 3.3 Removal of Members**

After a public hearing, appointed members and alternate members may be removed by the Town Council upon written findings of inefficiency, neglect of duty, or malfeasance in office. The Town Council shall file with the Town Clerk a written statement of reasons for removal.

## **ARTICLE 4 ORGANIZATION AND OFFICERS**

### **Section 4.1 Organization Meeting: Officers**

The Historic District Commission, at its regular May meeting, shall be called to order by the current Chairman. At this meeting, the Commission shall organize for the election of one of its members as Chairman, and as Vice-Chairman.

### **Section 4.2 Terms of Officers: Eligibility**

The term of every officer and chairman elected by the members of the Historic District Commission shall be one (1) year. Both the chairman and the officers shall be eligible for re-election. Ex-officio members shall not serve in the office of Chairman. Alternate members shall not serve as any elected officer.

### **Section 4.3 Duties of Chairman**

The Chairman shall call the meetings to order, designate alternates to replace absent regular and ex-officio members, preside over deliberations, and see that all proceedings are in accordance with the ordinances and regulations of the Town of Bedford and the statutes of the State of New Hampshire. The Chairman shall sign all approved Certificates of Approval (for building permits), present a yearly report of the activities of the Commission for publication in the Town Annual Report, coordinate operational

matters with the designated Town staff liaison, and perform all other duties of the presiding officer.

**Section 4.4 Duties of Vice-Chairman**

The Vice-Chairman, in the absence of the Chairman, shall perform all the duties of the presiding officer, including, but not limited to: calling the meetings to order; designating alternates to replace absent regular and ex-officio members, presiding over deliberations; signing of all approved Certificates of Approval, and seeing that all proceedings are in accordance with the ordinances and regulations of the Town of Bedford and the statutes of the State of New Hampshire.

**Section 4.5 Duties of Board Clerk**

The Board Clerk shall supervise the signing of all approved Certificates of Approval for building permits by one (1) member of the Historic District Commission, the Chairman. In the absence of the Historic District Chairman and/or Vice-Chairman, the Board Clerk shall designate other regular members to sign approved Certificates of Approval. The Board Clerk shall serve notice in writing to the Bedford Zoning Administrator of any violation of the applicable sections of the Town of Bedford Zoning Ordinance and/or the Regulations of the Historic District Commission, and may request such remedies as are available by Town ordinance or State statute.

**ARTICLE 5  
ADMINISTRATION**

**Section 5.1 Staff Liaison: Designated Agent**

A staff member of the Town of Bedford, appointed by the Town Manager, shall serve as administrative staff liaison to the Historic District Commission and shall be the designated agent of the Historic District Commission in all administrative and finance matters.

**Section 5.2 Clerk to the Historic District Commission**

The Historic District Commission may employ a Clerk of the Commission, subject to the same employment rules as other employees of the Town, to record all minutes of the public meetings of the Commission and maintain such files and records as shall be required by State statutes and/or the Regulations of the Historic District Commission.

The Clerk to the Historic District Commission shall keep a full and accurate record of the proceedings of all meetings by taped recordings, electronic records, and printed minutes. Taped minutes shall be preserved for a period of six (6) years, and electronic records or printed minutes shall be preserved permanently. The Clerk shall post public notices of all meetings in the Town Office Building and the Bedford Meeting Room and in a newspaper of general circulation. The Clerk shall notify all abutters of the time and place of public hearings as required by State of NH statutes. The Clerk shall file all approved and signed Certificates of Approval with the Bedford Building Inspector/Zoning Administrator, and shall mail a copy of the Certificate of Approval or the motion for

denial to each applicant. The Clerk is also required to verify that payment of necessary fees has been received by the Town of Bedford before consideration of an agenda item at a public hearing.

**Section 5.3 Other Services**

The Historic District Commission may contract with consultants for such services as it may require, subject to the financial constraints outlined in Section 5.4.

**Section 5.4 Finances**

The expenditures of the Commission, exclusive of reimbursement of fees, shall be within the amounts appropriated for the purpose by the Town Council.

