

**CHAPTER 275
ZONING
ORDINANCE**

**TOWN OF BEDFORD
NEW HAMPSHIRE**

REVISED MARCH 8, 2011

Chapter 275

ZONING

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¹ [HISTORY: Adopted by the Town of Bedford 12-19-1953; recodified 3-13-1991. Amendments noted where applicable.]

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ARTICLE I
General Provisions

§ 275-1. Title.

This chapter shall be known and may be cited as the "Zoning Ordinance of the Town of Bedford, New Hampshire."

§ 275-2. Authority.

This chapter is enacted by the Town of Bedford pursuant to the authority granted by the New Hampshire Legislature as stipulated in Section 674:16 of the Revised Statutes Annotated, 1983, as amended.

§ 275-3. Purpose. ²

The purpose of this chapter is to promote the health, safety, and general welfare of the inhabitants of Bedford by: lessening congestion in streets; securing safety from fires, panic, and other dangers; providing adequate light and air; preventing the overcrowding of land and buildings; avoiding undue concentration of population; facilitating the adequate provision of transportation, solid waste facilities, water, sewerage, schools, and parks, child day care; assuring the proper use of natural resources and other public requirements; encouraging the preservation of agricultural lands and buildings; and encouraging the installation and use of solar, wind, or other renewable energy systems and protecting access to energy sources by the regulation of orientation of streets, lots, and buildings; establishing maximum building height, minimum setback requirements, and limitations on type, height, and placement of vegetation; and encouraging the use of solar skyspace easements under RSA 477. [RSA 674:17]

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1. Editor's Note: The Town accepted the recodification of the Zoning Ordinance on March 8, 2011, which included the "renumbering, reorganization and minor amendments for clarity, but no substantive changes."
 2. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

§ 275-4. Applicability.

This chapter shall apply to:

- A. All buildings or structures erected, reconstructed, altered, enlarged, or relocated after the effective date of this chapter or applicable amendment;
- B. The use of any building, structure, or land which is different from its use prior to the effective date of this chapter or applicable amendment; and
- C. Any land which has been subdivided after the effective date of this chapter or applicable amendment.

§ 275-5. Interpretation.

In interpreting any provision of this chapter, it shall be held as the minimum requirement adopted for the promotion of the public health, safety, and general welfare of the Town. Whenever any provision of this chapter is at variance with any other provision of the chapter, or with the requirements of any other lawfully adopted rule or regulation, the most restrictive, or that imposing the highest standard, shall govern. [RSA 676:14]

§ 275-6. Definitions.

Except where specifically defined herein, the words used in this chapter shall carry their customary meaning. The following words are specifically defined:

ABANDONMENT — The cessation of a use as indicated by the visible or otherwise apparent intention of an owner to discontinue a use of a structure or lot; the removal of the characteristic equipment or furnishings used in the performance of the use, without its replacement by similar equipment or furnishings; or the replacement of a use or structure by a different use or structure.

ABUTTER — Any person whose property is located in New Hampshire and adjoins or is directly across the street or stream from the land under consideration. For purposes of receiving testimony only, and not for purposes of notification, the term "abutter" shall include any person who is able to demonstrate that their land will be directly affected by the proposal under consideration. For purposes of receipt of notification by a municipality of a local land use board hearing, in the case of an abutting property being under a condominium or other collective form of ownership, the term abutter means the officers of the collective or association, as defined in RSA 356-B:3, XXIII.

ACCESSORY BUILDING (STRUCTURE) — A building or structure, detached from but located on the same lot, which is customarily incidental and subordinate to the principal building. Accessory buildings shall not contain bedrooms. **[Amended 3-14-2006]**

ACCESSORY USE — A use which exists on the same lot and which is customarily incident and subordinate to the principal use.

ACRE — A measure of land containing 43,560 square feet.

ACTIVE AND SUBSTANTIAL DEVELOPMENT — The construction of permanent physical appurtenances to the site, such as, but not limited to, footings, streets, and water- and sewer lines.

ALTERATION — Any change or rearrangement in structural parts or exit facilities; or an enlargement, whether by extending on a side or by increasing in height.

APPLICANT — An owner or his/her designated representative who is submitting an application for development.

BASEMENT — A portion of a building, at least partly below grade, which has more than 1/2 of its height, measured from finished floor to finished ceiling, above the average finished grade of the ground adjoining the building. A basement is not considered a story unless its ceiling is six feet or more above the finished grade.

BERM — A mound of soil, either natural or man-made, used to obstruct views.

BOARD OF ADJUSTMENT — The Zoning Board of Adjustment of the Town of Bedford.

BOARDING-, LODGING, OR ROOMING HOUSE — Any dwelling unit which is occupied by more than two adult persons not related by blood or marriage and which provides sleeping accommodations on either a transient or permanent basis, with or without meals, but without separate cooking facilities. This definition shall not apply to group quarters for special-needs groups.

BUFFER — An area within a property or site, generally adjacent to and parallel with the property line, either consisting of natural existing vegetation or created by the use of trees, shrubs, fences, and/or berms, designed to limit continuously the view of and/or sound from the site to adjacent sites or properties.

BUILDING — Any combination of materials, whether portable or affixed to the ground, used for the sheltering, housing, or the enclosure of persons, animals, chattels, property, or materials of any kind. Such "building" shall include open porches, open breezeways, and any other roofed areas.

BUILDING COVERAGE — The area of a lot or site that is covered by buildings.

BUILDING HEIGHT — The vertical distance from the average existing ground level adjoining the building to the average height of the highest roof surface. **[Amended 3-12-1996]**

BUILDING, PRINCIPAL — A building in which is conducted the principal use of the lot on which it is located.

BUSINESS CENTER DEVELOPMENT — A tract of land that has been planned, developed, and operated as an integrated facility for a number of separate office buildings and supporting ancillary uses with special attention given to circulation, parking, utility needs, aesthetics, and compatibility.

CAPITAL FACILITIES FEE — A fee or assessment imposed upon development, including subdivisions, building construction, or other land use change, in order to help meet the

demands occasioned by that development for the construction or improvement of public capital facilities owned or operated by the Town of Bedford. **[Added 3-9-1993]**

CERTIFICATE OF OCCUPANCY (CO) — A statement signed by the Building Code Official permitting occupancy and use of a building.

CERTIFIED SOIL SCIENTIST — A person who, by reason of special knowledge of pedological principles acquired by professional education and practical experience as specified by RSA 310-A:84, is qualified to practice soil science, and who has been duly certified by the Board of Natural Scientists.

COMMERCIAL RECREATION — A recreation facility operated as a business and open to the public for a fee. It shall include places of amusement, such as bowling alleys, miniature golf courses, and similar types of establishments.

COMMERCIAL USE — Any use involving in part or in whole the sale of merchandise, materials or services, but not including home occupations as defined in this section. **[Amended 3-11-2008]**

COMMON OPEN SPACE — That land designated in a cluster development which is uncovered and of sufficient size and good quality, open, unenclosed, natural, unpaved, and easily accessible which is specifically set aside for common use and enjoyment, and restricted only for such recreational and conservation uses as parks, playgrounds, swimming, golf courses, and conservation areas. While the term "common land" may be either singular or plural, the intention and emphasis is on quality and suitability rather than numbers of parcels.

CONDOMINIUM — A building, or group of buildings, in which units are owned individually, and the structure, common areas, and facilities are owned by all the owners on a proportional, undivided basis. It is a legal form of ownership of real estate and not a specific building style.

DAY-CARE CENTER — A private establishment enrolling four or more children under five years of age and where tuition, fees, or other forms of compensation for the care of the children is charged, and which is licensed or approved to operate as a day-care center by the State of New Hampshire.

DWELLING, ACCESSORY ATTACHED APARTMENT — An accessory dwelling unit, consisting of not more than 1,000 square feet, constructed within or attached to a single detached residence. Accessory attached apartments may be granted by a special exception from the Zoning Board of Adjustment and must meet all of the criteria listed in § 275-21C(2). **[Added 3-11-1997; amended 3-9-2010]**

DWELLING, DUPLEX — A building that contains two separate dwelling units. **[Added 3-12-1996]**

DWELLING, MULTIPLE-UNIT — A building containing three or more dwelling units. **[Added 3-12-1996]**

DWELLING, SINGLE ATTACHED — A building containing one dwelling unit which is attached to one or more additional single-dwelling buildings by a common vertical wall, such as with townhouses. **[Added 3-12-1996]**

DWELLING, SINGLE DETACHED — A building containing one dwelling unit which is not attached to any other dwelling unit. **[Added 3-12-1996]**

ELDERLY HOUSING — See definition of "elderly housing" in § 275-21B(2). **[Amended 3-11-2003³]**

EXCAVATION — A land area which is used, or has been used, for the commercial taking of earth materials, such as sand, gravel, rock, soil, or construction aggregate produced by quarrying, crushing, or other mining activity.

FARM — A parcel of land used for agricultural activities.

FEE PAYER — A person applying for Planning Board approval of a subdivision or site plan which would create new development. **[Added 3-9-1993]**

FLOOR AREA, GROSS — The sum of the horizontal area of several floors of a building and its accessory buildings on the same lot, measured from the exterior faces of the walls. It does not include cellars, unenclosed porches, or attics not used for human occupancy or for commercial and/or industrial use.

FLOOR AREA, NET — The total of all floor areas of a building, excluding stairwells, equipment rooms, storage areas, interior vehicular parking, and all floors below the first or ground floor, except when used or intended to be used for human habitation.

FRONTAGE —

- A. The distance along the lot line dividing a lot from either:
 - (1) A public highway, excepting limited access highways as defined by RSA 230:44 and Class VI highways; or
 - (2) A road shown on an approved and recorded subdivision plan.
- B. "Frontage" along culs-de-sac shall be a line parallel to the front lot line, at the appropriate front yard building setback depth from the front lot line, between the points of intersection with the side lot lines.

GASOLINE SERVICE STATION — A retail place of business engaged in supplying goods and services essential to the normal operation of automobiles, such as dispensing of automotive fuel and motor oil, vehicle washing and lubrication services, rental of trailers or equipment, and sales of merchandise not accessory to the motor vehicle. It shall not include body or fender work, painting, or major automobile repairs.

GENERAL SERVICE OR REPAIR ESTABLISHMENT — A commercial establishment, the primary concern of which is the rendering of service and repair activities on equipment and appliances rather than the sale of goods. Such establishments include but are not limited to watch, clock, radio, television, home appliances, and bicycle repair.

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

HIGH-INTENSITY SOIL SURVEY (HISS) — A soil map prepared using the methods prescribed by the Society of Soil Scientists of Northern New England, in the publication "High Intensity Soil Maps for New Hampshire, January 1987," as amended.

HOME OCCUPATION — An occupation conducted entirely within the dwelling unit or principal building, including any garage or barn that is physically attached to the dwelling by at least one common wall or attached by a fully enclosed breezeway that does not exceed 20 feet in length, customarily incidental and secondary to the use of the structure for dwelling purposes and which does not adversely affect or undermine the residential character of the neighborhood. Examples of home occupations include but are not limited to seamstress, hairdresser, lawyer, tutor, musician, photographer, antique dealer, architect, dentist, or engineer. **[Amended 3-8-2005]**

HOMEOWNERS' ASSOCIATION — A private nonprofit corporation, association, or other nonprofit legal entity under the laws of the State of New Hampshire established by the developer to provide for the ownership, care, and maintenance of common open space lands and site improvements.

HOTEL — A building where lodging is offered to transient guests for compensation and in which there are more than five sleeping rooms which contain no cooking facilities.

INFORMATION PROCESSING OPERATIONS — A building in which data and information is stored electronically and may be combined, broken down, or aggregated for transmittal or storage purposes.

JUNKYARD — Any business and any place of storage or deposit, whether in connection with another business or not, which has stored or deposited two or more unregistered motor vehicles which are no longer intended or in condition for legal use on the public highways, wrecked, scrapped, ruined, or dismantled motor vehicles, motor vehicle parts, old iron, metal, glass, cordage, paper, batteries, rags, brass, copper, rope, rubber, debris, waste, tires, old metals, bottles, cotton or woolen mill waste, unfinished cloth, other waste, or discarded or secondhand material. [RSA 236:91 and 236:112]

KENNEL — An establishment licensed to operate a facility housing dogs, cats or other household pets and or where grooming, breeding, boarding, training, or selling of animals is conducted as a business. **[Added 3-11-2008]**

KITCHEN — An area that provides all of the following: a refrigerator of any size or dimension; a surface for food preparation; a sink with piped water; and a dedicated space or location for a device to cook foodstuffs, not including plug-in countertop appliances such as microwave ovens or toasters. **[Added 3-8-2005]**

LOT — A parcel, tract, or area of land established by plat, subdivision, or as otherwise permitted by law, which is occupied by, or designed to be occupied by, one principal building (except as otherwise specified herein) and its accessory buildings or uses customarily incident to it, together with such open spaces and yards as are required by this chapter.

LOT COVERAGE — That portion of the lot that is covered by impervious surfaces as defined in the Nonresidential Site Plan Review Regulations.

LOT LINE, FRONT — The lot line separating a lot from a street right-of-way from which legal access to the lot may be obtained.

LOT LINE, REAR — The lot line opposite and most distant from the front lot line; or in the case of triangular or otherwise irregularly shaped lots, a line 10 feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line.

LOT LINE, SIDE — Any lot line other than the front or rear lot line.

LOT OF RECORD — A lot which existed as shown or described on a plat or deed in the records of the Hillsborough County Registry of Deeds on or before the effective date of the first Zoning Ordinance adopted by the Town on December 19, 1953.

LOT SIZE, MINIMUM — The smallest lot area established by the Zoning Ordinance on which a principal use or structure may be located in a particular zoning district.

LOUNGE — A portion of a restaurant intended primarily for consumption of beverages.

MANUFACTURED HOUSING — Any structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width and 40 body feet or more in length or, when erected on site, is 320 square feet or more, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to required utilities, which include plumbing, heating, and electrical heating systems contained therein. Manufactured housing as defined herein shall not include pre-site-built housing.

MEMBERSHIP CLUB — A group of people organized for a common purpose to pursue common goals, interests, or activities and usually characterized by certain membership qualifications, payment of fees and dues, regular meetings, and/or a constitution and bylaws.

MOTEL — An establishment providing transient accommodations containing five or more rooms, the majority of which have direct access to the outside without the necessity of passing through the main lobby of the building.

NEW DEVELOPMENT — An activity which results in:

- A. The creation of a new dwelling unit (except for the equal replacement of existing units);
- B. A net increase in the gross floor area of any nonresidential building; or
- C. The conversion of a legally existing use to another permitted use if such change or use would create a net increase in the demand for public capital facilities, as defined by this chapter.

NONCONFORMING LOT — A lot, the area, dimensions, or location of which was lawful prior to the adoption, revision, or amendment of the Zoning Ordinance, but which fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning district.

NONCONFORMING STRUCTURE OR BUILDING — A structure or building the size, dimensions, or location of which was lawful prior to the adoption, revision, or amendment to

the Zoning Ordinance, but which fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning district.

NONCONFORMING USE — A use or activity which was lawful prior to the adoption, revision, or amendment of the Zoning Ordinance, but which fails, by reason of such adoption, revision, or amendment, to conform to the present requirements of the zoning district.

OFFICE — A portion of a building wherein services are performed involving predominantly administrative, professional, or clerical operations.

PERSONAL SERVICE ESTABLISHMENT — A commercial establishment, the primary concern of which is the rendering of a service to persons or individuals, rather than the sale of products. Such establishments include but are not limited to barber- and beauty shops, shoe repair, dry-cleaning and laundry services (pickup and delivery only), and tailoring or dressmaking.

PUBLIC CAPITAL FACILITIES — Facilities and equipment owned, maintained, or operated by the Town of Bedford. **[Added 3-9-1993]**

RESEARCH AND DEVELOPMENT OPERATIONS — A building or portion of a building in which are located facilities for scientific research, investigation, testing, or experimentation, but not facilities for manufacturing or sales of products except as otherwise permitted by this chapter.

RESTAURANT — An establishment whose principal business is serving food and which does not include any of the following operations:

- A. An establishment whose principal business is the sale of food and/or beverages in previously prepared, prepackaged, ready-to-consume individual servings; or
- B. An establishment that includes a drive-up or drive-through facility or curbside service; or
- C. An establishment where there are fewer than 15 customer seats per 1,000 square feet of gross floor area in the establishment; or
- D. An establishment that does not provide waiter/waitress service to the customer seating (exclusive of salad bars).

RESTAURANT, FAST-FOOD — An establishment whose principal business is the sale of foods, frozen desserts, or beverages in ready-to-consume individual servings, for consumption either within the restaurant building or for carry-out, and where either:

- A. Foods, frozen desserts, or beverages are usually served in paper, plastic, or other disposable containers;
- B. Customers are not served their food, frozen desserts, or beverages by a restaurant employee at the same table or counter where the items are consumed; or
- C. The establishment includes a drive-up or drive-through service facility or offers curbside service.

RIGHT-OF-WAY — A strip of land that is generally used for the location of a street, walkway, utility line, or other accessway, that is separate and distinct from the lots and parcels adjoining such right-of-way and not included within the dimensions or areas of such other lots or parcels.

SETBACK, MINIMUM STRUCTURE — A line parallel to the front, side, and/or rear lot line and set back from said lot line a sufficient distance as specified in this chapter. The yard setback measurements establish the area in which all structures must be erected or placed. No part of a building or structure shall extend across the minimum yards specified in Table 1, Table of Dimensional Regulations,⁴ except "permissible projections" specified in the Building Code adopted by the Town Council and referenced in § 275-85, Building permit procedure, of this chapter. Such projections, including roof eaves, steps, window sills, and similar architectural features, rain leaders, chimneys, fire escapes and other required elements of a means of egress shall be allowed to project into the required yards to the distance specified in the Building Code.⁵ **[Amended 3-14-2000]**

SIGN — Any object, device, display, or structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination, or projected images.

STREET — A thoroughfare used, or intended to be used, for passage or travel by motor vehicles.

STRUCTURE — A combination of materials for occupancy or use, such as a building, bridge, trestle, tower, framework, tank or group of tanks exceeding a total of 500 gallons, tunnel, tent, stadium, platform, shelter, pier, wharf, bin, sign, fences and retaining walls over six feet in height, swimming pools, sports courts, or the like. **[Amended 3-11-2008]**

TRAILER — A portable structure without permanent foundation, which can be towed, hauled, or driven and primarily designed as temporary living accommodation for recreational, camping, and travel use, or a temporary working accommodation for persons engaged in adjoining construction. The words "trailer," "travel trailer" and "recreational vehicle (RV)" shall have the same meaning for purposes of this section. **[Amended 3-14-2006]**

TRUCK TERMINAL — Land and buildings used as a relay station for the transfer of a load from one vehicle to another or one party to another. The terminal cannot be used for permanent or long-term accessory storage for principal land uses at other locations. The terminal facility may include storage areas for trucks and buildings or areas for the repair of trucks associated with the terminal.

WAREHOUSE — A building used primarily for the storage of goods and materials.

WELL — A structure or device designed and installed to provide potable water supply.

4. Editor's Note: Table 1 is included at the end of this chapter.

5. Editor's Note: See Ch. 92, Building Construction.

WIRELESS TELECOMMUNICATIONS FACILITIES — As defined in § 275-38.
[Amended 3-14-2000⁶]

WORKFORCE HOUSING — Any housing unit that is affordable to households based on the following standards: **[Added 3-10-2009]**

- A. "Workforce rental housing" is defined as a housing unit that has a monthly rent not exceeding 30% of the gross income of a household earning no more than 60% of the median income for a three-person household for the Manchester, New Hampshire, Fair Market Rent Area as published annually by the United States Department of Housing and Urban Development;
- B. "Workforce ownership housing" is defined as housing that can be purchased at a price, including the combination of mortgage loan debt service, property taxes and insurance, that does not exceed 30% of the gross income of a household earning no more than 100% of the median income for a four-person household for the Manchester, New Hampshire, Fair Market Rent Area as published annually by the United States Department of Housing and Urban Development.

YARD, FRONT — An open unoccupied space within and extending the full width of the lot, between the street property line and the closest part of a structure nearest to such street line. In the case of a corner lot which has frontage on two streets, the yard areas abutting both streets shall be considered front yards for setback purposes.

YARD, REAR — An open unoccupied space within and extending the full width of the lot, between the rear lot line and the closest part of the structure nearest to such lot line.

YARD, SIDE — An open unoccupied space within the lot between the side lot line, not a street line, and the parts of the structure nearest to such lot line.

ZERO LOT LINE HOUSING — The location of a building on a lot in such a manner that one or more of the building's sides rest directly on a lot line. No building or structure projections, including roof eaves, bay windows, rain leaders, or chimneys shall project across the lot line. **[Added 3-14-2000]**

ARTICLE II
Establishment of Districts

§ 275-7. District names.

For the purpose of this chapter, the Town of Bedford is hereby divided into the following districts:

- RA Residential and Agricultural
- GR General Residential
- AR Apartment Residential
- CI Civic and Institutional

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

CO	Commercial
OF	Office
NC	Neighborhood Commercial
HC	Highway Commercial
SI	Service Industrial
IP	Industrial Park
WCD	Wetland Conservation District (overlay)
FLP	Floodplain Development District (overlay)
HD	Historic District (overlay)
PZ	Route 3 Corridor Performance Zone [Added 3-9-1993]

§ 275-8. Location of districts.

The location of said districts is delineated on the map entitled "Zoning Map, Town of Bedford," as amended, which shall hereinafter be referred to as the "Zoning Map" and shall be made part of this chapter. [RSA 674:20]

§ 275-9. Interpretation of district boundaries.

Where any uncertainty exists with respect to the boundary of any district as shown on the Zoning Map, the following rules shall apply:

- A. Boundaries indicated as a street, utility line, and watercourse or other water body shall be construed to be the center line thereof.
- B. Boundaries indicated as following approximately parallel to a street, utility line, and watercourse or other water body shall be construed to be parallel to the nearest line thereof, and the number placed on the Zoning Map between the boundary and such line shall be the distance in feet between them as measured at a right angle from such line.
- C. Where a boundary apparently follows a property line, it shall be interpreted as such. Such property line shall be interpreted as one existing at the time of enactment of this chapter.
- D. Where a boundary is indicated as intersecting the center line of a street, utility line, and watercourse or other water body, it shall be construed to intersect at right angles to said center line or, in the case of a curved center line, at right angles to the tangent of the curve at the point of intersection.
- E. In the case of uncertainty of the location of a district boundary, the Zoning Administrator shall determine the exact location of said boundary. An aggrieved party may appeal this decision to the Zoning Board of Adjustment.

ARTICLE III
Use and Dimensional Regulations

§ 275-10. General provisions.

Except as herein provided, no building or land shall be used except for the purposes permitted in the district as described in this article. A permit for the construction, alteration, enlargement, moving, demolition, or use of a building or structure shall not be issued by the Building Code Official unless it complies with the provisions of this article and/or has been granted a variance or special exception by the Zoning Board of Adjustment.

§ 275-11. Junkyards.

No junkyard or place for the storage of discarded machinery, vehicles, or other scrap materials shall be maintained in any district.

§ 275-12. Fires or other ruins.

No owner or occupant of land in any district shall permit a fire or other ruins to be left, but shall remove the same within one year.

§ 275-13. Prohibited uses.

Any persistent uses that may be obnoxious or injurious by reason of the production or emission of odor, dust, smoke, refuse matter, fumes, noise, vibration, or similar conditions or that are dangerous to the comfort, peace, enjoyment, health, or safety of the community are prohibited.

§ 275-14. Signage.⁷

No sign shall be constructed in any district unless it is in compliance with § 275-66, Minimum landscape requirements for signage, and Article IX of this chapter.

§ 275-15. Parking.⁸

All development shall comply with the parking requirements specified in the Bedford Land Development Control Regulations and as required by the Planning Board.

§ 275-16. Duplex, multiple dwelling units and nonresidential development. [Amended 3-12-1996]

All duplex and multiple dwelling units and nonresidential development shall comply with the Nonresidential Site Plan Review Regulations of the Town of Bedford.

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

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

§ 275-17. Sewage disposal.

All wastewater and sewage disposal systems shall be constructed and maintained in accordance with the standards set and enforced by the Water Supply and Pollution Control Division (WSPCD) of the New Hampshire Department of Environmental Services (NHDES).

§ 275-18. Trailers.

No person shall park or occupy any trailer on the premises of any occupied dwelling or on any lot which is not a part of the premises of any occupied dwelling, except as follows:

- A. The parking of one trailer in a private garage building or in a rear yard is permitted provided that said trailer is not occupied and the trailer belongs to the owner or lessee of the land it occupies.
- B. The temporary use of a trailer by a person engaged in adjoining construction work or for whom a residence is being built, provided that such use is shown to be a temporary expediency, may be permitted by the Zoning Administrator. The Zoning Administrator shall grant such permission for a period not to exceed three months excepting that he/she may renew in his/her discretion such permission at the expiration of said three-month period. **[Amended 3-8-1994]**
- C. Any property owner or lessee may accommodate one trailer of a nonpaying guest in their rear yard for a period not exceeding 30 days in any one year.

§ 275-19. Excavations of earth materials.

No property owner shall permit any excavation of earth materials on his or her premises without first obtaining Planning Board approval in accordance with the Town of Bedford's Site Plan Regulations for Excavations.

§ 275-20. Capital facilities fees. [Added 3-9-1993; amended 3-13-2001]

- A. Purpose. This section is enacted pursuant to RSA 674:21, and in order to:
 - (1) Promote the public health, safety and welfare, and prosperity;
 - (2) Ensure that adequate and appropriate facilities are available to individuals who may come to be located in the Town of Bedford;
 - (3) Prevent scattered or premature development of land as would involve danger or injury to health, safety, or prosperity by reason of the lack of water supply, drainage, transportation, schools, fire protection, or other public services, or necessitate the excessive expenditure of public funds for the supply of such services;
 - (4) Provide for the harmonious development of the municipality and its environs;
 - (5) Ensure the proper arrangement and coordination of streets; and

(6) Ensure streets of sufficient width to accommodate existing and prospective traffic.

B. Definitions. As used in this section, the following terms shall have the meanings indicated:

IMPACT FEE — A fee or assessment imposed upon development, including subdivision, building construction, or other land-use change, in order to help meet the needs occasioned by the development for the construction or improvement of capital facilities owned or operated by the municipality, including and limited to water treatment and distribution facilities; wastewater treatment and disposal facilities; sanitary sewers; stormwater, drainage and flood-control facilities; public road systems and rights-of-way; municipal office facilities; public school facilities; the municipality's proportional share of capital facilities of a cooperative or regional school district of which the municipality is a member; public safety facilities; solid waste collection, transfer, recycling, processing and disposal facilities; public libraries; and public recreation facilities, not including permanently unimproved open space.

C. Authority to assess impact fees. The Planning Board is hereby authorized to assess impact fees, as herein defined, and in accordance with the standards herein set forth. The Planning Board shall have the authority to adopt regulations to implement the provisions of this chapter. Impact fee formulas may be adopted in the Bedford Zoning Ordinance, the Bedford Subdivision Regulations, and/or the Bedford Nonresidential Site Plan Regulations.

D. Assessment methodology.

- (1) The amount of any impact fee shall be a proportional share of municipal capital improvement costs which is reasonably related to the capital needs created by the development, and to the benefits accruing to the development from the capital improvements financed by the fee.
- (2) Upgrading of existing facilities and infrastructures, the need for which is not created by new development, shall not be paid for by impact fees.
- (3) In the case of development created by a change of use, redevelopment, expansion, or modification of an existing use, the capital facilities fee shall be based upon the net positive increase in the impact created by the new use as compared to that which was or would have been assessed for the previous use.

E. Administration of impact fees.

- (1) Each impact fee shall be accounted for separately, shall be segregated from the Town's general fund, may be spent upon order of the governing body, and shall be used solely for the capital improvements for which it was collected, or to recoup the cost of capital improvements made in anticipation of the needs for which fees are collected to meet.⁹
- (2) All impact fees shall be assessed at the time of Planning Board approval of a subdivision or site plan. When no Planning Board approval is required, or has been

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

made prior to the adoption of this section, impact fees shall be assessed prior to, or as a condition for the issuance of a building permit or other appropriate permission to proceed with development. **[Amended 3-8-2005]**

- (3) Impact fees shall be collected at the time a certificate of occupancy is issued. If no certificate of occupancy is required, impact fees shall be collected when the development is ready for its intended use. **[Amended 3-8-2005]**
- (4) The Town of Bedford and the assessed party may establish an alternate, mutually acceptable schedule of payment of impact fees in effect at the time of subdivision plat or site plan approval by the Planning Board. **[Amended 3-8-2005]**
- (5) If an alternate schedule of payment is established, the Town of Bedford may require developers to post bonds, letters of credit, accept liens, or otherwise provide suitable measures of security so as to guarantee future payment of the assessed impact fees. **[Amended 3-8-2005]**
- (6) In the event that bonds or other debt instruments have been issued for public capital facilities which were constructed in anticipation of new development, or are issued for advanced provision of capital facilities identified in this chapter, capital facilities fees may be used to pay debt service on such bonds or similar debt instruments.

F. Waiver and appeal of fees.

- (1) Any person may request from the Planning Board, a full or partial waiver of capital facilities fee payments required by this section where it can be shown that reduced impact or no new impact will be created due to mitigating circumstances.
- (2) On-site and off-site improvements which are required by the Planning Board as a result of subdivision or site plan review, including but not limited to extension of water and sewer mains or the construction of roads or other infrastructure, which would have to be completed by the developer regardless of the capital facilities fee provisions, shall not be considered eligible for waiver under this section. Any aggrieved party may appeal any decision under this § 275-20 to the Superior Court as provided for in RSA 677:15.¹⁰

G. Refund of fees paid. Any fee payer shall be entitled to a refund of that fee, plus accrued interest where:

- (1) The capital facilities fee has not been encumbered or legally bound by the Town Council to be spent for the purpose for which it was collected within a period of six years from the date of the final payment of the fee; or
- (2) The Town Council has failed, within the period of six years from the date of the final payment of such fee, to appropriate the nonfee share of related capital improvement costs.

H. Credits.

¹⁰ Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

- (1) Land for capital facilities and/or public capital facility improvements may be offered by the fee payer as total or partial payment of the required fee. The offer must be determined to represent an identifiable dollar value computed in a manner acceptable to the Planning Board.
 - (2) The Planning Board may authorize to the fee payer a capital facilities fee credit in the amount of the value of the contribution. Any claim for credit must be made no later than the application acceptance and public hearing on the development proposal before the Planning Board. Determinations made by the Planning Board pursuant to the credit provisions of this section may be appealed to the Superior Court as provided by RSA 677:15.
- I. Periodic review of fee schedules. The capital facilities fee schedules found in the Bedford Land Development Control Regulations shall be reviewed annually by the Planning Board using the methodology established in the schedules. Such review may result in the Planning Board recommending to the Town Council that adjustments be approved in one or more of the fees. Adjustment of the fees shall not be approved more frequently than once per fiscal year. Schedule adjustments to the recreation impact fee or the Kilton Road impact fee which would change the methodology prescribed in the Bedford Land Development Control Regulations shall be made only by amendment to this chapter.¹¹
- J. Applicability. This chapter shall not be deemed to affect the existing authority of the Planning Board over subdivisions and site plans, including but not limited to the authority to declare a development to be premature or scattered in accordance with the regulations of the Board and in accordance with RSA 674:36, II(a).

§ 275-21. Use regulations.

The following Subsections A through F below refer to the Table 2, Table of Uses, which is located at the end of this chapter.

- A. Uses permitted by right.
- (1) A use listed in the Table of Uses is permitted as a matter of right in the district in which it is denoted by the letter "P," subject to all other applicable local, state, and federal regulations.
 - (2) Wireless telecommunications facilities. Facilities that are less than six feet in height, mounted at ground level or mounted on a building, and less than 200 square feet in area (such as residential satellite dishes and TV antennas) shall be permitted by right in all zoning districts, subject to the existing building setback requirements of each zoning district, and no building permit shall be necessary for erections of such a facility. **[Added 3-11-1997]**
- B. Uses permitted by right with conditions imposed.
- (1) "P" listings in Table of Uses. A use listed in the Table of Uses and denoted by the letter "P" and a superscript number (footnote) indicates a use that is permitted by

¹¹ Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

right only when in compliance with the conditions imposed as specified in the appropriate footnote(s); subject to all other applicable local, state, and federal regulations.¹²

- (2) Elderly housing. Elderly housing shall be permitted in the zoning districts as set forth in Table 2¹³ subject to the following provisions: **[Added 3-9-1993¹⁴]**
- (a) Definition. As used in this section, the following terms shall have the meanings indicated: **[Amended 3-8-2005]**

ELDERLY HOUSING —

- [1] Any housing intended and operated for occupancy by at least one person 55 years of age and older. All elderly housing developments shall include a minimum of 25% of the units as affordable housing for low-income elderly persons. Affordable housing as used in this section, shall mean rental, lease, or ownership interest in housing which is subsidized for a minimum period of 30 years through either governmental, public, or private mechanisms, including tax credits, for persons with a household income limit not exceeding 80% of the area median income for households of various sizes (AMI) established by the United States Department of Housing and Urban Development for the metropolitan statistical area which includes the Town of Bedford.
- [2] Elderly housing shall provide, and make available to residents therein, significant on-site facilities and services specifically designed to meet the physical or social needs of older persons, including but not limited to dining facilities; housekeeping services; security services; group transportation; and personnel response services. The Planning Board may waive some or all of the facilities or services where:
- [a] The proposed development provides alternative arrangements that are satisfactory to the Planning Board; or
- [b] The development provides more than the required 25% of affordable housing as defined above.
- (b) Dimensional regulations.
- [1] Minimum lot area shall be one acre;
- [2] Minimum lot frontage shall be 100 feet on a Class II, IV, or V roadway;
- [3] Minimum setbacks shall be 35 feet at the front yard and 25 feet at the side and rear yards;
- [4] Maximum building height shall be 48 feet; and

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

13. Editor's Note: Table 2 is included at the end of this chapter.

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

- [5] Minimum green space shall be 30% of the total site acreage.
- (c) Density. A maximum of 28 dwelling units per acre shall be permitted.¹⁵
- (d) Special conditions. Elderly housing shall be served by municipal sewer, municipal water, group transit services, and structures shall be fully sprinklered.
- (e) Site plan. Elderly housing proposals shall be subject to the provisions of the Site Plan Review Regulations of the Town of Bedford.
- (3) Elderly housing in cluster residential developments. Elderly housing shall be permitted in cluster residential developments in the Residential/Agricultural Zone and the General Residential Zone subject to the following provisions: **[Added 3-11-2003]**
- (a) Definition. The term "elderly housing" as used in this section shall mean housing intended and operated for occupancy by at least one person 55 years or older per unit.
- (b) Dimensional regulations. Dimensional regulations shall be the same as specified in Article V, Cluster Residential Development.
- (c) Density. Density shall be the same as specified in Article V, Cluster Residential Development.
- (d) Special conditions. Elderly housing shall be subject to the requirements of § 275-34J, Design standards for single attached dwellings for elderly and workforce housing.
- (4) Workforce housing. Workforce ownership and rental housing shall be permitted in the General Residential, Apartment Residential, Commercial, Office, and Service Industrial Zoning Districts subject to the following provisions: **[Added 3-10-2009]**
- (a) Development criteria.
- [1] At least 1/3 of the units in the development meet the affordability requirements for workforce housing in § 275-6 of this chapter.
- [2] Retain the development criteria and affordability standards herein for a minimum period of 30 years through a suitable deed restriction, easement or other instrument deemed acceptable to the Bedford Planning Board and as monitored through annual reports for workforce rental housing units and prior to the time of unit sale or resale for workforce ownership units provided to the Bedford Planning Department.
- [3] Occupancy in the development is not restricted to any age group.

15. Editor's Note: Former Subsection d, Parking, which immediately followed this subsection, was repealed 3-11-2008.

- [4] The development provides more than 50% of the units in the development with two or more bedrooms.
 - [5] Workforce housing units shall be similar in exterior appearance and otherwise visually indistinguishable from market-rate units and dispersed throughout the development.
 - [6] Workforce housing units must be constructed in proportional relationship to market-rate units in the development, and all workforce housing units must be completed and made available for sale or rental before the final 10% of the market-rate units are approved for occupancy.
- (b) Dimensional regulations.
- [1] In the AR, CO, OF and SI Zones:
 - [a] Minimum lot area shall be one acre;
 - [b] Minimum lot frontage shall be 100 feet on a Class II, IV, or V roadway;
 - [c] Minimum setbacks shall be 35 feet at the front yard and 25 feet at the side and rear yards;
 - [d] Maximum building height shall be 48 feet ; and
 - [e] Minimum green space shall be 30% of the total site acreage.
 - [2] The dimensional standards listed in Subsection B(4)(b)[1] above shall apply to workforce housing in the GR Zone except for the following: Maximum building height shall be 35 feet.
- (c) Density.
- [1] In the AR, CO, OF and SI Zones a maximum of 12 dwelling units per acre shall be permitted. There shall be a maximum of 12 units in any one building in the AR Zone and no restriction as to the number of units in one building in the CO, OF and SI Zones.
 - [2] In the GR Zone each building shall have a minimum lot area of 40,000 square feet plus 4,000 square feet per dwelling unit. There shall be a maximum of 12 units in any one building.
- (d) Special conditions. Workforce housing shall be served by municipal sewer and municipal water, and structures shall be fully sprinklered.
- (e) Site plan. Workforce housing proposals shall be subject to the provisions of the Site Plan Review Regulations of the Town of Bedford.
- (5) Workforce ownership housing. Workforce ownership housing shall be permitted as a one-third increase in dwelling unit density in the Residential and Agricultural and

the General Residence Zoning Districts subject to the following provisions:
[Added 3-10-2009]

- (a) Each workforce ownership housing structure may contain up to four dwelling units or single-family detached workforce ownership housing structures may be constructed on individual lots having a lot frontage and lot area that is 1/3 smaller than is otherwise permitted in the zoning district. These provisions do not supersede compliance with ENV-Ws 1005.06 of the Subdivision and Individual Sewage Disposal System Design Rules of the New Hampshire Department of Environmental Services.
 - (b) All of the bonus units gained under this provision must meet the affordability requirements for workforce ownership housing in § 275-6 of this chapter.
 - (c) Workforce ownership units must retain the development criteria and affordability standards herein for a minimum period of 30 years through a suitable deed restriction, easement or other instrument deemed acceptable to the Bedford Planning Board (the "affordability restriction") and as monitored through reports provided to the Bedford Planning Department prior to the time of unit sale or resale; and the thirty-year affordability restriction shall recommence upon the sale of workforce ownership property subject to the affordable restriction if the workforce ownership property is sold prior to the expiration of the current affordability restriction.
 - (d) Occupancy in the development is not restricted to any age group.
 - (e) Developments with workforce ownership housing units shall provide more than 50% of the units in the development with two or more bedrooms.
 - (f) Workforce ownership housing units must be constructed in proportional relationship to market-rate units in the development, and all workforce housing units must be completed and made available for sale before the final 10% of the market-rate units are approved for occupancy.
 - (g) Workforce ownership housing units shall be similar in scale and exterior appearance and be otherwise visually indistinguishable from market-rate units in the development and dispersed geographically throughout the development.
- C. Uses permitted by special exception.
- (1) "S" listings in Table of Uses. A use listed in the Table of Uses and denoted by the letter "S" may be permitted as a special exception if such approval is granted by the Zoning Board of Adjustment in accordance with the conditions set forth in § 275-91C, Special exceptions, of this chapter; subject to all other applicable local, state, and federal regulations. Footnote conditions may also be specified in addition to the special exception requirements.
 - (2) Accessory attached apartments. One accessory attached apartment shall be permitted to single-dwelling residences in the General Residential Zone and the Residential and Agricultural Zone by special exception from the Zoning Board of

Adjustment, subject to existing standards set forth in § 275-91C, Special exceptions, of this chapter and with these further stipulations: **[Added 3-9-1993]**

- (a) An accessory apartment shall be clearly incidental to the primary use of the property for a single dwelling, and such accessory living space shall not exceed 1,000 square feet; **[Amended 3-12-1996; 3-9-2010]**
 - (b) An accessory apartment shall either be constructed within or attached to a single dwelling; **[Amended 3-12-1996]**
 - (c) At least one interior connecting door or other access for persons to pass between the primary residence and the accessory apartment shall be provided;
 - (d) Septic system design/capacity shall be approved by the New Hampshire Department of Environmental Services;
 - (e) No new entrance or exit to an accessory apartment shall be constructed facing the front of the single dwelling; **[Amended 3-12-1996]**
 - (f) One parking space shall be provided for an accessory apartment, and no new curb cut from the street shall be constructed; and
 - (g) Exterior construction and materials shall be uniform with the single dwelling. **[Amended 3-12-1996]**
- (3) Nursing homes. Nursing homes shall be permitted in the General Residential Zoning District by special exception of the Zoning Board of Adjustment, subject to existing standards set forth in § 275-91C, Special exceptions, of this chapter and with these further conditions: **[Added 3-9-1993]**
- (a) The lot shall be a minimum of five acres;
 - (b) The site shall comply with the buffer zone requirements of § 275-21F(2) of this chapter; and
 - (c) The site shall be served by municipal sewer and municipal water.
- (4) Wireless telecommunications facilities. New commercial ground-mount wireless telecommunications facilities may be permitted by special exception of the Zoning Board of Adjustment in accordance with the provisions of Article VI, Wireless Telecommunications Facilities, of this chapter.
- D. Prohibited uses. Prohibited uses shall be denoted by a (-) in the Table of Uses. Unless a use is specifically permitted in a district as indicated in the Table of Uses, it shall be prohibited.
- E. Nonconforming uses. Refer to § 275-91C, Special exceptions, for provisions regarding nonconforming uses.
- F. Supplemental provisions.