Any fee for which the Historic District Commission lawfully imposes upon an applicant, including but not limited to application fees, fees for notice, fees for administrative expenses or investigative studies under RSA 676:4, I(g), or to implement other conditions lawfully imposed as part of a conditional approval:

- A. Shall be placed in the custody of the Town Finance Director, subject to the same investment limitations as other municipal funds;
- B. May be expended only for the purpose for which it was imposed upon the applicant;
- C. Shall be held in a separate, nonlapsing account, and not commingled with other municipal funds; provided, however, that such fees may be used to reimburse any account from which an amount has been spent in anticipation of the receipt of such fees;
- D. May be expended without the approval of the Town Council, and shall be paid out by the Town Finance Director only upon order of the Historic District Commission or its designated agent.

**ARTICLE 6  
MEETINGS**

**Section 6.1 Regular Meetings**

Regular public meetings shall be held at least once in each month and may be held at the call of the Chairman 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.

**Section 6.2 Working Sessions**

Working sessions, open to the public, may be held as needed by call of the Chairman, normally on the fourth Tuesday of the month, beginning at 7:00 p.m. as posted.

**Section 6.3 Non-Public Sessions**

Non-public sessions shall be held only in accordance with RSA 91-A:3 (the Right-to-Know Law).

**Section 6.4 Change of Meeting Dates**

- A. In the event that there is a conflict with the normal meeting date, a new date will be posted at the Town Offices and Bedford Meeting Room with notice to Commission members and scheduled applicants at least ten (10) calendar days prior to the rescheduled meeting.
- B. The time and place of a future meeting can be changed at any time by a vote, in the affirmative, of a quorum of the Historic District Commission members, plus notification of any absent members and any previously notified abutters.
- C. Meetings may be postponed and/or cancelled by the Chairman if requested by an affirmative vote of a quorum of the Commission members and if all other members are notified.
- D. Special meetings of the Historic District Commission shall be called by the Chairman, or in his absence, the Vice-Chairman, or at the request of three (3) members of the Commission, provided that public notice specifying the purpose of the meeting, and notice to each member is given at least 48 hours in advance of the time of such meeting.

**Section 6.6 Quorum**

Three (3) voting members shall constitute a quorum, including alternate members sitting in place of regular members. A lesser number of members may meet, but may not vote on any matter before the Commission. If only three (3) 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 (4) regular and/or alternate members are seated to vote.

**Section 6.7 Disqualification of a Member**

No member of the Historic District Commission shall participate in deciding or shall sit upon the hearing of any question which the Commission is to decide in a judicial capacity if that member has a direct personal or pecuniary interest in the outcome which differs from the interest of other citizens, or if that member would be disqualified for any cause to act as a juror upon the trial of the same matter in any action at law. Reasons for disqualification to not include exemption from service as a juror or knowledge of the facts involved gained in the performance of the member's official duties.

Where uncertainty arises as to the application of the above paragraph to a Commission member in particular circumstances, the Commission shall, upon the request of that member or another member of the Commission, vote on the question of whether that member should be disqualified. Any such request and vote shall be made prior to or at the commencement of any required public hearing. Such a vote shall be advisory and non-binding and may NOT be requested by persons other than Commission members, except as provided by local ordinance or by a procedural rule adopted under RSA 673:11.

If a member is disqualified or unable to act in any particular case pending before the Historic District Commission, the Chairman shall designate an alternate to act in his/her place.

**Section 6.8 Alternates**

- A. Alternate members may be seated as non-voting members at all meetings. An alternate member shall not vote on any matter before the Commission unless designated by the Chairman to replace an absent regular or ex-officio member. When replacing a regular or ex-officio member, such alternate is required to continue with the agenda item until its completion, and the regular or ex-officio member so replaced is allowed no vote on that item, although participation in discussions is permitted.
- B. Whenever a regular member of the Historic District Commission is absent or disqualifies himself/herself, the Chairman shall designate an alternate, if one is present, to act in the absent member's place; except that only the alternate designated by the Town Council to act as a replacement for its ex-officio member shall serve in place of that member.