- (1) Home occupations.
 - (a) In the zoning districts which permit the establishment of a home occupation, there shall be two classes of home occupations identified as Level I and Level II. All home occupations must comply with the following provisions:
 - [1] Not more than one commercial vehicle in connection with such home occupation shall be stored on the premises;
 - [2] No more than 650 square feet of the existing net floor area of the principal building, including any attached garage or barn, shall be devoted to such use; **[Amended 3-8-2005]**
 - [3] There shall be no display of goods or wares visible from the street; and
 - [4] The building and premises occupied shall not be rendered objectionable or detrimental to the residential character of the neighborhood because of exterior appearance, traffic, emissions of odor, smoke, dust, noise, electrical disturbance, on-site storage of hazardous materials as determined by the Bedford Fire Department, or in any other way.
 - (b) Level I home occupations do not require a permit from the Planning Board as long as the following provisions are met:
 - [1] There shall be no nonresident employees;
 - [2] The use shall generate no additional vehicular traffic; and
 - [3] The home occupation shall not advertise with a sign on the premises.
 - (c) All other home occupations shall be defined as Level II home occupations and shall require a home occupation permit hearing and approval from the Planning Board. The following provisions shall apply specifically to Level II home occupations:
 - [1] The home occupation shall be carried on strictly by the owner of the principal building, who shall also reside in said building. Should the owner move his/her residence, the home occupation must be discontinued within three months;
 - [2] No more than two nonresidents shall be employed or otherwise engaged in the conduct of the business therein;
 - [3] A minimum of two off-street parking spaces shall be provided plus 1 1/2 spaces per employee;
 - [4] If the home occupation is a day-care facility, no more than 12 children shall be permitted, and a minimum of 50 square feet of outside play area for each enrolled child shall be provided. No portion of the outside play area shall be located within 25 feet of the side or rear property lines. In addition, off-street parking must be provided for employees

plus an appropriate off-street area for dropoff and pickup of children must also be provided; **[Amended 3-9-2010]**

- [5] Septic system design/capacity for home occupations that have any nonresident employees or that utilize large water or wastewater volumes, such as day-care facilities, hair salons, and catering services, shall be verified in writing by a licensed New Hampshire septic designer or a professional engineer; and **[Amended 3-11-2008]**
- [6] A certificate of occupancy for the proposed use shall be issued by the Building Code Official to verify conformance with the preceding standards. **[Amended 3-9-1999]**

(2) Buffer zone.

- (a) A buffer zone shall be provided along the property line of a development in the Apartment Residential Zone or any type of commercial or industrial development which abuts or is directly across the street (excluding a limited access highway) from a General Residential Zone, Residential and Agricultural Zone, or a Civic and Institutional Zone in the following manner:

- [1] Function and materials. The buffering shall provide a year-round dense visual screen in order to minimize adverse impacts. It shall consist of evergreen trees and existing vegetation or, upon approval from the Planning Board, may include fencing, berms, boulders, mounds, deciduous vegetation, or combinations thereof to achieve the same objectives.
- [2] Buffer strip width.
 - [a] The width of the required buffer strip shall be calculated by the formula of 25 feet plus one foot of horizontal distance for each one foot of vertical building height, for a total buffer width of not less than 50 feet.
 - [b] Building height shall be measured from the lowest existing grade along the abutting residential/civic property line to the soffit (or highest horizontal support) of the proposed building which is visible from the abutting zoning district.
- [3] Design and planting specifications.
 - [a] Arrangement of plantings in buffers shall provide maximum protection to adjacent properties and avoid damage to existing plant material. No parking, roadway, or structure shall be located within any part of the buffer.
 - [b] The vegetative planting portion of the buffer shall be at least 25 feet in width and shall consist of evergreen trees, of which 1/3 of the trees shall be at least eight feet in height and the remainder not less than six feet in height at the time of planting and shall include

a mixture of varieties which do not lose lower branches, such as Austrian pine and spruce.

[c] Trees shall be planted 10 feet on center and shall be staggered in parallel, serpentine, and/or broken rows.

[d] Plantings shall be installed according to accepted horticultural standards and shall be maintained regularly.

[e] Dead and dying plants shall be replaced by the property owner during the next planting season.

(b) The diagram in Figure 13, Buffer Zone Planting Diagram, illustrates the concepts discussed above.¹⁶

G. Boarding-, lodging, or rooming house. Boarding-, lodging, or rooming houses shall not be permitted in any zoning district. **[Added 3-14-2000]**

§ 275-22. Dimensional regulations.

A. General provisions. No building or structure shall be erected, enlarged, altered or moved, nor shall any existing lot size be changed or new lot created, except in accordance with Table 1, Table of Dimensional Regulations, or as otherwise specified herein. (See Table 1 at the end of this chapter.)

B. Incentive bonus dimensional standards. In recognition of the need to protect the overall integrity and character of the Route 101 highway corridor, as well as to promote a system of access management for properly servicing parcels within this highway corridor, incentive bonus standards have been created as a means for rewarding those who choose to voluntarily develop their properties in a way that is most compatible with the stated goals of the Route 101 Corridor Study, 2002.

(1) Deeded rights-of-way.

(a) Land abutting Route 101. Individuals who voluntarily agree to provide easement deeds over that portion of their land that is zoned Commercial or Commercial with Historic District Overlay and is within 50 feet of the present center line of Route 101, thereby reserving this easement area for future widening or similar improvements, may be compensated by being allowed to develop the remainder of their property to an extent greater than that allowed by the maximum impervious coverage requirements otherwise permitted by Footnote 18 of Table 1, Table of Dimensional Regulations.¹⁷ The amount of excess impervious coverage can be calculated by the formula shown in Figure 1.

(b) Land for future service roads. Individuals who voluntarily agree to provide fee simple deeds over that portion of their land that is zoned Commercial or

16. Editor's Note: Figure 13 is included at the end of this chapter.

17. Editor's Note: Table 1 is included at the end of this chapter.

Commercial with Historic District Overlay and is shown on a plat approved by the Bedford Planning Board for a new municipal service road to facilitate access management for Route 101 may be compensated by being allowed to develop the remainder of their property to an extent greater than that allowed by the maximum impervious cover requirements otherwise permitted by Footnote 18 of Table 1, Table of Dimensional Regulations. The amount of excess impervious coverage can be calculated by the formula shown in Figure 1.¹⁸

- (2) Land for shared-access driveways. Individuals who voluntarily agree to provide easement deeds over that portion of their land that is zoned Commercial or Commercial with Historic District Overlay and is shown on a site plan approved by the Bedford Planning Board for a shared-access driveway to facilitate access management for Route 101 may be compensated by being allowed to develop the remainder of their property to an extent greater than that allowed by the maximum impervious coverage requirements otherwise permitted by Footnote 18 in Table 1, Table of Dimensional Regulations. The amount of excess impervious coverage can be calculated by the formula shown in Figure 2.¹⁹

§ 275-23. Nonconforming lots, structures and uses.

A. Nonconforming lots.

- (1) Structures shall be permitted on a lot having frontage or an area which is less than that required by Table 1, Table of Dimensional Regulations,²⁰ if said structure is permitted by right within that district and if the following provisions are met:
- (a) The lot was a legal lot of record and duly recorded at the Hillsborough County Registry of Deeds prior to the adoption of the original Zoning Ordinance on December 19, 1953, or the lot was otherwise legally created after December 19, 1953; **[Amended 3-8-2011]**
 - (b) The lot is capable of supporting a well and septic system designed and installed in compliance with all applicable Town and State of New Hampshire Water Supply and Pollution Control Division regulations;
 - (c) All uses, buildings, structures, wells, or septic systems shall comply with the setback requirements in the Table of Dimensional Regulations; and
 - (d) Sufficient frontage to accommodate a private driveway intersecting with a public highway (except Class I or VI), or an approved subdivision road located in the Town of Bedford must be available. **[Added 3-12-1996]**

18. Editor's Note: Figure 1, Incentive Bonus Formula, is included at the end of this chapter.

19. Editor's Note: Figure 2, Incentive Bonus Standard for Shared Access to Route 101 and Interconnecting Parking Lots, is included at the end of this chapter.

20. Editor's Note: Table 1 is included at the end of this chapter.

- (2) If two or more lots of record are contiguous and in single ownership on or after the effective date of this chapter (March 13, 1991) and if any of said lots are vacant and do not comply with the dimensional requirements of frontage and area, then those lots shall be considered to be an undivided parcel for the purposes of this chapter. This provision shall not apply to lots in a subdivision approved by the Planning Board or to lots otherwise legally created after December 19, 1953. The provisions of this section shall not apply to nonconforming lots acquired by a person or entity on or after September 18, 2010. Any lots that were merged between March 13, 1991 and September 17, 2010, pursuant to this provision may be restored back to their original state with approval by the Planning Board, so long as they conform with Subsection A(1) of this § 275-23. **[Amended 3-10-1998; 3-8-2011]**
- (3) No portion of said parcel shall be used or sold in a manner which diminishes compliance with frontage and area requirements established by this chapter, nor shall any division be made which creates a lot with frontage or area below said requirements. Further, yard dimensions and requirements, other than those applying to area and frontage, shall conform to the regulations for the district in which the lot is located.

B. Nonconforming structures.

- (1) Where a lawful building or structure exists at the effective date of this chapter, or applicable amendment, that could not be built under the terms of this chapter or amendment by reason of restrictions on area, lot coverage, height, yards, or other dimensional requirements, the building or structure may be continued so long as it remains otherwise lawful, subject to the following provisions:
 - (a) No such nonconforming building or structure may be enlarged or altered in a way which increases its nonconformity, but any building or structure or portion thereof may be altered to decrease its nonconformity;
 - (b) A nonconforming building or structure which is destroyed by fire or other hazard may be restored to its former bulk, provided that it was not destroyed voluntarily and restoration is begun within 12 months after the act of destruction; and
 - (c) Should a nonconforming building or structure be intentionally moved for any reason for any distance whatsoever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

C. Nonconforming uses. Where on the effective date of adoption of this chapter or applicable amendment, a lawful use of land exists which would not be permitted by the regulations imposed by this chapter, the use may be continued so long as it remains otherwise lawful, provided that:

- (1) No such nonconforming use shall be enlarged or increased nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this chapter;

- (2) No such nonconforming use shall be moved, in whole or in part, to any portion of the lot other than that occupied by such use at the effective date of adoption or amendment of this chapter;
- (3) If any such nonconforming use of land ceases for any reason for a period of more than 12 consecutive months, any subsequent use of such land shall conform to the regulations specified by this chapter for the district in which such use is located;
- (4) No additional structure not conforming to the requirements of this chapter shall be erected in connection with such nonconforming use of land; and
- (5) No junkyard may continue as a nonconforming use for more than one year after the effective date of the adoption of the first Zoning Ordinance of the Town of Bedford, except that a junkyard may continue as a nonconforming use in a commercial or industrial district if within that period it was screened, not less than eight feet in any case as to screen completely the operations of the junkyard. Plans of screening shall have been approved by the Planning Board before the screening was erected.

ARTICLE IV

Wetlands Conservation

[Added 3-12-1991; amended 3-10-1992]

§ 275-24. Purpose.

It is intended that this article shall:

- A. Prevent the development of structures and land uses on wetlands and areas adjacent to wetlands which will contribute to pollution of surface and groundwater by sewerage, toxic substances, and sedimentation;
- B. Prevent the destruction of or significant changes to wetlands areas adjacent to wetlands which provide flood protection, recharge the groundwater supply, augment stream flow during dry periods, and filter water flowing into ponds and streams;
- C. Protect unique and unusual natural areas and rare and endangered species;
- D. Protect fish and wildlife habitat, maintain ecological balances, and enhance ecological values such as those cited in RSA 482-A;²¹
- E. Protect the quality of existing drinking water supplies and potential future public water supplies;
- F. Prevent unnecessary or excessive expense to the Town for the purpose of providing and/or maintaining essential services and utilities which might be required as a result of misuse or abuse of wetlands;

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

- G. Preserve and enhance the aesthetic value associated with wetlands in the Town of Bedford;
- H. Provide in all new subdivisions approved subsequent to adoption of this article sufficient lot size to place a house and approved septic system without locating them in wetlands; and
- I. Recognize the unequal and unique burden of wetland property owners and minimize restrictions which may be placed upon such properties. **[Added 3-13-2007]**

§ 275-25. Wetland defined. [Amended 3-11-1997; 3-13-2007]

- A. Wetlands are those lands that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that, under normal circumstances, does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.
- B. Methods for identifying and mapping wetlands shall utilize the publications Corps of Engineers Wetlands Delineation Manual, 1987 and Regional Field Indicators for Identifying Hydric Soils in New England, 1995. A New Hampshire certified wetlands scientist shall perform the wetlands delineation.

§ 275-26. Applicability.

- A. All applications for a building permit, subdivision, or site plan approval shall be subject to the provisions of this article and § 275-91B, Variances, except that notwithstanding § 275-4A of this chapter, amendments to any setbacks or buffer areas in excess of the March 11, 1997, fifty-foot setback specified in this chapter shall not apply to developed properties or to those properties currently under construction or which have received all appropriate building permits as of the effective date of the amendment, or to the reconstruction, alteration, enlargement or relocation of buildings thereon, or the addition of accessory structures thereto. Any subsequent (after the effective date of the amendment) subdivision of exempted properties shall comply with the more recent amendment(s). **[Amended 3-13-2007]**
- B. Any applicant seeking said approval(s) will be responsible for providing the required information before the appropriate approval or a permit can be granted.
- C. Standards established herein shall constitute the rules of overlay zoning and shall be superimposed over all other zoning districts, or portions thereof, within the Town. The provisions herein shall apply in addition to all other applicable ordinances and regulations.²²

22. Editor's Note: Former Subsection (d), Mitigation procedures, which immediately followed this subsection, was repealed 3-14-2000.

§ 275-27. Permitted uses.

- A. In those areas that have been identified as a wetland, permitted uses are those which are compatible with the specified purposes of this chapter.
- B. Hydric B soils. Such uses for Hydric B soils shall include: **[Amended 3-11-1997]**
- (1) Drainageways to include streams, creeks, or other paths of normal runoff water and common agricultural drainage;
 - (2) Green spaces and access roads, if no alternative is feasible. Any and all fill material used shall not detract from the rate of the soils permeability or adversely affect the appearance of abutting properties;
 - (3) Satisfaction of minimum lot requirements; and
 - (4) Those specified under Subsection C, Hydric A soils.
- C. Hydric A soils. Hydric A soil uses do not alter the surface configuration by the adding or removing fill and shall include: **[Amended 3-11-1997]**
- (1) Agriculture;
 - (2) Forestry and tree farming;
 - (3) Wildlife habitat development and management;
 - (4) Conservation areas and nature trails;
 - (5) Recreation uses consistent with the purpose and intent of this article as defined in § 275-24A;
 - (6) The construction of fences, footbridges, catwalks, and wharves only, provided:
 - (a) Said structures are constructed on posts or pilings;
 - (b) The natural contour of the wetland is substantially preserved; and
 - (c) The Conservation Commission has reviewed the proposed construction and presented its comments.
 - (7) The efficient provision of public services. Uses not specifically included above may be considered by the Planning Board, upon approval of a mitigation plan. (See § 275-29, Procedural requirements.)
- D. Construction of a roadway or other accessway, utility right-of-way, communication lines, power lines, and pipelines across a wetland may be permitted by the Planning Board if, after receiving comments from the Conservation Commission, the Planning Board determines that:
- (1) The proposed construction is essential to the productive use of land or water outside the wetland; and

- (2) No reasonable alternative to the proposed construction exists which does not cross or alter a wetland, or which has less detrimental impact on a wetland.

§ 275-28. Specific provisions.

- A. Structures shall be set back at least 50 feet from Hydric A soils and at least 50 feet from Hydric B soils. [Amended 3-11-1997]
- B. No septic tank or leach field (edge of bed) may be constructed or enlarged closer than the approved distance set forth by the State of New Hampshire Department of Environmental Services, Water Supply and Pollution Control Division.
- C. Any fill material which is authorized to be placed in a wetland must be of such quality as to allow for the continued permeability of water; access roads, however, may be paved.
- D. A New Hampshire Wetlands Board dredge and fill application shall be submitted for any proposed change to a wetland (RSA 483-A), as well as an application to the United States Army Corps of Engineers where applicable.
- E. Any setback or buffer established in excess of the Subsection A requirement of 50 feet shall exempt those properties as specified in Subsection A of § 275-26, Applicability, as modified. [Added 3-13-2007]

§ 275-29. Procedural requirements. [Amended 3-13-2007]

- A. Where maps or field investigations indicate that a Wetland District is present on a proposed development site and may be impacted by the development, the Planning Board may require that those wetlands be delineated by a jurisdictional wetlands delineation map prepared by a New Hampshire certified wetlands scientist.
- B. The Planning Board may allow the applicant to submit a jurisdictional wetlands delineation map for only the portion of the parcel proposed for development. Before any such relaxing of these regulations can occur, the applicant shall identify the "development envelope," and any change to said area will require reevaluation by the Board for the purpose of this article.
- C. Where the presence of a wetland has been identified, the boundaries of said district shall be clearly marked on the site with appropriate flagging along the entire perimeter of the wetland.
- D. Where no evidence has been produced, or received, either by the applicant or the Town, that a wetland is present on the site, a jurisdictional wetlands delineation map shall not be required under this article.
- E. The Planning Board and/or Town Planner shall notify the Conservation Commission of all applications for proposed projects which may impact a wetland for the purpose of allowing the Commission to make recommendations prior to final action on such application.

- F. In the event that the accuracy of the wetland boundaries submitted by the applicant is suspect, the Planning Board may call upon the services of a New Hampshire certified soil and/or wetland scientist to reexamine said area and report the findings to the Planning Board for a boundary determination. The cost of said services shall be paid by the applicant.²³
- G. The Town shall make reasonable effort to identify and notify by mail the owners of all properties that would be affected directly by a proposed setback or buffer amendment to this article. Notification will be made as soon as possible after initiation of work on proposed ordinance changes.

ARTICLE V
Cluster Residential Development
[Added 3-10-1987]

§ 275-30. Authority and purpose.

- A. This article is adopted pursuant to the provisions of RSA 674:21, Innovative Land Use Controls.
- B. The cluster residential development (CRD) option is intended to enable and encourage greater flexibility in the design of residential subdivisions than would otherwise be possible following conventional subdivision practice. By allowing reduced lot sizes, housing can be developed in such a manner as to promote the most appropriate use of land; to facilitate the economical and efficient provision of public services; to promote open space conservation; to protect the natural and scenic attributes of the land; and to expand opportunities for the development of affordable housing in the Town of Bedford, all in accordance with the goals and objectives of the adopted Master Plan. **[Amended 3-14-2000]**

§ 275-31. Districts where applicable.

The cluster residential development option shall be available only within the General Residential and the Residential Agricultural Districts.

§ 275-32. General provisions.

- A. Minimum tract area. The minimum tract area for a cluster residential development shall contain at least 15 acres.
- B. Permitted use. Cluster residential developments shall be restricted to the following uses: **[Amended 3-14-2000]**
- (1) Single detached dwellings;
 - (2) Single attached dwellings used exclusively as elderly housing;

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

- (3) One- to four-unit attached dwellings used exclusively for workforce ownership housing; **[Added 3-10-2009]**
 - (4) Structures that are accessory to the above-listed principal residential uses; and
 - (5) The following accessory uses, which are permitted as common facilities for the use or benefit of residents of the CRD:
 - (a) Outdoor recreational facilities, including tennis courts, golf courses, swimming pool, basketball courts, playgrounds, beaches, docks, and trails;
 - (b) Indoor recreational facilities, including a swimming pool, clubhouse, cabana, spa, and tennis courts;
 - (c) Storage facilities for CRD maintenance equipment; and
 - (d) Community gardens, agricultural and horticultural operations, and timber management.
- C. Prohibited uses. The following uses are prohibited in the CRD District: **[Added 3-11-2003²⁴]**
- (1) Helipads on any lot or open space within a cluster development; and
 - (2) The keeping or raising of livestock and poultry on the premises of any lot or open space within a cluster development. Livestock and poultry shall include but not be limited to cattle, goats, sheep, swine, horses, buffalo, bison, llamas, alpacas, emus, ostriches, yaks, elk, deer, chickens, turkeys, or guinea fowl.
- D. Bedroom limitation. In the absence of municipal sewer system to service the cluster development, the number of bedrooms per unit shall be determined by the Soils and Steep Slope Regulation within the Bedford Subdivision Regulations.²⁵
- E. Water and sewerage service.
- (1) Water system. All dwelling units shall be served by the Manchester Water Works or similar system if access to such system is available within 1,000 feet of the tract; otherwise, all units shall be served by a single or community water system or individual wells.
 - (2) Sewerage system. All dwelling units shall also be served by the municipal sewerage system if access to such system is available within 1,000 feet of the tract; otherwise, all units shall be served by a single or community sewerage system. **[Added 3-8-1988]**
- F. Construction inspection. The developer shall be responsible for paying the costs of providing additional construction inspection services in situations where the magnitude of the development is such that it would overburden the Building Code Official.

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

25. Editor's Note: Former Subsection (c), Home occupation prohibition, which immediately followed this subsection, was repealed 3-9-1999.

- G. Compliance with local regulations. All cluster residential development proposals shall comply with all applicable provisions of this chapter; the Subdivision and Nonresidential Site Plan Review Regulations; and other pertinent ordinances, regulations, and policies of the Town of Bedford.
- H. Private roads. Private roads will be acceptable within the development, provided that they are designed and constructed in accordance with Town road standards, except that the Planning Board may approve reductions in the required right-of-way width and modifications in block design standards.
- I. Water and sewerage facilities. Water and sewerage facilities shall be designed and installed in accordance with local and state standards. Municipal or community systems shall be located within the rights-of-way of the internal street system. The design and layout of such facilities must have prior written approval of appropriate local and state authorities. Such facilities shall be installed at the expense of the developer.
- J. Common open space area. The common open space area, as herein defined, shall constitute at least 25% of the total tract area and shall be comprised of environmentally sensitive areas as well as land suitable for parks, recreation, conservation, or agricultural purposes. Of the minimum common open space area, no more than 25% shall be comprised of environmentally sensitive areas including surface water bodies, land defined as the Wetland Conservation District, and in the absence of municipal sewerage facilities or municipal water facilities, soil types classified as "N/A" (Not Allowed) in the Soils and Steep Slopes Regulations contained in the Subdivision Regulations of the Town of Bedford. **[Amended 3-14-2000]**
- K. Wetland Conservation District. The Wetland Conservation District shall be as defined in Article IV of this chapter.
- L. Net developable area. Net developable area is that portion of the tract which remains after deducting the following from the total tract area: **[Added 3-14-1989]**
- (1) Actual public/private right-of-way area(s) for streets and utilities;
 - (2) All surface water bodies; **[Added 3-12-1996]**
 - (3) One-hundred percent of all Hydric A soils and 75% of Hydric B soils; and **[Amended 3-11-1997]**
 - (4) In the absence of municipal sewerage facilities or municipal water facilities, all soil types classified as "N/A" (Not Allowed) in the Soils and Steep Slope Regulations contained in the Subdivision Regulations of the Town of Bedford. **[Amended 3-12-1996]**

§ 275-33. Permitted density.

- A. Definition. The permitted density is the number of dwelling units allowed in the development. This number shall not exceed the number which would be allowed using conventional subdivision requirements for the zoning district(s) in which the cluster residential development is proposed except for density bonuses permitted for workforce

ownership housing developments provided for in Subsection B of this section. **[Amended 3-10-2009]**

- B. Computation of permitted density. The total number of dwelling units/lots that shall be permitted on a tract of land proposed for a cluster residential development shall be determined by the following steps:
- (1) Computation of lot size **[Amended 3-12-1996]**
 - (a) Where municipal sewerage facilities or municipal water facilities will serve the development, compute the minimum lot size using Table 1, Table of Dimensional Requirements, in § 275-22, Dimensional Regulations;
 - (b) Where community or individual septic systems and community or individual wells will serve the development, compute the minimum lot size using Table 1A of the soils and steep slope regulations of the Subdivision Regulations of the Town of Bedford.
 - (c) The computation is a weighted average of all usable soils.
 - (d) Usable soils are the soils of the tract minus surface water bodies, 100% of Hydric A soils and 75% of Hydric B soils, and soil types classified as "N/A" (Not Allowed) identified in Table 1A. **[Amended 3-11-1997]**
 - (2) Compute the dwelling unit density by using the following formula:
 - (a) Divide the "net developable area" (see definition) by the minimum lots size as computed in Subsection B(1)(a) or (b). **[Amended 3-12-1996]**
 - (b) One additional lot shall be permitted for each four acres of Hydric B. **[Amended 3-11-1997]**
 - (3) Sites in more than one zone **[Added 3-14-1989]**
 - (a) If the proposed cluster residential development is located in more than one zoning district, then the total number of dwelling units allowed within the tract shall be the sum of those allowed for the portion of land lying within each zoning district.
 - (b) Where the calculation results in a fraction of a unit, and the fraction is 1/2 or greater, the number of units may be rounded to the next larger whole number.
 - (4) Workforce ownership housing. Based on the final density computations listed in this section, any cluster residential development that seeks to include workforce ownership housing in the development shall be permitted to increase the number of allowable units by 1/3, provided that: **[Added 3-10-2009]**
 - (a) All of the bonus units are made affordable based on the requirements for workforce ownership housing in § 275-6 of this chapter;
 - (b) The workforce ownership units must retain the development criteria and affordability standards herein for a minimum period of 30 years through a

suitable deed restriction, easement or other instrument deemed acceptable to the Bedford Planning Board (the "affordability restriction") and as monitored through reports provided to the Bedford Planning Department prior to the time of unit sale or resale; and the thirty-year affordability restriction shall recommence upon the sale of workforce ownership property subject to the affordable restriction if the workforce ownership property is sold prior to the expiration of the current affordability restriction;

- (c) Occupancy in the development is not restricted to any age group;
- (d) The cluster development provides more than 50% of the units in the development with two or more bedrooms;
- (e) Workforce housing units shall be similar in exterior appearance and otherwise visually indistinguishable from market-rate units and dispersed throughout the development;
- (f) Workforce housing units must be constructed in proportional relationship to market-rate units in the development, and all workforce housing units must be completed and made available for sale before the final 10% of the market-rate units are approved for occupancy.

§ 275-34. Design requirements.

- A. Diversity and originality. Diversity and originality in lot layout and individual building design shall be encouraged to achieve the best possible relationship between development and the land.
- B. Drainage. Natural surface drainage channels shall be either incorporated into the overall site design or shall be preserved as part of the required open space.
- C. Architectural styles. Architectural styles which are compatible with the natural amenities and topography of the site will be encouraged.
- D. Design priorities. Lots, buildings, streets, parking areas, and cluster units shall be designed and arranged to:
 - (1) Minimize alteration of the natural site features to be preserved;
 - (2) Relate to surrounding properties;
 - (3) Improve the view from and view of buildings;
 - (4) Lessen the area devoted to motor vehicle access; and
 - (5) Avoid the adverse effects of noise, shadows, lights, and traffic on the residents of the development.
- E. Open space.
 - (1) That portion of the common open space area which is not comprised of environmentally sensitive areas, but which is comprised of land suitable for parks,

recreation, conservation, or agricultural purposes, shall have a shape, dimensions, character, and location that will ensure its usability for those purposes by all residents of the CRD. Forty percent of the minimum common open space area, all of which is suitable for parks, recreation, conservation, or agricultural purposes, shall be retained in contiguity. The first acre of such common open space retained in contiguity shall have a minimum horizontal dimension, whether length or width, of 200 feet, and there shall be an additional 25 feet of minimum horizontal dimension for each additional acre of such common open space retained in contiguity. **[Amended 3-14-2000]**

[Example #1. In the case of a minimum CRD tract area of 15 acres, 25% of the tract, or a total of 3.75 acres, is required for common open space. Forty percent of the common open space which amounts to 1.5 acres, is required to be contiguous and suitable for parks, recreation, conservation, or agricultural purposes, and have a minimum dimension of 200 feet. The acre and a half of usable open space which would be provided in this minimum size CRD is a reasonable area for a small neighborhood playground or passive park.]

[Example #2. A one-hundred-acre CRD would yield 25 acres of common space of which 10 acres would be required to be contiguous and suitable for parks, recreation, conservation, or agricultural purposes with a minimum dimension of 425 feet. Ten acres of usable open space represents an adequate area to support park facilities and playfields, or alternatively, is coincident with the current use standards for a range of open space uses including agriculture and forestry.]

- (2) Open space areas shall be easily accessible to pedestrians. The Planning Board is empowered to require pedestrian walks which shall interconnect all dwelling units and open space area.
- (3) The common open space may be used for the following park, recreation, conservation, or agricultural purposes: **[Amended 3-14-2000]**
 - (a) Outdoor recreational facilities, provided that no more than 10% of the required common open space be devoted to outdoor recreational facilities with impervious surfaces such as tennis courts, swimming pools, and basketball courts;
 - (b) Community water supply wells;
 - (c) Community leaching systems of subsurface wastewater disposal systems;
 - (d) Community gardens, and agricultural and horticultural operations; and
 - (e) Timber management.

F. External boundaries of the tract.

- (1) Minimum frontage. The minimum frontage on a state- or Town-maintained road of Class V designation, or better, shall be 100 feet in the aggregate which may consist of two fifty-foot rights-of-way serving as access to the development.

- (2) Buffer zone.
 - (a) All single detached dwellings, together with any accessory buildings, structures, driveways, and other man-made improvements, shall be located a minimum of 50 feet from the external boundary of a cluster residential development. The fifty-foot perimeter buffer shall be comprised of existing vegetation and shall be included in the square footage of each lot area.
 - (b) All single attached dwellings, together with any accessory buildings, structures, and parking facilities, shall be located a minimum of 100 feet from the external boundary of a cluster residential development. The Planning Board may permit streets and utilities to cross through the one-hundred-foot buffer area, and may allow certain outdoor recreational facilities within this area, provided that such improvements are compatible with adjacent land uses. Existing vegetation, including significant large trees, shall be preserved in this area, and the Planning Board may require additional landscape materials to be integrated with the existing vegetation in order to provide effective screening on a year-round basis between the CRD and adjacent land uses.

G. Internal design requirements.

- (1) The total number of dwelling units that will be allowed in a cluster residential development shall be determined as shown under § 275-33, Permitted density, of these provisions. There shall be no required minimum lot size for individual building lots within a CRD; however, lot sizes must comply with Env-Ws 1005.06 of the Subdivision and Individual Sewage Disposal System Design Rules of the New Hampshire Department of Environmental Services. **[Amended 3-14-2000]**
- (2) The road frontage for individual building lots within clusters shall be negotiated between the Planning Board and the developer in the interest of encouraging flexibility in site design.
- (3) The following standards shall govern building setback:
 - (a) The depths of all front yards (measured from building to right-of-way) within individual clusters shall not be less than 30 feet; and
 - (b) The depth of side and rear yards (measured from building to property lines) shall not be less than 20 feet. **[Added 3-14-1989]**
- (4) Each new cluster residence that is served by an individual septic system and is less than 20,000 square feet in area may be required to submit a final grading plan to the Planning Board as part of the submission for Planning Board approval. **[Added 3-14-2000]**

H. Lots abutting preexisting single dwelling residences. To ensure the protection of preexisting residences, the Planning Board has the option of requiring that proposed cluster lots abutting lots with an existing single residence will conform to the minimum area requirements of the abutting lots. **[Amended 3-12-1996]**

- I. Design standards for single detached dwellings. Single detached dwellings shall be located on individual lots. The structures may be placed on the lots in a zero lot line arrangement such that one side yard setback is eliminated. Where a zero lot line arrangement is proposed for single detached dwellings located on individual lots, the Planning Board may allow one of the side yard setbacks to be reduced or eliminated in a consistent pattern for all lots, provided that the side yard setbacks on adjacent lots shall not be eliminated in such a manner so as to result in the single detached dwellings located thereon sharing a party wall. **[Added 3-14-2000]**
- J. Design standards for single attached dwelling for elderly and workforce housing. **[Added 3-14-2000; amended 3-10-2009]**
- (1) There shall be a maximum of four single attached dwellings per building. There shall be a minimum of 50 feet of separation between all such buildings.
 - (2) Each single attached dwelling shall have available a private yard of at least 500 square feet adjacent to the building and dedicated to the exclusive use of the residents of said building. The private yard space may contain patios, decks, fences, landscaping, gardens, and other outdoor facilities. **[Amended 3-10-2009]**
 - (3) The installation of residential sprinkler systems shall be required for buildings containing single attached dwellings. Where municipal water service is not available, on-site water storage facilities shall be designed and installed to provide fire protection and suppression capabilities for buildings containing single attached dwellings. **[Amended 3-11-2008]**
 - (4) Workforce ownership housing units shall be designed to be similar in exterior appearance, scale and massing and be otherwise visually indistinguishable from market-rate units in the development. They shall also be geographically dispersed throughout the development. **[Added 3-10-2009]**

§ 275-35. Management requirements.

An integral part of the cluster residential development submission requires the preparation and presentation to the Planning Board, by the developer, of the proposed articles of association or incorporation which establishes the homeowners' association. Said document must be approved, in writing, by the Planning Board prior to the granting of development approval, but only after legal review by the Board's counsel. The cost of such legal review shall be borne by the developer. Any proposed changes in such articles of association or incorporation shall require the prior written approval of the Planning Board. The following shall apply to the provisions of the articles of association or incorporation:

- A. Membership.
- (1) Membership in the homeowners' association shall be mandatory for cluster subdivision property owners and made a required covenant in all deeds issued or passed.
 - (2) The association shall provide voting and use rights in the open space area(s) when applicable and may charge dues or levy assessments to cover expenses which may

include tax liabilities of common areas and for the maintenance of such common areas, open space areas, improvements, rights-of-way, utilities, etc.

- (3) Such organization shall be responsible for the perpetuation, maintenance, and function of all common lands, uses, and facilities.

B. Restrictive covenants.

- (1) All lands and improvements shall be described and identified as to location, size, use, and control in a restrictive covenant.
- (2) These restrictive covenants shall be written so as to run with the land and become a part of the deed of each lot or dwelling unit within the development.

C. Continuance of restrictive covenants and the association.

- (1) Such restrictive covenants and the association shall continue in effect so as to control the availability of facilities for their intended function, and to protect the development from additional unplanned densities and use.
- (2) Such association shall not be dissolved, nor shall such association dispose of any common, open space or natural land by sale or otherwise, except to an organization or association conceived and organized to own and maintain such areas, without prior written consent of the Planning Board.

D. Open space land.

- (1) Except as may otherwise be allowed by the Planning Board in accordance with this article, any and all open space lands within a cluster residential development tract shall be held in common ownership by the dwelling unit owners. [**Amended 3-14-2000**]
- (2) All open space, however, has been set aside to lessen the environmental impact of subdivisions on the Town. Therefore, any change in the open space, other than to maintain it in reasonable order and condition in accordance with the approved final plan, requires prior written approval of the Planning Board.

E. Failure to maintain open space areas.

- (1) Notification by Town. In the event that the organization established to own and maintain the open space areas, or any successor organization, or the owner or owners of the dwelling units located within the development who own said open space shall, for any reason, fail to maintain the open space in reasonable order and condition in accordance with the approved final plan, the Town Council shall serve written notice upon such organization, successor organization, or residents setting forth the deficiencies in the maintenance, order, and condition of the open space.
- (2) Contents of notice. Such notice shall include a demand that said deficiencies be cured forthwith and that a statement of intent to comply and a date of compliance shall be filed with the Town Council within 14 days of said notice.

- (3) Public hearing. If such maintenance shall not have been performed or said statement of intent shall not have been filed by the stated time, the Town Council shall hold a public hearing, with notice to the officers of the organization and notice as required by RSA 676:4(d). At the hearing, the organization or the residents of the development shall show cause why such maintenance has not been performed. **[Amended 3-11-2003]**
- (4) Court action. Following the hearing, the Town may initiate court action to remedy the violation, including the right to enter and perform the necessary maintenance, the right to recoup costs associated with such maintenance, the right to place liens on individual units, the right to levy fines, and the right to collect attorney's fees. **[Amended 3-11-2003]**
- (5) Compatibility with existing documents. Provisions of this section shall in no way be in derogation of, or supplant the rights of the Town as provided in any declaration or other documents related to a cluster which are recorded in the Registry of Deeds. **[Amended 3-11-2003]**

F. Cost of such maintenance by the Town.

- (1) The cost of such maintenance by the Town shall be assessed against the properties in the development in direct relation to their proportionate interest in the common area and shall become a tax lien on said properties.
- (2) At the time of entering upon said common areas for the purpose of maintenance, notice of such lien shall be filed in the office of the Hillsborough County Register of Deeds.

§ 275-36. CRD options involving two noncontiguous tracts [Added 3-14-2000]

The Planning Board is authorized to administer and grant conditional use permits to allow a CRD to include two noncontiguous tracts: one tract for development on which all dwelling units will be developed and a second tract which will provide for the minimum common open space. Options available through the conditional use permit process include the retention of the open space tract by the homeowners' association or the conveyance of the open space tract, for permanent protection purposes, to a governmental entity or to a private land trust. Where the proposed open space tract includes developable land and is of an area that exceeds the requirements for common open space, the tract, or a portion thereof, may be transferred to the tract that is to be developed for dwelling units as part of the CRD.

- A. Retention of the open space tract by a homeowners' association. Where the tract to be retained as open space is located within 1/4 mile of the tract that will be developed such that the residents of the CRD will have ready access, an unobstructed view, or other benefit from the open space tract, the Planning Board may allow the CRD to occur on two tracts, provided that the open space tract is encumbered by covenants and restrictions that permanently protect its status as open space, and that the open space tract is linked by deed or other appropriate legal instrument to the dwelling units on the development tract. The distance between tracts shall be measured in a straight line, from property boundary to property boundary.

- B. Conveyance of the open space tract. Where the tract to be retained as open space is deemed important to the Town of Bedford in accordance with the Town's officially adopted open space plans and policies, the Planning Board may allow the CRD to occur on two tracts, provided that the open space tract is conveyed, subject to covenants, restrictions, or agreement, to a governmental entity or to a private land trust. In granting a conditional use permit under these circumstances, the Planning Board shall make a finding that the open space benefits to the community from the cluster residential development occurring on two lots exceed any benefits to be derived from the protection of common open space that would otherwise occur in a standard cluster residential development on a single tract. The Planning Board shall also approve the deed of conveyance including all covenants and restrictions, and any maintenance agreements concerning the open space.
- C. Transfer of the right to develop dwelling units. In any application for a conditional use permit for a CRD including two noncontiguous tracts, where the size of the open space tract exceeds the area requirements for common open space in accordance with this article, and where the excess area of the open space tract meets the standards of net developable area in accordance with § 275-32L, Net developable area, of this chapter, the Planning Board may allow the transfer of the right to develop dwelling units that would otherwise be able to be built on that excess portion of the open space tract to the CRD development tract. The maximum number of units that can be transferred under these circumstances is equal to the number of dwelling units that could theoretically be developed on an area equivalent to 90% of the minimum required open space area in accordance with § 275-32J, Common open space, of this chapter, when subjected to an analysis of the net developable area and the permitted density standards of this article. In granting a conditional use permit under these circumstances, the Planning Board shall make a finding that the water supply and subsurface wastewater disposal facilities available to the development tract are capable of accommodating the additional dwelling units to be transferred from the open space tract.
- D. Open space requirement for the development tract. In a CRD which includes two noncontiguous tracts, the tract on which all dwelling units will be developed shall retain a minimum of 10% of the minimum open space as required pursuant to § 275-32J, Common open space, of this chapter. No more than a 1/4 of said common open space shall be comprised of environmentally sensitive areas, and the location and arrangement of said common open space shall comply with the standards of § 275-34E, Open space, of this chapter.
- E. A quarter of a mile limitation on the separation between noncontiguous tracts is imposed upon those CRDs where the association would retain ownership of the open space. A minimum requirement is set forth for open space to be retained within the development tract. A total of 10% of the required open space must be retained with the development tract. Therefore, 90% of the required open space on the development tract is available for the transfer of dwelling units from the noncontiguous open space tract. **[Amended 3-14-2000²⁶]**

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

ARTICLE VI
Wireless Telecommunications Facilities
[Amended 3-14-2000]

§ 275-37. Purpose and intent.

It is the intent of this article to permit carriers to locate wireless service telecommunications facilities within all areas of the Town of Bedford consistent with appropriate land use regulations that will ensure compatibility with the visual and environmental features of the Town. These regulations are necessary in order to:

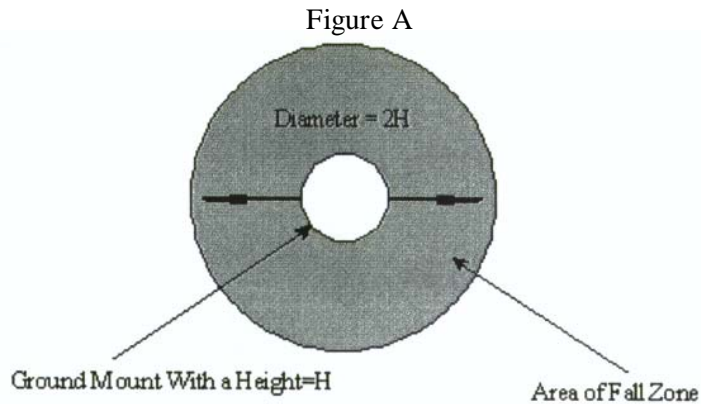
- A. Facilitate the provision of wireless telecommunication services to the residents and businesses of the municipality;
- B. Minimize adverse visual effects of towers through careful design and siting standards and utilization of stealth facilities;
- C. Avoid potential damage to adjacent properties from tower failure through setback requirements.

§ 275-38. Definitions.

For the purpose of this article, the following terms shall have the meaning given herein:

ANTENNA — Any exterior apparatus designed for telephonic, radio, or television communications through sending and/or receiving of electromagnetic waves.

FALL ZONE — The area on the ground from the base of a ground-mounted wireless telecommunications facility that forms a circle with a diameter equal to twice the height of the facility, including any antennas or other appurtenances. (See Figure A.)



HEIGHT — The height above the average existing ground level adjoining the structure.

MOUNT — The structure or surface upon which antennas are mounted, including the following four types of mounts:

- A. **ROOF-MOUNTED** — Mounted on the roof of a building.
- B. **SIDE-MOUNTED** — Mounted on the side of a building.
- C. **GROUND-MOUNTED** — mounted on the ground.
- D. **STRUCTURE-MOUNTED** — Mounted on a structure other than a building such as a water tank/tower.

STEALTH FACILITY — Any communications facility which is designed to blend into the surrounding environment. Examples of stealth facilities may include architecturally screened roof-mounted antennas, building-mounted antennas painted to match the existing structure, antennas integrated into architectural elements, and antenna structures designed to look like a light pole, clock tower, pine tree or similar alternative designs.