**ARTICLE 7**

**AGENDAS AND GENERAL OPERATING PROCEDURE**

**Section 7.1 Meeting Order**

At each regular meeting, the order of proceedings shall be as follows:

- A. Call to Order and Quorum Check
- B. Continued Hearings
- C. New Business
  - (1) Public hearings
  - (2) Concept discussions
  - (3) Other items for review
- D. Old Business
- E. Approve Minutes of previous meeting(s)
- F. Communications to the Commission
- G. Reports of Committees
- H. Adjournment

**Section 7.2 Conduct of Public Hearings**

The conduct of public hearings shall be governed by the following rules:

- A. The Chairman shall call the hearing into session, identify the owner of record, applicant, and agent, and read into the record any/all Bedford administrative officials' reports on the proposal.
- B. The Chairman shall entertain a vote of the Commission members to accept the application and continue the public hearing or reject the application as incomplete.
- C. If the application is accepted by majority vote of the Commission, then the Chairman shall call the owner, applicant, or agent to make a public presentation of the proposal.
- D. Members of the Commission may ask questions at any point during the presentation.
- E. After the presentation, any abutter or any person with a direct interest in the matter may testify in person or in writing, and shall be recognized by the Chairman. Other persons may testify as permitted by the Commission at each meeting, subject to the following procedure:
  - (1) Each person who speaks shall be required to state his/her name and address and indicate whether he/she is a party to the matter or an agent or counsel to a party to the matter;
  - (2) The Chairman shall call for comments from any abutters;
  - (3) Other parties who have an interest in the proposal, such as the Bedford Historical Society or the Bedford Town Council, shall be allowed to present their comments in person or in writing.
- F. The applicant or his agent shall be allowed an opportunity to respond to testimony submitted by abutters and other interested parties.
- G. The Chairman shall indicate whether the hearing is closed, or adjourned (continued) pending the submission of additional material or information or the correction of noted deficiencies. In the case of a continuance, additional notice is not required if the date, time, and place of the continuation are made known at the adjournment.
- H. After closing a public hearing, the Chairman shall entertain a motion from members of the Commission for approval or denial of the application, which shall include findings of fact in support of the motion. The Chairman shall then

call for a vote of the seated members. A majority vote shall carry the motion.

- I. All public hearing portions of the meeting shall be terminated by ten o'clock (10:00) p.m. except that a matter under consideration may proceed or be continued to another meeting as determined by a majority of the voting Commission members present. Agenda items not yet considered may be considered or deferred to the next meeting as determined by a majority of the voting Commission members present.

### **Section 7.3 Working Sessions**

Working Sessions – open to the public and where no votes or final actions shall be taken – may be held as needed by call of the Chairman. Working sessions are normally held on the fourth Tuesday of the month, beginning at 7:00 p.m. as posted to discuss the following items:

- A. Research on properties within the District(s);
- B. Proposed amendments to Zoning Ordinance or Regulations;
- C. Presentations by guest speakers;
- D. Other operational and administrative matters.

## **ARTICLE 8 APPLICATIONS FOR REVIEW**

### **Section 8.1 Request for Review: Applications for Public Hearing**

Appearance before the Historic District Commission for a public hearing or concept discussion shall be by application only. This shall take the form of a written application provided by the Clerk of the Commission as detailed in Historic District Commission Regulations, Bedford, New Hampshire, as last amended. Communications to the Commission shall be submitted in writing prior to the date for mailing of agenda packets to members of the Commission.

### **Section 8.2 Application Filing Deadline**

Applications for the agenda of a regular meeting of the Historic District Commission shall be closed at 4:30 p.m., fourteen (14) calendar days before the date of the scheduled meeting.

### **Section 8.3 Action on Applications**

- A. Completed applications shall be accepted by majority vote of the Commission and shall be scheduled for consideration within fifteen (15) days of submission. The Commission may vote to reject acceptance of any application for consideration if such application is incomplete or does not comply with State or Town statutes, ordinances, or regulations.
- B. Any application advertised on an agenda may be denied approval if no authorized representative is present to represent the application. However, the

Historic District Commission may elect to review and vote to approve, deny or table the application if an applicant is absent and has not withdrawn.

**Section 8.4 Forms**

All forms prescribed herein and revisions of such forms shall be adopted by resolution of the Historic District Commission.

**Section 8.5 Notice**

- A. Public notice of the submission of and public hearings on each application shall be given in a local newspaper and by posting at the Bedford Town Office Building and Bedford Meeting Room not less than five (5) calendar days prior to the date of the Historic District Commission meeting.
- B. Notice to abutters shall be made by mail to the owner of record, applicant, and all abutters not less than ten (10) calendar days prior to the date of the Historic District Commission meeting.