WIRELESS TELECOMMUNICATIONS FACILITIES — Wireless telecommunications facilities with equipment used to promote or facilitate wireless voice or data transmission. Wireless communications facilities are limited to the following: facilities used to send and receive signals for cellular telephones and pagers, wide-area specialized mobile radio (SMR), digital devices and facilities known as personal communication services (PCS), and radio broadcast antennas.

§ 275-39. General provisions.

- A. **Signage.** No advertising signage of any type shall be permitted on wireless telecommunications structures or facilities, including logos, banners, flags, or combinations of paint colors associated with corporate identification.
- B. **Location.** Wireless telecommunications facilities shall be permitted in all zoning districts.
 - (1) Noncommercial wireless service facilities less than six feet in height and/or 200 square feet in area are not subject to a formal review and do not require a building permit from the Bedford Building Code Official.
 - (2) Amateur (HAM) radio antennas are not subject to a formal review; however, a building permit by the Bedford Building Code Official is necessary for antennas exceeding six feet in height.
 - (3) Commercial wireless service facilities that locate on previously approved towers, utility poles or related structures do not require a formal review; however, a building permit by the Bedford Building Code Official is still necessary.
 - (4) Commercial wireless telecommunications facilities to be located on roofs, walls, or other existing structures such as water tanks/towers, do not require a special exception by the Zoning Board of Adjustment. Such facilities are subject to the requirements set forth in § 275-40 below and Nonresidential Site Plan Review by the Bedford Planning Board and shall require issuance of a building permit from the Bedford Building Code Official.

- (5) New commercial ground mount wireless telecommunications facilities may be permitted by Special Exception of the Zoning Board of Adjustment upon the applicant proving that a wireless telecommunications facility is necessary and that there are no existing structures that are suitable to locate its wireless telecommunications facility. New commercial ground mount facilities must not exceed 130 feet in height above the average existing ground level adjoining the structure. New ground mount wireless telecommunications facilities are subject to § 275-41, § 275-43, and Nonresidential Site Plan Review by the Bedford Planning Board and shall require issuance of a building permit from the Bedford Building Code Official. The Zoning Board of Adjustment has the option to hire an engineer of their choosing paid for by the applicant.
- C. Transfer to noncommercial entity. Any wireless structure that ceases to provide service for a commercial use cannot be transferred, sold or donated to a noncommercial entity. In addition, the structure cannot be used for noncommercial use after ceasing to provide commercial service.
- D. Annual declaration. The owner of a wireless telecommunications facility shall file on or before January 1 of each year, a declaration with the Zoning Administrator on a form that may be obtained from the Town offices as to the continuing operation of every facility installed subject to these regulations. Failure to do so shall be determined to mean that the facility is no longer in use and considered abandoned, thus subject to the provisions of § 275-45. Should the ownership of the facility change, the Town shall be notified of the new ownership and mailing address.

§ 275-40. Design requirements for antennas mounted on existing structures other than previously approved facility.

The placement of wireless telecommunication antennas on roofs or walls may be permitted by the Planning Board subject to standards set forth in § 275-42 and if the provisions below are met. In the case of preexisting nonconforming structures, roof- and wall-mounted antennas and their equipment shelters shall not increase any nonconformities.

- A. Roofs mounts. When a wireless telecommunications facility exceeds six feet in height, it must be of stealth design such as a chimney, steeple, or cupola. Issuance of a building permit from the Bedford Building Code Official is required for all roof mounts.
- B. Side mounts. Wireless telecommunications facilities that are side-mounted shall not extend more than six feet above the roofline without being of stealth design. Issuance of a building permit from the Bedford Building Code Official is required for all side mounts.
- C. Historic District.
- (1) Any wireless telecommunications facility located on or within a structure shall not alter the character-defining features and distinctive construction methods.
 - (2) Any alteration made to a structure within the Historic District to accommodate a wireless telecommunications facility shall be fully reversible.

- (3) Wireless telecommunications facilities authorized by this subsection shall be concealed within or behind existing architectural features, or shall be located so that they are not visible from public roads and viewing areas.
- (4) Wireless telecommunications facilities located in the Bedford Historic District shall comply with Article VII of this chapter.

§ 275-41. Required documentation for Zoning Board of Adjustment special exception.

A. Burden of proof. The applicant shall have the burden of proving that there are no existing structures that are suitable to locate its wireless telecommunications facility; that the proposed facility will fill an existing significant gap in the ability of remote users to access the national telephone network; that the manner in which the applicant proposes to fill the significant gap in service is the least intrusive manner with respect to visual impact, environmental impact and safety. This will require a showing that a good-faith effort has been made to identify and evaluate less intrusive alternatives, including that the provider has considered less sensitive sites, alternative system designs, alternative tower designs or placement of antennas on existing structures. To meet that burden, all applications made to the Zoning Board of Adjustment for a special exception must be accompanied by the following:

- (1) A location plan of other existing commercial wireless telecommunications towers or antennas within a three-mile radius of the proposed site for a new facility, with complete documentation (including financial information) to justify why the proposed facility cannot utilize an existing or approved tower, building, antenna, equipment area or other existing structure within a three-mile radius for the following reasons:
 - (a) The planned equipment would exceed the structural capacity of an existing or approved tower, building, antenna, equipment area, or other existing structure as documented by a qualified structural engineer licensed in New Hampshire, and the existing or approved tower, building, antenna, equipment area or other existing structure cannot be reinforced, modified, or replaced to accommodate planned or equivalent equipment at a reasonable cost. Documentation with the stamp of the structural engineer must be submitted to the Board of Adjustment with the location plan.
 - (b) The planned equipment would cause interference materially impacting the usability of other existing or planned equipment at an existing or approved tower, building, antenna, equipment area or other existing structure as documented by a qualified radio frequency (RF) engineer and the interference cannot be prevented at a reasonable cost.
 - (c) Existing or approved towers, buildings, antennas, equipment areas, or other existing structures within the three-mile search radius cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified RF engineer.

- (d) Other unforeseen reasons which make it infeasible to locate the planned telecommunications equipment upon an existing or approved tower, building, antenna, equipment area, or other existing structure.
 - (2) A list of all contacts made with owners of potential sites regarding the availability of potential space for a wireless telecommunications facility.
 - (3) Copies of all letters of inquiry made to owners of existing structures that are suitable to locate its wireless telecommunications facility, requesting a reply within 30 days, and letters of rejection. If responses are not received within 30 days of postmark, they may be considered unanswered and return receipt requested forms from the United States Post Office shall be provided.
 - (4) If the application claims that a structure is not capable of physically supporting proposed wireless telecommunications equipment, this claim must be certified by a qualified structural engineer licensed in New Hampshire and submitted to the Zoning Board of Adjustment. The certification shall, at a minimum, explain the structural issues and demonstrate that the structure cannot be modified to support the wireless telecommunications facility without unreasonable costs.
- B. Master plan. A master plan of the applicant's ultimate transmission proposal for the Town of Bedford, including the number of facilities that will be needed to provide uninterrupted service within Bedford and general locations for any necessary future facilities to effectuate the applicant's master plan.
- C. Radio frequency coverage analysis. A coverage analysis for the proposed site shall include, at a minimum, two antenna heights with a minimum 10 feet of separation. In addition, the applicant shall provide a composite map showing all proposed and existing sites within a ten-mile radius from the proposed site as well as a summary sheet identifying the following for each site propagated.
- (1) Coordinates.
 - (2) Transmitter effective radiated power.
 - (3) Receive signal threshold.
 - (4) Antenna height.
 - (5) Antennas used with sectors.
- D. Viewshed analysis. A viewshed analysis, including photographs of a crane test moored at the site indicating the visibility of the proposed structure from all abutting streets and other key locations as determined by the Zoning Administrator. Public notification is required seven days in advance in the local daily newspaper of wide circulation.
- E. Aesthetic impact mitigation proposal. An aesthetic impact mitigation proposal which should include existing and proposed landscaping, proposed site grading, proposed limits of clearing, siting considerations relative to surrounding topography, color, camouflage, disguise mechanisms (i.e., disguising a monopole as a pine tree or a light pole), or other mitigation techniques.

- F. Radio frequency radiation emission. The applicant shall provide appropriate documentation calculating the radio frequency radiation emission per current Federal Communications Commission (FCC) regulations taking into account all current users of the structure. A copy of the document must be forwarded to the Building Code Official at time of building permit application;
- G. Co-location.
- (1) No special exception or nonresidential site plan review will be required if a company chooses to utilize an existing or approved tower, building, equipment area, or other existing structure. A building permit from the Building Code Official will still be required. The co-locator shall also supply the Building Code Official with appropriate documentation calculating the radio frequency radiation emission per current Federal Communications Commission (FCC) regulations taking into account all current users of the structure.
 - (2) Each commercial carrier application for a new wireless telecommunications facility shall submit a written confirmation to the Zoning Board of Adjustment specifying that the carrier agrees to design and construct the new facility to structurally accommodate the equipment of at least two carriers, including the applicant. The spacing shall be based upon 10 feet per carrier, utilization of three sectors and a total of 12 antennas per carrier. The written document must also specify that the applicant agrees to provide for shared use of the proposed facility to maximum structural capacity at industry standard lease rates.
 - (3) The applicant shall also submit a shared use evaluation form which provides notice to all commercial carriers in the region that a new wireless telecommunications facility is proposed to be erected and that a potential opportunity for co-location exists.

§ 275-42. Required documentation for Planning Board site plan review.

- A. All applications made to the Bedford Planning Board for a site plan approval must be accompanied by the following:
- (1) Nonresidential site plan per § 275-16 of this chapter;
 - (2) Bond for removal as set forth in § 275-44B below;
 - (3) A copy of the relevant portion of a signed lease which requires the applicant to remove the tower and associated facilities upon cessation of operations at the site.
- B. In the case of antennas mounted on roofs, walls, or other structures, such as a water tank/tower, the applicant shall also be required to submit the following additional information to the Planning Board for review:
- (1) The applicant shall provide a composite map showing all proposed and existing sites within a ten-mile radius from the proposed site as well as a summary sheet identifying the following for each site propagated:

- (a) Coordinates.
 - (b) Transmitter effective radiated power.
 - (c) Receive signal threshold.
 - (d) Antenna height.
 - (e) Antennas used with sectors.
- (2) A report prepared by a qualified and licensed structural engineer licensed in New Hampshire indicating the existing structure's suitability to accept the antenna and the proposed method of affixing the antenna to the structure. Complete details of all fixtures and couplings, and the precise point of attachment shall be indicated. A viewshed analysis in accordance with § 275-41D may be required at the discretion of the Planning Board.

§ 275-43. Design requirements for new commercial ground-mounted facilities.

New commercial ground-mounted wireless telecommunications facilities shall be designed in accordance with the following:

A. Height.

- (1) The height of any such wireless telecommunications facility must not exceed 130 feet above the average existing ground level adjoining the structure. A favorable written recommendation from the Manchester Airport must be received by the Zoning Board of Adjustment if the proposed structure would be located within a five-mile radius of this airport.
- (2) Any request for a wireless telecommunications facility that exceeds 130 feet in height must obtain a variance from the Zoning Board of Adjustment and a favorable written recommendation from the Manchester Airport.
- (3) All applicants must comply with the requirements of the Federal Aviation Administration's (FAA) Advisory Circular AC 70/7460.2J and must file notification to the FAA when required. No action shall be taken until such time as the FAA has made a formal determination of impacts.

B. Stealth design. Towers and antennas shall be designed to blend into the surrounding environment through the use of architectural treatment, stealth design, and use of color except in instances where the color is dictated by federal and state authorities such as the Federal Aviation Administration. Disguise mechanisms are required unless the applicant proves to the Zoning Board that natural conditions surrounding the facility mitigate visual impacts to the Board's satisfaction.

C. Equipment shelters. All equipment for new commercial ground-mounted facilities, including but not limited to generators and cabinets, must be housed within an equipment shelter. The equipment shelter shall be designed in accordance with one of the following requirements:

- (1) Equipment shelters shall be located in underground vaults; or
 - (2) Equipment shelters shall be designed so that the shelters are architecturally consistent, with respect to materials and appearance, to the buildings in the area of the wireless telecommunications facility.
- D. Landscaping requirements. All ground-mounted wireless telecommunications facilities shall require a landscaping plan that provides for screening the base of the facility and all equipment with existing vegetation and new plantings.
- E. Fall zone. A new ground wireless telecommunications facility must comply with the setback requirements for the zoning district in which it is located, or be set back 100% of its height from all property lines, habitable dwellings, businesses, institutional or public facilities, whichever is greater. Exception: In all districts, the setback may be reduced by the Zoning Board of Adjustment upon a showing by the applicant that the facility is designed to collapse in a manner that will not harm other property.

§ 275-44. Maintenance of facility and security for removal.

- A. Maintenance. The owner shall maintain the wireless telecommunications facility in good condition. Such maintenance shall include, but not be limited to, painting, structural integrity of the mount and security barrier, and maintenance of the buffer areas and replacement of dead and dying landscaping.
- B. Security for removal.
- (1) Each commercial carrier who receives approval for a new wireless telecommunications facility shall submit a removal bond issued to the Town of Bedford to guarantee that the facility will be dismantled and removed within 90 days of cessation of wireless telecommunications use. The amount of the surety shall also include all site reclamation costs deemed necessary and reasonable to return the site to its pre-construction condition, including the removal of roads, and reestablishment of vegetation. The amount of the surety shall be based upon the removal and restoration costs, plus 15%, provided by the applicant and certified by a qualified professional engineer licensed in New Hampshire.
 - (2) The owner of the facility shall provide the Zoning Administrator with a revised removal and restoration cost estimate and structural evaluation prepared by a professional structural engineer licensed in New Hampshire every five years from the date of the Planning Board's approval of the site plan. If the cost has increased more than 15%, then the owner of the facility shall provide a new bond for the removal and restoration cost plus 15%.

§ 275-45. Abandoned towers.

Abandoned towers shall be removed as follows:

- A. At such time that a carrier plans to cease wireless telecommunications use, such carrier will notify the Town by certified United States mail of the proposed date of cessation of

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.

- B. As design and technology continually change in the marketplace, new types of land uses are proposed which cannot be easily assigned to existing zoning classifications. Too often, innovative land developments are either denied outright (resulting in loss of tax revenue to the municipality), appealed to the Zoning Board of Adjustment (where special conditions are imposed), or subjected to lengthy rezoning procedures (requiring a Town-wide ballot vote).
- C. Performance standards measure the quantifiable impacts of each proposed development rather than prohibiting certain classes of land use. This type of zoning offers an alternative method for implementing community goals as outlined in the 1990 Bedford Master Plan and the 1983 Route 3 Corridor Study, while protecting the right of private property owners to utilize their land according to highest and best use.

§ 275-58. Purpose.

The purposes of this U.S. Route 3 Corridor Performance Zoning District Ordinance are:

- A. To attract environmentally acceptable commercial, industrial, recreational, institutional, and residential uses to the District;
- B. To encourage diversity in the community tax base through appropriate flexibility in land use and land use development;
- C. To optimize financial return on public infrastructure investments and expenditures, including municipal sewer, municipal water supply, the Manchester Airport, Class I and II public highways, and the Merrimack River amenities;
- D. To minimize adverse traffic impacts on U.S. Route 3, the I-293/NH Route 101 Interchange, and surrounding local streets and roadways; and
- E. To preserve valuable historical, cultural, and natural features within the district and to minimize adverse environmental impacts such as water, air, light, noise pollution, flooding, clear cutting of vegetation, and the blocking of scenic views.

§ 275-59. Boundaries of U.S. Route 3 Corridor Performance Zoning District.

The boundaries and extent of the U.S. Route 3 Corridor Performance Zoning District are as delineated and depicted on the map entitled "Zoning Map, Town of Bedford, NH 1993," and as afterwards amended.

§ 275-60. Definitions.

Except where specifically defined or otherwise referenced within this article, words and terms used are intended to imply their customary definition and meaning. The following words and terms are specifically defined as follows:

ADULT BOOKSTORE or ADULT VIDEO STORE — A commercial establishment that devotes more than 15% of the total display, shelf, rack, wall, table, stand or floor area, utilized for the display and sale of the following items listed in Subsection A and B below.

The establishment, as one of the principal business purposes, offers for sale or rental for any form of consideration any one of more the following: **[Added 3-14-1995]**

- A. Books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, video reproductions, slides, tapes, records, CDs or other forms of visual or audio representations which depict or describe specified sexual activities or specified anatomical areas or meet the definition of "harmful to minors" and/or "sexual conduct" as set forth in RSA-571-B:1; or
- B. Instruments, devices or paraphernalia which are designed for use in connection with sexual conduct as defined in RSA-571-B:1, other than birth control devices. A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing specified sexual conduct or activities and still be categorized as adult video/bookstore. Such other business purposes will not serve to exempt such commercial establishments from being categorized as an adult video/bookstore so long as one of its principal business purposes is offering for sale or rental for consideration to specified material which depict or describe specified sexual conduct or activities or specified anatomical areas.
- (1) "Specified sexual conduct or activities" means that the male genitals in a state of sexual arousal and/or the vulva or more intimate parts of the female genitals.
 - (2) "Specified anatomical areas" means and includes any of the following:
 - (a) The fondling or other erotic touching of the human genitals, public region, buttocks, anus, or female breasts;
 - (b) Sex acts, normal or perverted, actual or simulated, including intercourse, or copulation, or sodomy;
 - (c) Masturbation, actual or simulated; or
 - (d) Excretory function as part of or in connection with any of the activities set forth in Subsection B(2)(a) through (c) above.
- C. "Adult bookstore or adult video store" does not include an establishment that sells books or periodicals as an incidental or accessory part of its principal stock and trade and does not devote more than 15% of the total display area of the establishment to the sale of books and periodicals.

ADULT CABARET — A nightclub, bar, restaurant or similar establishment which during a substantial portion of the total presentation time features live performances which meet the definition of "harmful to minors" and/or "sexual conduct" as set forth in RSA 571-B:1, and/or features films, motion pictures, video cassettes, slides or other photographic reproductions, a substantial portion of the total presentation time of which is devoted to showing of material which meets the definition of "harmful to minors" and/or "sexual conduct" as set forth in RSA 571-B:1. **[Added 3-14-1995]**

ADULT DRIVE-IN THEATER — An open lot or part thereof, with appurtenant facilities, devoted primarily to the presentation of motion pictures, films, theatrical productions and other forms of visual productions, for any form of consideration to persons in motor vehicles

or on outdoor seats, in which a substantial portion of the total presentation time being presented for observation by patrons is devoted to the showing of material which meets the definition of "harmful to minors" and/or "sexual conduct" as set forth in RSA 571-B:1.

[Added 3-14-1995]

ADULT ENTERTAINMENT BUSINESSES — Adult bookstore or adult video store, adult cabaret, adult drive-in theater, adult motel, adult motion picture arcade, adult motion picture theater, adult theater, nude model studio, and/or sexual encounter center as defined herein.²⁹

ADULT MOTEL — A motel or similar establishment offering public accommodations of any form of consideration which provides patrons with closed circuit television transmissions, films, motion pictures, video cassettes, slides or photographic reproductions, a substantial portion of the total presentation time of which is distinguished or characterized by an emphasis upon the depiction or description of materials which meet the definition of "harmful to minors" and/or "sexual conduct" as set forth in RSA 571-B:1. **[Added 3-14-1995]**

ADULT MOTION-PICTURE ARCADE — Any place to which the public is permitted or invited wherein coin- or slug-operated or electronically, electrically or mechanically controlled still- or motion-picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, in which a substantial portion of the total presentation of the images so displayed is devoted to the showing of material which meets the definition of "harmful to minors" and/or "sexual conduct" as set forth in RSA 571-B:1. **[Added 3-14-1995]**

ADULT MOTION-PICTURE THEATER — An establishment with a capacity of five or more persons where, for any form of consideration, films, motion pictures, video cassettes, slides or similar photographic reproductions are shown, and in which a substantial portion of the total presentation time is devoted to the showing of material which meets the definition of "harmful to minors" and/or "sexual conduct" as set forth in RSA 571-B:1, for observation by patrons. For the definitions of adult cabaret, adult drive-in theater, adult motel, adult motion-picture arcade, adult theater and this definition of adult motion picture theater, a "substantial portion of the total presentation time" shall mean the presentation of films or shows described above for viewing on more than seven days within any fifty-six-consecutive-day period. **[Added 3-14-1995³⁰]**

ADULT THEATER — A theater, concert hall, auditorium or similar establishment, either indoor or outdoor in nature, which for any form of consideration regularly features live performances, a substantial portion of the total presentation time of which is distinguished or characterized by an emphasis on activities which meet the definition of "harmful to minors" and/or "sexual conduct" as set forth in RSA 571-B:1. **[Added 3-14-1995]**

BUILDING HEIGHT — The vertical distance from the average existing ground level of a building footprint to the soffit (or highest horizontal support) of the building. **[Added 3-14-1995]**

CALIPER — The diameter of a tree trunk measured in inches at breast height (dbh) or 3 1/2 feet above grade. **[Added 3-8-1994]**

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

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

EASEMENT DEED — A legally binding document which provides the grantee with specific entitlements related to the use and enjoyment of the grantor's property.

ELDERLY HOUSING — See definition of "elderly housing" in § 275-21B(2).³¹

IMPERVIOUS COVERAGE — The surface area of all man-made improvements which effectively prevents the natural passage of water from the ground surface to the underlying soil mass.

INCENTIVE BONUS STANDARDS; INCENTIVE BONUS — The provisions of this article which provide potentially advantageous land use arrangements to individuals as compensation for voluntarily utilizing their property(s) in a preferred but not required manner.

LOADING/RECEIVING AREA — A portion of a structure which is reserved for the primary purpose of providing structure access for the arrival and dispersal of goods and products transported by truck or rail.

LOCAL ROADS and STREETS — All highways classified as Class IV or V under RSA 229:5.

MATERIAL STORAGE AREA — That portion of a site routinely used for the outdoor storage of any products, goods, or raw materials.

MUNICIPAL SEWER — An operational system constructed and maintained for the collection and renovation of nonhazardous wastewater flows, which is either owned and maintained by a municipality or a public utility company licensed by the Public Utilities Commission of the State of New Hampshire.

MUNICIPAL WATER — An operational system constructed and maintained for the purpose of distribution of potable water for general use, which is either owned and maintained by a municipality or a public utility company licensed by the Public Utilities Commission of the State of New Hampshire.

NOISE — Any objectionable sound produced by any unnatural activity.

NUDE MODEL STUDIO — A place where a person who appears in a state of nudity or displays male genitals in a state of arousal and/or the vulva or more intimate parts of the female genitals and is observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration or such display is characterized by an emphasis on activities which meets the definition of "harmful to minors" and/or "sexual conduct" as set forth in RSA 571-B:1. **[Added 3-14-1995]**

NUISANCE ODOR — Any emission which produces and objectionable or unhealthy smell.

PERFORMANCE ZONING STANDARDS, PERFORMANCE STANDARDS — The specific provisions of this article which have been created for the purpose of accomplishing the stated intent of the article or any portion thereof.

REFUSE — Any natural or man-made product or by-product with a market value below the total cost associated with proper disposal of the same.

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

SEXUAL ENCOUNTER CENTER — A business or commercial enterprise that, as one of its primary business purposes, offers for any form of consideration: **[Added 3-14-1995]**

- A. Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
- B. Activities between male and female persons and/or persons of the same sex when one or more persons is in the state of nudity; or
- C. Where the activities in Subsection A or B is characterized by an emphasis an activities which meets the definition of "harmful to minors" and/or "sexual conduct", as set forth in RSA 571-B:1.

SHARED-ACCESS DRIVES — Any privately owned curb cuts and/or traveled ways which provide common access to more than one property.

U.S. ROUTE 3 — That section of highway known locally as South River Road, which runs the length of Bedford, between the Merrimack and Manchester corporate boundaries.

WATER-DEPENDENT STRUCTURES — A dock, wharf, pier, breakwater, swimming float, boat ramp, or other similar structure or part thereof.

§ 275-61. Permitted uses. [Amended 3-14-1994]

All land uses, or combinations thereof, enumerated hereunder are permitted within the U.S. Route 3 Performance Zoning District subject to review for suitability by the Planning Board. Prior to any Planning Board approval of a proposed use, the applicant must demonstrate that the proposed use will meet all of the performance standards established in the following sections, the Bedford Subdivision Regulations, the Bedford Nonresidential Site Plan Review Regulations, and shall not produce any negative impacts on surrounding properties.

- A. Research and development operations.
- B. Manufacturing.
- C. Warehousing and truck terminal facilities.
- D. Professional and business offices.
- E. Retail, wholesale and rental trades, commercial service, and repair facilities.
- F. Restaurants, fast-food restaurants, hotels, motels, and other hospitality services.
- G. Medical/dental services and related facilities, including hospitals and nursing homes and assisted living facilities. **[Amended 3-14-2006]**
- H. Personal service establishments.
- I. Government facilities and services.
- J. Places of worship and related religious facilities.
- K. Public and private educational institutions.

- L. Public and private commercial and noncommercial recreation areas and open space.³²
- M. Agriculture.
- N. Excavation operations.
- O. Water-dependent structures.
- P. Business center developments.
- Q. Membership clubs.
- R. Gasoline service stations. Gasoline service stations are subject to Footnote 12 in Table 2, Table of Uses, of this chapter.³³ Gasoline service stations and their accessory uses may be permitted in the PZ Zone only by the granting of a conditional use permit by the Planning Board. Applications for a conditional use permit shall address the following: purpose of the Route 3 Performance Zoning District, dimensional standards, highway improvements, sewer and water connections, setbacks, landscaping, signage, parking, screening of refuse and pumps, lighting, environmental safeguards, nuisance odors, market data to support the proposed location, access to a signalized intersection, existing and future traffic analysis, identification of existing stations within a five-mile radius, and provisions for termination of the conditional use permit if the station is abandoned.
[Added 3-10-1998³⁴]
- S. Banks and other financial institutions.
- T. Funeral homes.
- U. Parking lot/structure.³⁵
- V. Information processing.
- W. Day-care facilities.
- X. Adult entertainment businesses. Adult entertainment businesses are subject to § 275-72.
[Added 3-14-1995³⁶]
- Y. Kennel. [Added 3-11-2008]

§ 275-62. Dimensional performance standards.

- A. Table of Performance Dimensional Standards.

32. Editor's Note: "Independent elderly housing facilities," which immediately followed this subsection, was deleted 3-14-2006.

33. Editor's Note: Table 2 is included at the end of this chapter.

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

35. Editor's Note: "Multiple residential dwellings," which immediately followed this subsection, was deleted 3-11-1997.

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

- (1) In order to accomplish the stated intent and purpose of this article, as well as ensure that the goals and objectives of both the 1990 Bedford Master Plan and the 1983 Route 3 Corridor Study are fulfilled, performance zoning standards enumerated within Table 3, Table of Performance Dimensional Standards, have been developed.³⁷
- (2) No building or structure shall be erected, enlarged, altered, or relocated, nor shall any existing lot size be changed or new lot created within the U.S. Route 3 Corridor Performance Zoning District, except in accordance with the Table of Performance Dimensional Standards or as otherwise specified within this article.

B. Incentive bonus standards.

- (1) In recognition of the need to protect the overall integrity and character of the U.S. Route 3 Corridor, as well as to promote the development of a system of local roads and utilities for properly servicing properties within the U.S. Route 3 Corridor Performance Zoning District, the performance zoning standards presented in Table 3, Table of Performance Dimensional Standards, have been formulated so as to include incentive bonus standards.
- (2) These incentive bonus standards have been created as means for rewarding those who choose to voluntarily develop their properties in a way that is most compatible with the stated goals and objectives of the 1990 Bedford Master Plan and the 1983 Route 3 Corridor Study.
- (3) Incentive bonus standards which are implicit in these performance zoning standards include:
 - (a) Minimum lot areas and frontage.
 - [1] Purpose. Recognition that less restrictive minimum lot area and frontage requirements for sites which either front on local roads or have shared access from Route 3 can promote favorable development along this corridor, without adversely affecting traffic patterns.
 - [2] Reduction in minimum lot area and frontage. As an incentive bonus to encourage this concept of local road construction and/or shared access, minimum lot area and frontage requirements will be relaxed from a minimum lot size of three acres with 300 feet of frontage, to 1.5 acres with 150 feet of frontage when a municipal water supply and/or municipal sewer is not available.
 - [3] Waiver of soils and steep slopes regulation. The Planning Board may further waive the soils and steep slopes regulation contained within the Subdivision Regulations of the Town of Bedford, New Hampshire, for sites created under this incentive bonus standard. (See Figure 4, Incentive Bonus Standards.³⁸)

37. Editor's Note: Table 3 is included at the end of this chapter.

38. Editor's Note: Figure 4 is included at the end of this chapter.

(b) Municipal sewer and water connections.

- [1] Purpose. Recognition that sites created which take advantage of the incentive bonus standard outlined above should have an additional incentive bonus to expend funds for connection to municipal sewer and a municipal water supply.
- [2] Reduction in minimum lot area and frontage. This incentive bonus standard is provided by allowing these sites to further reduce minimum lot area to one acre with 75 feet of frontage.
- [3] Waiver of construction improvements. This incentive is provided in order to offset the cost of providing these utilities. This incentive bonus can also be attained by contributing funds to a Town-administered fund for future utility connection in lieu of actually constructing these improvements at the time of subdivision. (See Figure 4, Incentive Bonus Standards.)

(c) Easement deeds.

- [1] Land within 50 feet of U.S. Route 3. Recognition that individuals who voluntarily agree to provide easement deeds over that portion of their land within 50 feet of the present center line of U.S. Route 3, thereby reserving this easement area for future widening or similar improvements to this corridor, may be compensated for this action by being allowed to develop their properties to an extent greater than that allowed by the maximum impervious coverage requirements otherwise permitted within this district.
- [2] Excess impervious coverage. The amount of excess impervious coverage allowed being equal to the actual computed area of the easement area provided for future improvements. (See Figure 3, Incentive Bonus Formula for Route 3 Easement.³⁹)

(d) Front structure setback.

- [1] In recognition of the need to protect the aesthetic qualities of the Route 3 Corridor, while still maintaining appreciation for the needs of all potential users, an incentive bonus standard has been developed wherein front structure setback requirements may be relaxed for those who choose to develop sites in such a way as to place parking pavements to the side and rear of proposed buildings.
- [2] Those who choose to take advantage of this incentive bonus standard may reduce their required front structure setback by 50% of that otherwise required within this district subject to the minimum front structure setback dimension. In effect, use of this incentive bonus

39. Editor's Note: Figure 3 is included at the end of this chapter.

standard expands the envelope of available building area on any given site.

- (e) Minimum lot area. The minimum lot area shown in Table 3, Table of Performance Dimensional Standards,⁴⁰ may be reduced if all the following criteria are met:
- [1] A parcel of land, with an area greater than or equal to the difference between the minimum required lot area from Table 3, Table of Performance Dimensional Standards, and the proposed lot area is deeded in fee simple to the Town of Bedford or a nonprofit organization acceptable to the Bedford Town Council;
 - [2] Those utilizing this performance standard must offer any land, which is not to be retained by the subdivider, to the Bedford Town Council. In considering any such offer, the Town Council may elect to accept the land for Town ownership and use; reject the offer; or defer ownership to a third party, nonprofit organization of their selection for permanent use as public recreation, conservation, open space, or historic preservation;
 - [3] The parcel to be retained by the subdivider shall meet applicable NHDES lot sizing criteria when public sewers are not available at the time of subdivision. Further, the Planning Board may elect to waive the soils and steep slopes based lot sizing requirements contained within the Subdivision Ordinance of the Town of Bedford;
 - [4] Any parcel created under this performance standard shall have a total area of not less than 1/2 acre.

§ 275-63. Minimum landscape performance standards. [Amended 3-8-1994]

- A. Intent. To preserve and enhance the aesthetic qualities of the Route 3 Corridor by establishing a matrix of landscape design and planting options which perform in relationship to the intensity of the proposed land use. It is anticipated that through the implementation of landscape strips and incentive bonuses, the following objectives can be accomplished:
- (1) Diminish potentially adverse impacts of structures, lighting glare, noise, wind velocities, and odors which could result from permitting widely varying land uses on adjacent parcels;
 - (2) Ensure that each tract of land has benefit of an adequate buffer between neighboring parcels in order to preserve and protect property values;
 - (3) Promote an aesthetically pleasing relationship of scale between buildings and their natural surroundings;

40. Editor's Note: Table 3 is included at the end of this chapter.

- (4) Reinforce the visual image of Bedford's Route 3 Corridor as tree-lined streets, through the planting of native shade trees along roadways, installation of underground utilities, and design of monument or pedestal signage rather than pole signage; and
- (5) Encourage a pedestrian-friendly environment through the inclusion of sidewalks, barrier-free street crossings, mass transit shelters, public benches, and bicycle racks.

B. General landscape provisions.

- (1) Plantings requirements. All plantings required by this article shall be installed according to accepted horticultural standards and shall be regularly maintained. Required plantings shall be replaced as necessary in order to maintain compliance with these zoning standards.
- (2) Verification of incentive bonuses provisions/waivers. Where incentive bonuses or waivers are employed, the Bedford Planning Department shall have the ability to verify the effectiveness, health, size, and number of retained plantings at the completion of construction. Any deficiencies found with regard to these items shall be corrected and may require the installation of additional plantings prior to the issuance of a certificate of occupancy.
- (3) Waivers for public safety. None of the landscape requirements contained within this article shall be construed so as to require installation of improper plantings where safe site distance at drives or along public streets may be inhibited by such plantings. The Planning Board may waive any landscape requirements of this article when deemed to be necessary for reasons of public safety.

C. Landscape areas. (See Figure 5, Designated Landscape Areas.⁴¹)

- (1) Open space.
- (2) Street tree landscape strip.
- (3) Front landscape strip.
- (4) Side and rear landscape strips.
- (5) Exterior pavement landscape strips.
- (6) Interior pavement landscape strips.
- (7) Signage landscape strip.
- (8) Screening of unsightly features.

D. Incentive bonus standards.

41. Editor's Note: Figure 5 is included at the end of this chapter.

- (1) Preservation of mature trees and shrubs.
- (2) Placement of parking spaces to the side and rear of buildings.
- (3) Encouragement of shared vehicle access and interconnecting parking spaces between adjacent parcels of land

E. Implementation.

- (1) Open space. All areas disturbed by construction shall be covered with a minimum thickness of four inches of suitable topsoil and be subsequently planted with grass seed, sod, or other vegetative ground cover.
- (2) Street tree landscape strip.
 - (a) Intent. The street tree landscape strip is intended to promote the aesthetic quality of tree-lined streets within this district.
 - (b) Location.⁴²
 - [1] The street tree landscape strip shall be a fifteen-foot wide strip running parallel with the lot frontage along any public right-of-way and shall be continuous along the entire length of said right-of-way, excepting areas reserved for approved curb cuts. (See Figure 5, Designated Landscape Areas, Figure 6, Minimum Landscape Requirements, and Figure 7, Minimum Landscape Heights.⁴³)
 - [2] Where easements for street widening are conveyed, the street tree landscape strip shall overlap onto the front landscape strip, and street trees should be planted along the inside of any such easement line, within the front landscape strip.
 - [3] The street tree landscape strip may be waived where a side or rear landscape strip is planted instead along the frontage of a right-of-way.
 - (c) Plantings.⁴⁴
 - [1] The street tree strip shall be planted with a minimum of one indigenous shade tree for every 50 feet of right-of-way frontage. Examples of indigenous shade trees are maple, oak, and ash. The size of the trees to be planted within this area shall be a minimum of 2 1/2 inches in caliper at the time of planting. Branching height of street trees shall not be less than seven feet above grade when planted. Street trees shall be spaced at least 25 feet apart at the time of planting.

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

43. Editor's Note: Figures 5, 6 and 7 are included at the end of this chapter.

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

- [2] Where overhead utility lines restrict the allowable height of plantings, alternative tree specifications (including evergreens) may be substituted by a waiver from the Planning Board.
- (d) Incentive bonuses. Each healthy native tree with a caliper of three inches or greater, which is preserved within the street tree strip, may be substituted for one required new street tree planting.
- (3) Front landscape strip.
- (a) Intent. The front landscape strip is intended to promote a pleasing relationship of scale between buildings and related site improvements and to integrate the design of the street tree strip.
- (b) Location.⁴⁵
- [1] The front landscape strip shall be a strip of variable width (minimum 15 feet wide) between the street tree area and the closest point of a building or impervious surface facing a public right-of-way. (See Figure 5, Designated Landscape Areas, Figure 6, Minimum Landscape Requirements, and Figure 7, Minimum Landscape Heights.⁴⁶)
- [2] Where easements for street widening are conveyed, the street tree strip may be overlaid on top of the front landscape strip.
- (c) Plantings. The front landscape strip shall be planted with a minimum of one deciduous or evergreen tree for every 30 feet of horizontal building facing a public right-of-way. Trees planted within this area shall have a height equal to 1/2 of the maximum proposed building height (but not less than 12 feet high or more than 30 feet high) at the time of planting.
- (d) Incentive bonuses. Each healthy native tree with a caliper of three inches or greater, which is preserved within the front landscape strip, may be substituted for one new front landscape tree. Each healthy native tree with a caliper of four inches or greater which is preserved within the front landscape strip may be substituted for two new front landscape trees.
- (4) Side and rear landscape strips.
- (a) Intent. The side and rear landscape strips are intended to promote proper visual separation and adequate buffering between adjoining properties. Parking, drives, and buildings shall not be located within any required side and rear landscape strip.
- (b) Location. Required side and rear landscape strips shall begin at the inner limits of the front landscape strip and run parallel to side and rear property lines. The required minimum width of these side and rear landscape strips shall be a distance equal to 1/2 the maximum proposed building height. (See

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

46. Editor's Note: Figures 5, 6 and 7 are included at the end of this chapter.

Figure 5, Designated Landscape Areas, Figure 6, Minimum Landscape Requirements, and Figure 7, Minimum Landscape Heights.⁴⁷) However, in no case shall the required width of any side or rear landscape strip be less than 10 feet. **[Amended 3-11-1997]**

- (c) Plantings. Required side and rear landscape strips shall be constructed so as to provide a dense visual four-season screen by using one or a combination of any of the landscape options provided in the following Table of Side and Rear Landscape Options (See Table 4, Table of Side and Rear Landscape Area Options. See also Figure 8, Side and Rear Landscape Options.⁴⁸)
 - (d) Incentive bonuses. Healthy woodland provides for a dense landscape screen more effectively than new plants. Healthy existing woodland may be retained in order to fulfill planting requirements within side and rear landscape strips. The minimum width of woodland retained for the purpose of fulfilling side and rear landscape strip requirements shall be equal to the maximum proposed building height; however, in no case shall the required width of retained woodland be less than 30 feet. **[Amended 3-11-1997]**
- (5) Exterior pavement landscape strip.
- (a) Intent. The exterior pavement landscape strip is intended to create visual screening of automobile parking areas, create summer shade along paved surfaces and reduce wind velocity across open lot areas.
 - (b) Location.⁴⁹
 - [1] The exterior pavement landscape strip shall be a fifteen-foot wide strip running parallel to all parking and on-site driveway pavement edges. In the case of frontage along public rights-of-way, the exterior pavement landscape strip shall be located between the required front landscape strip or a side or rear landscape strip and the proposed pavement edge.
 - [2] Where an exterior pavement landscape strip would immediately abut a side or rear landscape strip (not facing a right-of-way) that section of exterior pavement landscape strip may be waived.
 - (c) Plantings. The exterior pavement landscape area shall be constructed in accordance with one of the landscape options outlined within the following Table of Exterior Pavement Landscape Options. (See Table 5, Table of Exterior Landscape Options.)⁵⁰
 - (d) Incentive bonuses. If any portion of a parking area or driveway is immediately adjacent to a required side or rear landscape strip, the provisions of this section shall not apply to that area. (See Figure 9, Interconnected

47. Editor's Note: Figures 5, 6 and 7 are included at the end of this chapter.

48. Editor's Note: Table 4 and Figure 8 are included at the end of this chapter.

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

50. Editor's Note: Table 5 is included as the end of this chapter.

Parking Lots.⁵¹) A preserved strip (minimum six feet wide) of healthy, dense, native vegetation, located within a required exterior parking landscape strip, may be substituted for the planting requirements in this section.

(6) Interior pavement landscape strips.

(a) Intent. The intent of the interior pavement landscape strips is to break up large expanses of pavement, provide summer shade on pavement areas and reduce wind velocity across exposed surface areas.

(b) Location.

[1] The required interior pavement landscape strips shall be calculated as a minimum of 5% of the total area of paved drives, parking areas, etc. Interior landscape strips shall be required for all parking lots with more than 20 parking spaces;

[2] The required minimum interior landscape strips must be provided within the limits of parking and/or drive pavements. The minimum landscaped island size usable for satisfaction of these requirements shall not be less than 250 square feet in total area. Parking lots which have multiple parking aisles, which are approximately parallel, shall be required to have planting strips not less than 15 feet wide, spaced not further than 180 feet apart. (See Figure 10, Parking Lots With Multiple Parking Aisles.⁵²)

(c) Plantings. islands and planting strips shall be planted with indigenous shade trees, evergreen shrubs, and deciduous shrubs. The required number of shade trees shall be calculated as one deciduous tree (minimum caliper of 2 1/2 inches) per 400 square feet of required interior landscape area. The number of shrubs shall be equal to one shrub (minimum three-foot high) per 130 square feet of required interior landscape strips. Required shrubs shall be 40% deciduous and 60% evergreen species.

(d) Incentive bonuses. Each healthy native tree with a minimum caliper of four inches or greater, which is preserved within interior pavement landscape strips, may be substituted for three new required tree plantings.

(7) Signage landscape strip.

(a) Intent. The intent of the signage landscape strip is to reestablish ground cover where disturbed by sign installation and to screen the foundation of monument or pedestal signs without blocking the view of signage information.

(b) Location. The signage landscape strip shall be a minimum four-foot wide area surrounding each monument or pedestal sign base.