**ARTICLE 9**

**DECISIONS OF THE HISTORIC DISTRICT COMMISSION**

**Section 9.1 Decisions**

- A. The Historic District Commission shall issue a final written Certificate of Approval or a notice of disapproval pursuant to NH RSA 676:9 within forty-five (45) days after the filing of the application for the Certificate, unless the applicant agrees to a longer period of time.
- B. Notice of each decision will be made available for public inspection by the Clerk of the Historic District Commission at the Bedford Town Office Building within seventy-two (72) hours after the decision is made. If the application is disapproved, the Commission shall provide the applicant with written reason(s) for this disapproval.
- C. A copy of the Historic District Commission's final decision which approves, approves with conditions, or disapproves an application, including signed Certificates of Approval, shall be provided to the applicant and the Bedford Building Inspector and the Bedford Zoning Administrator from the Clerk of the Historic District Commission by regular mail. If the application is not approved, the Commission shall provide the applicant with written reasons for the disapproval.

**ARTICLE 10  
APPEAL OF DECISIONS**

**Section 10.1 Who May Appeal**

Any person or persons aggrieved by a decision of the Historic District Commission shall have the right to appeal that decision to the Bedford Zoning Board of Adjustment in accordance with the provisions of RSA 676:5.

**Section 10.2 Procedure**

- A. Any appeal of a decision of the Historic District Commission shall be filed with the Bedford Zoning Administrator on an application form as designated by the Zoning Board of Adjustment and shall specify all grounds on which the appeal is based.
- B. Application forms for an appeal must be received in the office of the Zoning Administrator within thirty (30) calendar days after the date of the decision by the Historic District Commission. Applications submitted after the 30-day deadline will not be considered.
- C. The Zoning Administrator shall schedule each appeal application for a public hearing before the Bedford Zoning Board of Adjustment within thirty (30) days of receipt of an application. Notice of the hearing shall be given to abutters by certified mail and a notice shall be advertised in a local newspaper in the manner described in RSA 676:7.
- D. An appeal shall stay all proceedings under the action appealed from, in accordance with RSA 676:6, until after the appeal is heard and decided by the Zoning Board of Adjustment.

**ARTICLE 11  
RECORDS OF THE HISTORIC DISTRICT COMMISSION**

**Section 11.1 Records**

- A. Minutes of Historic District Commission meetings, including the names of members, persons appearing before the Commission, and a brief description of the subject matter shall be prepared in written format and shall be open to public inspection within one hundred and forty-four (144) hours of the public meeting.
- B. The records of the Historic District Commission, including written minutes of the meetings and a copy of signed Certificates of Approval, shall be kept by the Clerk of the Commission and shall be available for public inspection during regular business hours at the Bedford Town Office Building.
- C. Audio tape recordings, electronic records, and written transcription records of Commission meetings shall be kept by the Clerk of the Historic District

Commission and shall be made available for public inspection at the Bedford Town Office Building during regular business hours. Audio recordings shall be preserved for a period of not less than six years, and written transcripts and/or computer disks {electronic records} , plus a copy of each signed Certificate of Approval shall be permanently preserved at the Bedford Town Office Building.

**Section 11.2 Signatures**

Applications approved by the Commission shall be indicated by issuance of a Certificate of Approval signed by the Chairman. In the event that the Chairman is unavailable, the Vice-Chairman may designate any member of the Commission to sign in his/her stead.

**BEDFORD HISTORIC DISTRICT COMMISSION  
ADOPTON OF RULES OF PROCEDURE**

The Bedford Historic District Commission hereby adopts Rules of Procedure for the Bedford, New Hampshire Historic District Commission, May 2, 2006. A duly authorized public hearing was held on May 2, 2006 by the Bedford Historic District Commission in the Bedford Meeting Room, 10 Meetinghouse Road, Bedford, NH.

Signed by:

\_\_\_\_\_  
Gregor Zimmermann, Chairman

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Deb Sklar (Planning Board Alt.)

\_\_\_\_\_  
Beverly Thomas, Vice Chairman

\_\_\_\_\_  
Timmie Maine Miller (Alternate)

\_\_\_\_\_  
Normand Longval, Town Council

\_\_\_\_\_  
Andrew Noyes (Alternate)

\_\_\_\_\_  
Harold Newberry, Planning Board

\_\_\_\_\_  
Paul Roy (Town Council Alt.)

\_\_\_\_\_  
William Jean

Wanda L. Jenkins, Bedford Town Clerk – Date Filed \_\_\_\_\_

May 2, 2006– Date of Signature by Historic District Commission

NOTE: The document with original signatures is on file with the Town Clerk.