51. Editor's Note: Figure 9 is included at the end of this chapter.

52. Editor's Note: Figure 10 is included at the end of this chapter.

- (c) Plantings. All monument or pedestal sign bases shall be planted with shrubs or ground cover with a minimum height and width of 18 inches at the time of planting.
 - (d) Incentive bonuses. Healthy vegetation which is preserved in the location of the signage landscape area, may be substituted for the required plantings.
- (8) Screening of unsightly features.
- (a) Intent. This section is intended to preserve the visual aesthetics of the Route 3 Performance District by blocking or minimizing the view of refuse, materials storage, loading/receiving docks, and utility installations.
 - (b) Location.
 - [1] Refuse storage areas, stockpiled materials for packaging and commercial/industrial by-products, and other materials stockpile areas shall be located so as to be out of view from any abutting property and/or public rights-of-way. In cases where this is not possible, these items shall be properly located within a secured area which has been effectively screened. As a minimum, all such areas shall be contained within a stockade, chain link, or similar enclosure which is at least as tall as the object(s) to be screened. Further, the perimeter of any such enclosure shall be subject to the landscape screening requirements outlined herein.
 - [2] Loading docks and receiving areas, as well as large aboveground utility fixtures, shall be located so as to be out of view from abutting properties and/or public rights-of-way. In cases where this is not possible, these facilities shall be effectively screened in accordance with the minimum landscape screening requirements outlined herein. ("Large aboveground utility fixtures" are defined as any public or private utility component which has a total footprint area of greater than 50 square feet, or has an average height of more than four feet.)
 - (c) Plantings. Minimum landscape screening requirements for use in satisfying each of the above criteria shall include the planting of one evergreen tree or shrub per 10 linear feet of required screen length or perimeter. The height of required trees or shrubs shall be equal to 1/2 of the maximum height of the item requiring the screen at the time of planting. Required plantings shall be placed at regular spacings so as to maximize the overall density of the landscape screen.
 - (d) Incentive bonuses. An enclosure either attached or detached from a principal structure, constructed of rigid architectural materials, which are visually compatible with those of the principal structure, may be used to satisfy the requirements of this section and may be substituted for the requirements outlined above.

§ 275-64. Minimum standards for off-street parking areas. [Amended 3-8-1994]**A. Intent.**

- (1) In order to provide for safe and adequate parking facilities which do not detract from the overall aesthetic quality of development within this District, minimum standards for off-street parking areas have been developed.
- (2) The goals and objectives related to the development of these standards are:
 - (a) To insure that suitable off-street parking areas are provided for all future sites within this District;
 - (b) To promote the concept of interconnecting parking between adjacent businesses as a means easing demands placed on public streets and intersections, where and when feasible;
 - (c) To promote the development of interior green space within parking lots as a means of mitigating summer heat and as a location for winter snow disposal;
 - (d) To provide trees for summer shade and as means for diminishing excessive wind velocity; and
 - (e) To create off-street parking areas which do not detract from the overall quality of development within this District.

B. General performance standards for off-street parking.

- (1) All general and specific provisions of the off-street parking requirements of the Bedford Land Development Control Regulations shall apply to this district unless otherwise noted within this section or modified by approval of the Planning Board.⁵³
- (2) Neither the display of automobiles or other objects which may be for sale nor the storage of raw or processed materials shall be permitted within any required off-street parking spaces or their interconnecting drives and/or aisles.
- (3) Adequate space within, or immediately adjacent to, off-street parking lots shall be provided for the storage of winter snow. Winter snow shall not be placed within required off-street parking stalls, or their aisles and/or interconnecting drives. All designated snow storage area(s) shall be located and devised such that anticipated snow volumes will not pose a threat to vehicular and/or pedestrian circulation. Further, snow storage areas shall have adequate provisions made so as to avoid icing or flooding of traveled areas during periods of snow melt.

C. Incentive bonus standards. An incentive bonus standard is provided which omits landscape requirements associated with side and rear landscape strips between those portions of adjacent sites where shared access and interconnected parking occurs. (See Figure 9, Interconnected Parking Lots.⁵⁴)

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

54. Editor's Note: Figure 9 is included at the end of this chapter.

§ 275-65. Performance standards for screening refuse, material storage, loading/receiving areas, and utility installations.

A. General provisions.

- (1) Often, careful site planning can minimize or even eliminate adverse visual effects associated with necessary site elements, such as refuse containers, material storage areas, loading docks/receiving areas, and large aboveground utility fixtures.
- (2) Unfortunately, in many cases, unavoidable circumstances make it impossible to effectively hide unsightly site elements from public view.
- (3) For this reason, the following minimum performance standards apply to this district.

B. Storage areas.

- (1) Refuse storage areas, stockpiled material packaging and commercial/industrial by-products, material storage areas, and stockpiles shall be located so as to be out of view from any abutting property and/or public right-of-way.
 - (a) In cases where this is not possible, these items shall be properly located within a secured area which has been effectively screened.
 - (b) As a minimum, all such areas within view of adjoining properties or public streets shall be contained within a stockade, chain link, or similar enclosure which is at least as tall as the object(s) to be screened.
- (2) Further, the perimeter of any such enclosure shall be subject to the landscape.

C. Loading docks/receiving areas and aboveground utility fixtures.

- (1) Loading docks and receiving areas, as well as large aboveground utility fixtures, shall be located so as to be out of view from abutting properties and/or public rights-of-way.
- (2) In cases where this is not possible, these facilities shall be effectively screened in accordance with the minimum landscape screening requirements outlined herein.
- (3) "Large aboveground utility fixtures" are defined as any public or private utility component which has a total footprint area of greater than 50 square feet or has an average height of more than four feet.

D. Minimum landscape screening requirements. Minimum landscape screening requirements for use in satisfying each of the above criteria include:

- (1) The planting of one evergreen tree or shrub, plus one additional evergreen tree or shrub per 10 linear feet of required screen length or perimeter;
- (2) The height of required trees or shrubs shall be equal to 1/2 of the maximum height of the item requiring the screen at the time of planting; and

- (3) Required plantings shall be placed at regular spacings so as to maximize the overall density of the landscape screen.
- E. Enclosures. An enclosure, either attached or detached from a principal structure, constructed of rigid architectural materials which are visually compatible with those of the principal structure, may be used to satisfy the requirements of this section and may be substituted for the requirements outlined above.

§ 275-66. Minimum landscape requirements for signage.

The required landscape area associated with any freestanding sign shall be equal to three times the actual measured sign area and shall be located immediately adjacent to the sign and/or sign base. This required landscaped area shall be planted with shrubs and/or ground cover which will enhance but not block the view of any sign or part thereof.

§ 275-67. General landscape requirements.

- A. Plantings. All plantings required by this article shall be installed according to accepted horticultural standards and shall be regularly maintained. Required plantings shall be replaced as necessary in order to maintain compliance with these zoning requirements.
- B. Dimensions and terms. Tree and shrub dimensions and terms used within this article are referenced to American Standards for Nursery Stock, as published by the American Association of Nurserymen.
- C. Incentive bonus standards. Several incentive bonus standards related to this article allow for the substitution of retained vegetation for required plantings.
- (1) Verification of plantings. In situations where these various incentives are exercised, officials of the Town of Bedford or their representatives shall have the ability to verify the effectiveness, health, size, and number of retained plantings at the completion of construction.
 - (2) Correction of deficiencies. Any deficiencies found with regard to these items shall be corrected and may require the installation of additional plantings prior to the issuance of a certificate of occupancy for the property.
- D. Reclamation of disturbed areas. All areas disturbed by construction shall be covered with a minimum thickness of four inches of suitable topsoil and be subsequently planted with grass seed, sod, or other vegetative ground cover.
- E. Waiver of landscape requirements when necessary for public safety. None of the landscape requirements contained within this article shall be construed so as to require installation, where proper site distance at drives or along public streets may be inhibited by such improvements. The Planning Board may omit any landscape requirements of this article when deemed to be necessary, for reasons of public safety.

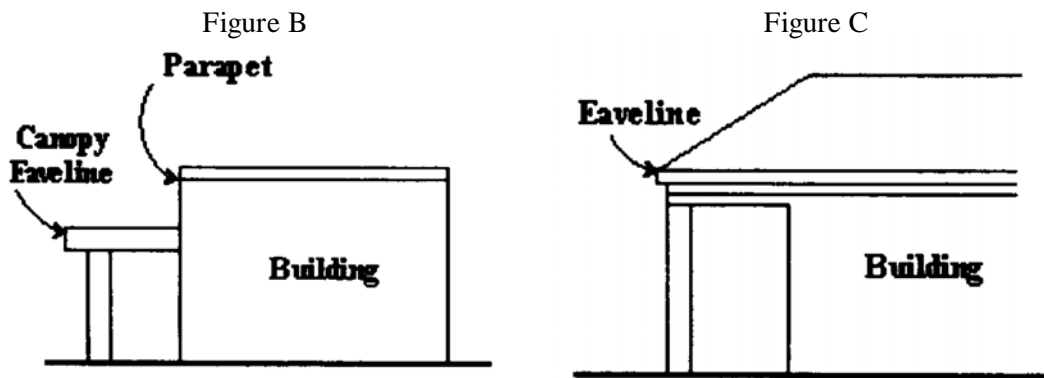
§ 275-68. Sign standards.

A. Definitions. As used in this chapter, the following terms shall have the meanings indicated:

ADDRESS SIGN — The street address shall be included as part of a directory/monument sign.

ANIMATED OR MOVING SIGN — Any sign that has moving or rotating components, flashing lights, or special materials to illustrate action or create a special effect or scene.

CANOPY EAVELINE; EAVELINE — The bottom of the roof eave or the canopy eave. An eave as defined herein does not include the parapet of a flat-roof building. (See Figures B and C.)



CENTER IDENTIFICATION SIGN — A freestanding sign that is either a monument or directory type. (See Figure 11, Center Identification Sign.⁵⁵)

DIRECTORY SIGN — A separate structure supported from the sides. A sign for identification of the business or center as a whole and for listing the major tenants and their building numbers/address numbers. (See Figure 11, Center Identification Sign.)

DOUBLE-FACED SIGN — A single freestanding structure designed with the intent of providing advertising on both sides.

HEIGHT OF SIGN — The greatest vertical distance measured from the finished ground below the middle of the sign to the highest element of the sign.

IDENTIFICATION SIGN — A sign that illustrates the name, name and logo, type of business, or identifies a particular establishment.

ILLUMINATED SIGN — A sign lit with either an internal or external artificial light source.

55. Editor's Note: Figure 11 is included at the end of this chapter.

MONUMENT SIGN — A separate structure supported from grade to the bottom of the sign with a base or wall that is larger than the sign. A sign for identification of the business or center as a whole and for listing the major tenants and their building numbers/address numbers. (See Figure 11, Center Identification Sign.)

NONCONFORMING SIGN — A legally established sign which fails to conform to the regulations as presented or referenced herein.

SIGN — Any object, devise, display, structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination, or projected images.

SIGN AREA — The entire face, including the surface and any molding, framing, and projections, but not including the base, wall, or column supports. Individual letters and logos mounted on a building shall be measured by the area enclosed by four straight lines outlining each word and logo.

WALL SIGN — A sign fastened or painted onto a wall.

B. General provisions.

- (1) The adopted Bedford Zoning Ordinance, revised March 9, 1993, Article IX, Signs, § 275-73, General provisions, Subsections A through N, and § 275-75, Political signs, shall apply to the U.S. Route 3 Corridor Performance Zoning District. (See Table 6, Table of Performance Sign Standards.⁵⁶)
- (2) A sign pertaining to the lease or sale of a lot or building on which it is placed shall be allowed as long as such sign does not exceed 18 square feet.
- (3) Direct and indirect lighting.
 - (a) Direct and indirect lighting methods are allowed, provided that they are not unnecessarily bright.
 - (b) Internally lit panels shall be opaque and only the lettering shall appear to be lighted.
 - (c) Externally lit signs are encouraged.
- (4) Prohibited signs. Animated, moving, flashing, and noisemaking signs are not permitted.
- (5) Lettering on a sign. The letter area, as it relates to the overall sign background area, shall be in proportion. In general, letters shall not appear to occupy more than 75% of the sign panel area.

C. Identification sign (building).

56. Editor's Note: Table 6 is included at the end of this chapter.

- (1) Signs on a building wall or eaveline shall be compatible with the predominant visual elements of the building.
- (2) Where there is more than one sign, all signs shall be complementary to each other as follows:
 - (a) Letter size and style of text;
 - (b) Sign support method;
 - (c) Sign area configuration;
 - (d) Sign shape and proportion; and
 - (e) Construction materials (text and background surfaces).
- (3) The use of backlit, individually cut, letter signs is encouraged.
- (4) Wall and eaveline sign locations. (See Figures D and E.)

Figure D, Eaveline Sign

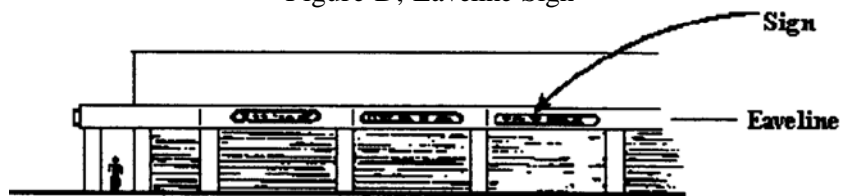
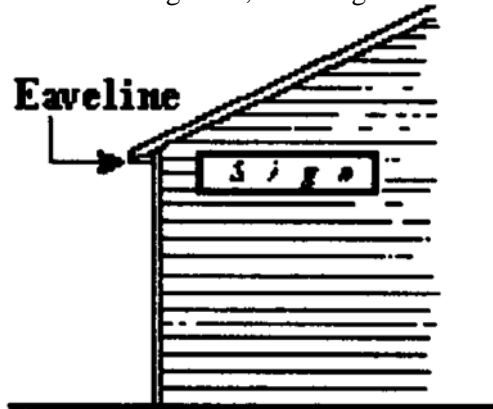


Figure E, Wall Sign



D. Center identification sign (freestanding) (See Figure 11.⁵⁷)

⁵⁷. Editor's Note: Figure 11 is included at the end of this chapter.

- (1) Freestanding signs shall include the identification of the business or center as a whole and major tenant and street address range included within the center. A freestanding sign shall be either a monument- or directory-type sign.
- (2) A minimum of 10% of the sign area shall be devoted to the identification of the building or center by name.
- (3) Freestanding monument signs or directory signs shall be placed perpendicular to approaching vehicular traffic. (See Figure F below.)

Figure F



§ 275-69. Minimum lighting standards.

- A. General provisions. In order to facilitate vehicular and pedestrian safety, promote property security, and enhance the overall use of properties within this district, exterior site lighting shall be required for all permitted uses subject to site plan review.
- B. Illumination levels for exterior site lighting. Exterior lighting levels shall follow the recommended illumination levels found in the Illumination Engineering Society Lighting Handbook, most current edition.
- C. Design of external light fixtures.
 - (1) In order to minimize glare and other adverse effects associated with exterior lighting, all exterior lighting fixtures shall be of a design that provides for full cutoff luminaires. A full cutoff luminaire shall mean a luminaire light distribution where zero candela intensity occurs at or above an angle of 90° above nadir and the candela per 1,000 lamp lumens does not numerically exceed 100 (10%) at an angle 80° above nadir. This applies to all lateral angles around the luminaire. **[Amended 3-13-2007]**
 - (2) Further, all fixtures shall be positioned and/or installed in such a fashion as to prevent unwanted incidental illumination of abutting properties and streets. (See Figure 12, Design of External Lighting Fixtures.⁵⁸)

⁵⁸. Editor's Note: Figure 12 is included at the end of this chapter.

§ 275-70. Environmental performance standards.**A. General provisions.**

- (1) Environmental performance standards specific to the U.S. Route 3 Corridor Performance District, enumerated herein, have been developed in order to protect the long-term environmental quality and overall vitality of this district.
- (2) The variety of permitted uses, taken together with often intensive land use patterns and an inventory of environmental resources specific to this district, necessitates this series of environmental performance standards.
- (3) In addition to the provisions of this article, development within this district shall also be subject to applicable local, state, and federal land use controls and regulations. The content of this article shall not be construed to imply relief from the requirements of state or federal statutes.

B. Performance standards related to noise.

- (1) Intent. These performance standards governing noise are intended to ensure that the rights of property owners, as well as the overall health and general welfare of the district, are not diminished by unreasonable noise levels generated within the district.
- (2) Maximum permissible sound level. The maximum permissible sound level produced by any continuous, regular, or frequent source of sound or noise, produced by any permitted use or activity within this district, shall not exceed a measurable level of 75 dB beyond the property boundaries of the site upon which the sound or noise is generated or originates.
- (3) Sound or noise abatement. In order to comply with these maximum sound level requirements, sound or noise level abatement techniques may be used to mitigate levels of site-generated sound or noise. To this end, modern acoustical technology may be applied to achieve compliance with these regulations.
- (4) Measurements of sound or noise. In cases where sound measurements are required in order to ensure compliance with these regulations, measurements shall be taken:
 - (a) With a device meeting the standards of the American Standards Institute, American Standard Specifications for General Purpose Sound Level Meters;
 - (b) At a height of four feet above prevailing grade at the property boundary in question;
 - (c) With the instrument set to the A-weighted response scale; and
 - (d) Recorded by an individual familiar with sound measurement and the particular device being used.
- (5) Exemptions.

- (a) Activities related to public and private construction or maintenance work, agriculture, timber harvesting, emergency warning devices, and other similar short-term or temporary uses may be administratively exempted from the requirements of this section if, in the opinion of the Zoning Administrator or his/her agent, sufficient reason exists to do so.
 - (b) In these special circumstances, the Zoning Administrator may place reasonable conditions (such as time limitations and hours of operation) on such an exemption.
- C. Performance standards related to the protection of wetlands. All provisions of Article IV, Wetlands Conservation, of this chapter shall apply to all areas within the U.S. Route 3 Corridor Performance Zoning District.
- D. Performance standards related to the development of steep slope areas.
 - (1) Definition of steep slope areas. For the purposes of this section, steep slope areas shall be defined as naturally existing, continuous areas of land, with a contiguous area of 1/2 acre or more, which have an average cross slope gradient steeper than 25%.
 - (2) Restrictions in steep slope areas. In order to guard against hazards implicit in the development of steep slope areas, construction within these areas shall be limited to those activities which are incidental to the use and/or development of land outside of a steep slope area and shall be subject to the following restrictions:
 - (a) No portion of a steep slope area shall be used for the construction of leaching beds or trenches which are part of a subsurface sewage disposal system;
 - (b) No permanent structures shall be erected on a steep slope area;
 - (c) Not more than 50% of a steep slope area shall be cleared of healthy existing vegetation;
 - (d) Portions of a steep slope area affected by construction activities shall be given special attention with regard to erosion control; and
 - (e) No portion of a steep slope area shall be subject to discharge from a stormwater management system.
- E. Performance standards related to nuisance odors. Uses and activities which produce continuous, regular, or frequent odors and/or emissions, detectable beyond the boundary of the property from which the odor originates, may be prohibited, in whole or in part, if the odor or emission in question is a known health risk or danger or if the Zoning Administrator judges such odor or emission to be harmful to the rights of others to enjoy their property(s).

§ 275-71. Merrimack River Shoreland protection performance standards.

- A. Purpose.

- (1) Pursuant to RSA 483-B and the 1990 Bedford Master Plan, this section establishes standards for the subdivision, use, and development of shorelands within 250 feet of public waters, herein identified as the Merrimack River, for the purpose of minimizing degradation of shorelands and assuring retention of the benefits provided by such shorelands.
- (2) These benefits include:
 - (a) Prevention and/or mitigation of water pollution;
 - (b) Protection of important fish, bird, and wildlife habitat;
 - (c) Reduction or elimination of flooding and accelerated erosion;
 - (d) Protection of wetlands;
 - (e) Maintenance of water quantity and related stream flows;
 - (f) Protection of shoreland cover as a means of maintaining water quality; and
 - (g) The conservation of natural scenic and recreational assets of the Town of Bedford and the State of New Hampshire.

B. Definitions. As used in this article, the following terms shall have the meanings indicated:

BASAL AREA — The cross sectional area of a tree measured at a height of 4 1/2 feet above the ground, usually expressed in square feet per acre for a stand of trees.

DISTURBED AREA — An area in which natural vegetation is removed, exposing the underlying soil.

GROUND COVER — Any herbaceous plant which normally grows to a mature height of four feet or less.

NATURAL WOODLAND BUFFER — A forested area consisting of various species of trees, saplings, shrubs, and ground covers in any combination and at any stage of growth.

ORDINARY HIGH-WATER MARK — The line on the shore, running parallel to the main stem of the river, established by the fluctuations of water and indicated by physical characteristics such as a clear impression on the immediate bank, shelving, soil characteristics, vegetation markings, and the presence of water-deposited debris. Where the ordinary high-water mark is not easily discernible, the mark shall be determined by a soil scientist certified by the State of New Hampshire.

PRINCIPAL BUILDING SETBACK — A minimum area of 50 feet measured in a line parallel with the public boundary line (ordinary high-water mark of the Merrimack River) from which any principal building on a lot must be set back.

PROTECTED SHORELAND — All land located within 250 feet of the public boundary line (ordinary high-water mark) of the Merrimack River.

PUBLIC BOUNDARY LINE — The ordinary high-water mark of the Merrimack River.

PUBLIC WATERS — The Merrimack River, which is a fourth order all-year-round flowing water.

SAPLING — Any woody plant which normally grows to a mature height greater than 20 feet and has a diameter less than six inches at a point 4 1/2 feet above the ground.

SHORELAND FRONTAGE — The average of the distances measured along the public boundary and along a straight line drawn between the points at which the public boundary intersects the side lines of the property.

SHRUB — Any multistemmed, woody plant which normally grows to a mature height of less than 20 feet.

TREE — Any woody plant which normally grows to a mature height greater than 20 feet and which has a diameter of six inches or more at a point 4 1/2 feet above the ground.

WATER-DEPENDENT STRUCTURE — A dock, wharf, pier, breakwater, swimming float, boat ramp, or other similar structure or part thereof.

C. Permitted uses.

- (1) Subdivision, vegetation or soil disturbance, use, and development of land within the protected shoreland area, i.e., 250 feet of the ordinary high-water mark of the Merrimack River, shall be permitted according to Subsection F of this § 275-71.⁵⁹
- (2) Permitted uses of this article and are subject to the following conditions:
 - (a) All new lots subdivided and new habitable structures built within the two-hundred-fifty-foot shoreland protection boundary shall be served by municipal water and municipal sewer.
 - (b) All disturbed areas, construction, and/or development activities shall incorporate design standards for erosion and sedimentation control which, at a minimum, shall follow the recommendations of the publication Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire, August 1992, prepared by the Rockingham County Conservation District for the New Hampshire Department of Environmental Services.
 - (c) Activities within the two-hundred-fifty-foot protected shoreland area shall adhere to the following:
 - [1] All proposed disturbance, construction, and/or development activities within the two-hundred-fifty-foot protected shoreland area (exempting agricultural activities utilizing best management practices in conformance with the New Hampshire Department of Agriculture and development/maintenance of the New Hampshire Heritage Trail) shall

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

first receive approval from the Bedford Planning Board in accordance with the Bedford Nonresidential Site Plan Regulations.

- [2] Applications to the Bedford Planning Board shall include a site plan, pre- and post-development drainage calculations, a grading plan, a stormwater management and erosion/sedimentation plan, and a landscape plan, prepared by a professional engineer certified by the State of New Hampshire.

D. Restricted uses. The following uses shall require a review or permit from the New Hampshire Department of Environmental Services, the New Hampshire Wetlands Board, the United States Army Corps of Engineers, and/or the United States Environmental Protection Agency, in addition to site plan approval from the Bedford Planning Board:

- (1) Water-dependent structures;
- (2) Public water supply facilities;
- (3) Public water and sewage treatment facilities;
- (4) Public utility lines and structures; and
- (5) Hydroelectric facilities, including dams, dikes, and powerhouses.

E. Prohibited uses. Prohibited uses shall include the following:

- (1) Salt storage sheds;
- (2) Automobile junkyards;
- (3) Solid or hazardous waste facilities;
- (4) Use of any fertilizers (exempting fertilizers used as part of agricultural operations in conformance with best management practices of the New Hampshire Department of Agriculture) other than lime and/or wood ash; and
- (5) The dumping of snow and ice collected from roadways or parking areas outside the Route 3 Corridor Performance Zoning District.

F. Natural woodlands buffer.

- (1) Where existing, a natural woodland buffer shall be maintained within 250 feet of the public boundary line, i.e., the ordinary high-water mark of the Merrimack River, excluding existing and ongoing agricultural activities and development/maintenance activities related to the New Hampshire Heritage Trail.
- (2) Within the natural woodland buffer, the following shall apply:
 - (a) Not more than a maximum of 50% of the basal area of trees, a maximum of 50% of the total number of saplings, and a maximum of 50% of the total area of ground cover shall be removed for any purpose within a twenty-year period.

- (b) Replacement planting with native or naturalized species may be permitted to maintain the fifty-percent level, subject to Bedford Planning Board approval.
 - (c) Vegetation which is removed to clear an opening for building construction, sewer, water, other utility line extension, or the New Hampshire Heritage Trail shall be excluded when computing the percentage limitations.
 - (d) Stumps and their root systems which are located within 50 feet of the public boundary line shall be left intact, in the ground.
- G. Setbacks. No principal or accessory structure, excluding water-dependent structures, shall be located within 50 feet of the public boundary line, i.e., the ordinary high-water mark of the Merrimack River.
- H. Relationship between state and local requirements. See § 275-5 of this chapter.
- I. Administration and enforcement. See Article XI of this chapter. All development activities within the two-hundred-fifty-foot protected shoreland area (exclusive of agricultural activities and development/maintenance of the New Hampshire Heritage Trail) shall be required to submit an as-built building and site plan prepared by a professional engineer certified by the State of New Hampshire prior to issuance of a certificate of occupancy by the Bedford Building Code Official.

§ 275-72. Standards for adult entertainment businesses.

- A. Purpose. It is the purpose of this section to establish reasonable and uniform regulations to prevent the concentration of sexually oriented businesses within the Town of Bedford.
- B. Intent.
- (1) It is the intent to promote the health, safety, and general welfare of the citizens of the Town of Bedford; and it is the intent of this section that the regulations be utilized to prevent problems of blight and deterioration which accompany and are brought about by the concentration of sexually oriented businesses; and the provisions of this section have neither the purpose nor the effect of imposing limitation or restriction on the content of any communicative materials, including sexually oriented materials;
 - (2) It is not the intent nor the effect of this section to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market; and neither is it the intent nor the effect of this section to condone or legitimize the distribution of obscene material.
- C. Allowed locations and location restrictions of adult entertainment businesses.
- (1) Allowed locations. Adult entertainment businesses, defined in § 275-60, are permitted only in the PZ District, provided that all other regulations, requirements, and restrictions for the zone in which the adult entertainment business is to be located are met; and no entertainment business shall be permitted within 1,000 feet

of another existing adult entertainment business or one for which a building permit has been applied for; and

- (2) Location restrictions.
- (a) No adult entertainment business shall be permitted within 1,000 feet of any other zoning boundary, except when the boundary is bordered by a four-lane highway;
 - (b) No adult entertainment business shall be permitted within 1,000 feet of any church, place of worship, parish house, convent, public, parochial, or private school, kindergarten, state-approved day-care center or public sports/recreation parks; and no adult entertainment business shall be permitted within 1,000 feet of the Town boundaries;
 - (c) No adult entertainment business shall be permitted within 500 feet of an existing residence; and
 - (d) No adult entertainment business shall be permitted within 1,000 feet of another existing adult entertainment business on the date of the passage of this section, and no adult entertainment business shall be permitted within a building, premises, structure or other facility that contains a sexually oriented business as defined in the definitions § 275-60 of the Performance Zone.
- D. Measure of distance. The distance between any adult entertainment business and a church, school, residence, etc., or another adult entertainment business shall be measured in a straight line, from property boundary to property boundary, without regard to intervening structures.
- E. Additional reasonable regulations. The Planning Board is empowered hereunder to review and approve permit applications for adult entertainment businesses and impose reasonable restrictions for buffering, outdoor lighting, parking, adequate ingress and egress from the site off of and onto public roads, pedestrian movement, and to provide for appropriate landscaping and building aesthetics in the Nonresidential Site Plan Review Regulations of the Town of Bedford, New Hampshire, and to avoid site development layout which may result in negative environmental impacts.⁶⁰

ARTICLE IX

Signs

[Added 3-13-1984]

§ 275-73. General provisions.

- A. In all districts, except the U.S. Route 3 Performance Zone, no advertising sign shall be located less than 50 feet from any side or rear property line nor less than 10 feet from the edge of any street right-of-way. In the U.S. Route 3 Performance Zone, no freestanding advertising sign shall be located less than 30 feet from any side or rear property line nor

60. Editor's Note: Original Article 45-10, Off-Street Parking Requirements, which immediately followed this section, was moved to the Bedford Land Development Control Regulations, which are on file in the Clerk's office.

less than 10 feet from the edge of any street right-of-way. No freestanding sign, including its structural supports, shall exceed a height of 10 feet above the finished grade where the support is mounted or 10 feet above the roadway adjacent to the location where the support is mounted, whichever is higher. **[Amended 3-12-2001; 3-14-2006]**

- B. In all districts, each sign must be provided with its own support. Posting of signs on trees, utility poles, vehicular control standards (stop signs, etc.), or fences is expressly prohibited.
- C. In all districts, directional signs which do not exceed four square feet and bear no advertising or site identifying information may be approved by the Planning Director. All other types of directional or other necessary functional signs not specified elsewhere in this chapter shall be subject to approval of the Planning Board. **[Amended 3-12-1996]**
- D. Advertising signs indicating the coming of a development and permanent subdivision identification signs shall not be allowed until final approval of the project by the Planning Board, and the Planning Board may approve the signage specifications on an individual basis. **[Amended 3-9-1999]**
- E. Portable signs shall not be allowed in any district except as noted in Subsection N below. **[Amended 3-9-1999]**
- F. Permanent off-premises signs shall not be allowed in any district. **[Amended 3-9-1999]**
- G. One unlighted sign offering premises for sale or lease for each parcel in one ownership shall be allowed, provided it shall not exceed four square feet in surface area unless otherwise specified herein. Said sign shall set back at least 10 feet from the edge of the right-of-way.
- H. One unlighted temporary sign of a painter or other artisan, erected during the period such person is performing work on the premises on which such sign is erected, shall be allowed, provided it shall not exceed four square feet in surface area and it shall set back at least 10 feet from the edge of the right-of-way.
- I. A sign shall not be so placed as to cast reflection upon any dwelling unit.
- J. In the Commercial, Office, Service Industrial, Highway Commercial, Neighborhood Commercial and Performance Zoning Districts, internally lighted permanent sign panels are permitted; however, externally lighted signs are encouraged. Internally lighted sign panels are prohibited in all residential zones and in the Historic District overlay zone. Internally lighted panels shall be opaque, and only the lettering and graphics shall appear to be lighted. Externally lighted signs shall have the light source directed downward onto the sign. Animated, moving, flashing, and noisemaking signs are prohibited. Changeable readerboard signs, whether manual or electronic, are prohibited in all zoning districts. **[Amended 3-8-2005; 3-10-2009]**
- K. Double-faced signs shall be considered as a single sign for spacing requirements.
- L. Rooftop signs shall not be allowed in any district.

- M. Where specific requirements are not indicated above, the Planning Board may establish signage requirements on an individual basis.
- N. Temporary banners or temporary signs for events shall be regulated by Chapter 216, Signs and Banners. **[Amended 3-9-1999⁶¹]**
- O. When a sign panel is refaced the new panel must comply with the opacity regulations of Subsection J. **[Added 3-10-2009]**

§ 275-74. District regulations for signage.

- A. Residential. General Residential and Residential and Agricultural Districts.
 - (1) Allowable businesses, professions, or service enterprises shall be permitted one outdoor advertising sign on the premises, advertising goods or services sold on the premises. This sign shall not total over eight square feet in area for the sign.
 - (2) The sign pertaining to the lease or sale of lot or building on which placed shall be allowed so long as such sign does not exceed five square feet for said sign. **[Added 3-14-1989]**
 - (3) No other outdoor advertising media shall be allowed. **[Added 3-14-1989]**
- B. Civic and Institutional District. Permitted signs shall be not more than 50 square feet in surface area.
- C. Commercial District.
 - (1) Allowable businesses, professions or service enterprises shall be permitted outdoor advertising media on the premises advertising goods or services sold on the premises.
 - (2) One freestanding sign not to exceed 32 square feet and a sign painted on or attached to one wall of a building not to exceed 10% of the square footage of the wall on which it is displayed shall be allowed, not to exceed 32 square feet.
 - (3) In the case of a shopping center or professional park, there shall be allowed one lot sign identifying the shopping center or professional park sharing a common group name which shall not exceed 50 square feet. For each individual tenant, a sign painted on or attached to one wall of the building not to exceed 10% of the square footage of the wall on which it is displayed shall be allowed, not to exceed 32 square feet. The sign pertaining to the lease or sale of a lot or building on which placed shall be allowed so long as such sign does not exceed 18 square feet. **[Added 3-14-1989]**
 - (4) Any wall sign or freestanding sign located 150 feet or more from the edge of any street right-of-way providing frontage to a lot may increase the sign area by utilizing a formula of: distance in feet/4.25 = allowable area of sign. The distance shall be measured in a straight line from the sign location to the center point of the

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

driveway curb cut on the lot line providing frontage for the lot. In the case of multiple driveways, the driveway entry that is used to determine the street address shall be the point of reference. **[Added 3-9-1999; 3-14-2006]**

D. Office District.

- (1) Allowable businesses, professions or service enterprises shall be permitted outdoor advertising media on the premises, advertising goods or services sold on the premises.
- (2) Advertising media shall not total over 32 square feet.
- (3) The sign pertaining to the lease or sale of a lot or building on which placed shall be allowed so long as such sign does not exceed 18 square feet. **[Added 3-14-1989]**
- (4) Allowable businesses, professions or service enterprises shall be permitted outdoor advertising media on the premises, advertising goods or services sold on the premises.
- (5) Any wall sign or freestanding sign located 150 feet or more from the edge of any street right-of-way providing frontage to a lot may increase the sign area by utilizing a formula of: distance in feet/4.25 = allowable area of sign. **[Added 3-9-1999]**

E. Service Industrial District.

- (1) Signs are permitted if not over 50 square feet in surface area set back at least 50 feet from any side or rear property line and at least 10 feet from any front lot line and limited to use as a business sign. **[Amended 3-14-1995]**
- (2) The sign pertaining to the lease or sale of a lot or building on which placed shall be allowed so long as such sign does not exceed 18 square feet. **[Added 3-14-1989]**
- (3) Any wall sign or freestanding sign located 150 feet or more from the edge of any street right-of-way providing frontage to a lot may increase the sign area by utilizing a formula of: distance in feet/4.25 = allowable area of sign.⁶² **[Added 3-9-1999]**

F. Neighborhood Commercial District.

- (1) The following business signs are allowed: one projecting ground or pole sign not to exceed 32 square feet in surface area, and one flat sign to a business unit not to exceed 32 square feet in surface area.
- (2) The sign pertaining to the lease or sale of a lot or building on which placed shall be allowed so long as such sign does not exceed 18 square feet. **[Added 3-14-1989]**

62. Editor's Note: Former Subsection (f), Industrial Park District, which immediately followed this subsection, was repealed 3-9-1993.

G. Highway Commercial District.

- (1) The following business signs are allowed:
 - (a) One projecting ground or pole sign not to exceed 32 square feet in surface area; and
 - (b) One flat sign to a business unit not to exceed 32 square feet in surface area.
- (2) The sign pertaining to the lease or sale of a lot or building on which placed shall be allowed so long as such sign does not exceed 18 square feet. **[Added 3-14-1989]**
- (3) Any wall sign or freestanding sign located 150 square feet or more from the edge of any street right-of-way providing frontage to a lot may increase the sign area by utilizing a formula of: distance in feet/4.25 = allowable area of sign. **[Added 3-9-1999]**

H. Route 3 Performance Zoning District. **[Added 3-14-1989]**

- (1) All signs shall be set back from the side and rear property lines at least 30 feet and from the front property line at least 10 feet. **[Amended 3-11-2008]**
- (2) Refer to § 275-68 for specific signage standards in the Performance Zoning District (PZ).
- (3) Any wall sign or freestanding sign located 150 square feet or more from the edge of any street right-of-way providing frontage to a lot may increase the sign area by utilizing a formula of: distance in feet/4.25 = allowable area of sign. **[Added 3-9-1999]**

§ 275-75. Political signs. [Amended 3-9-1999⁶³]

Political signs shall conform to all New Hampshire state statutes, including RSA 664:14 et seq. and as may be amended, and enforcement shall be through the office of the New Hampshire Attorney General.

ARTICLE X
Floodplain Development

§ 275-76. General provisions.

- A. This article, adopted pursuant to the authority of RSA 674:16, shall be known as the "Town of Bedford Floodplain Development Ordinance." The regulations in this article shall overlay and supplement the regulations in the Town of Bedford Zoning Ordinance, and shall be considered part of the Zoning Ordinance for purposes of administration and appeals under state law.

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

- B. If any provision of this article differs or appears to conflict with any provision of the Zoning Ordinance or other ordinance or regulation, the provision imposing the greater restriction or more stringent standard shall be controlling.
- C. The following regulations in this article shall apply to all lands designated as special flood hazard areas by the Federal Emergency Management Agency (FEMA) in its Flood Insurance Study for the County of Hillsborough, N.H., dated September 25, 2009, or as amended, together with the associated Flood Insurance Rate Maps dated September 25, 2009, or as amended, which are declared to be a part of this article and are hereby incorporated by reference. **[Amended 3-8-1994; 7-22-2009]**

§ 275-77. Definitions.

The following definitions shall apply only to this article and shall not be affected by the provisions of any other ordinance of the Town of Bedford:

AREA OF SPECIAL FLOOD HAZARD — The land in the floodplain within the Town of Bedford subject to a one-percent or greater possibility of flooding in any given year. The area is designated on the FIRM as Zones A and AE. **[Amended 3-13-2007]**

BASE FLOOD — The flood having a one-percent possibility of being equaled or exceeded in any given year.

BASEMENT — Any area of a building having its floor subgrade on all sides.

BUILDING — See "structure."

DEVELOPMENT — Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, drilling operation or storage of equipment or materials. **[Amended 3-13-2007]**

FEMA — The Federal Emergency Management Agency.

FLOOD or FLOODING — A general and temporary condition of partial or complete inundation of normally dry land areas from:

- A. The overflow of inland or tidal waters; and
- B. The unusual and rapid accumulation or runoff of surface waters from any source.

FLOOD INSURANCE STUDY — An examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination and determination of mudslide or flood-related erosion hazards. **[Amended 3-13-2007]**

FLOOD INSURANCE RATE MAP (FIRM) — An official map incorporated with this article, on which FEMA has delineated both the special flood hazard areas and the risk premium zones applicable to the Town of Bedford.

FLOOD INSURANCE STUDY — An official report incorporated with this article in which FEMA has delineated both the special flood hazard areas and the risk premium zones applicable to the Town of Bedford.

FLOODPLAIN or FLOOD-PRONE AREA — Any land area susceptible to being inundated by water from any source. (See definition of "flooding.")

FLOODPLAIN MANAGEMENT REGULATIONS — Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance, and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

[Added 3-8-1994]

FLOODPROOFING — Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitation facilities, structures and their contents.

FLOODWAY — See "regulatory floodway."

FREEBOARD — A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. Freeboard tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed. **[Added 3-8-1994]**

FUNCTIONALLY DEPENDENT USE — A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking and port facilities that are necessary for the loading/unloading of cargo or passengers and ship building/repair facilities but does not include long-term storage or related manufacturing facilities.

HIGHEST ADJACENT GRADE — The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

HISTORIC STRUCTURE — Any structure that is:

- A. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered Historic District or a district preliminarily determined by the Secretary to qualify as a registered Historic District;
- C. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

- (1) By an approved state program as determined by the Secretary of the Interior; or
- (2) Directly by the Secretary of the Interior in states without approved programs.

LOWEST FLOOR — The lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area, is not considered a building's lowest floor, provided that such an enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of this article.

MANUFACTURED HOME — A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes, the term "manufactured home" includes park trailers, travel trailers, and other similar vehicles placed on site for greater than 180 days.

MEAN SEA LEVEL — The National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

NEW CONSTRUCTION — For the purposes of determining insurance rates, structures for which the start of construction commenced on or after the effective date of the initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures. **[Added 3-13-2007]**

ONE-HUNDRED-YEAR FLOOD — See "base flood."

RECREATIONAL VEHICLE — A vehicle which is:

- A. Built on a single chassis;
- B. Four hundred square feet or less when measured at the largest horizontal projection;
- C. Designed to be self-propelled or permanently towable by a light-duty truck; and
- D. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, or seasonal use. **[Added 3-8-1994]**

REGULATORY FLOODWAY — The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without increasing the water surface elevation. These areas are designated as floodways on the FIRM. **[Amended 3-13-2007]**

SPECIAL FLOOD HAZARD AREA — See "area of special flood hazard." **[Amended 3-13-2007]**

START OF CONSTRUCTION —

- A. Includes substantial improvements and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit date.
- B. The "actual start" means either the first placement of permanent construction of a structure on site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation, or the placement of manufactured home on a foundation.
- C. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds, not occupied as dwelling units or part of the main structure.

STRUCTURE — For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

SUBSTANTIAL DAMAGE — Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT —

- A. Any combination of repairs, reconstruction, alteration, or improvements to a structure in which the cumulative cost equals or exceeds 50% of the market value of the structure. The market value of the structure should equal:
 - (1) The appraised value prior to the start of the initial repair or improvement; or
 - (2) In the case of damage, the value of the structure prior to the damage occurring.
- B. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. This term includes structures which have incurred substantial damage, regardless of actual repair work performed. The term does not, however, include any project for improvement of a structure required to comply with existing health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions or any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

VIOLATION — The failure of a structure or other development after the adoption of the initial FIRM to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided. The

sections of this article that correspond to the sections of the CFR are §§ 275-79C, 275-81B(2), 275-80D and 275-80C(1). **[Added 3-13-2007]**

WATER SURFACE ELEVATION — The height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, or other datum, where specified, of floods of various magnitudes and frequencies in the floodplains.

§ 275-78. Applicability.

All proposed development in any special flood hazard areas shall require a permit.

§ 275-79. General requirements. [Amended 3-13-2007]

- A. The Building Code Official shall review all building permit applications for new construction or substantial improvements to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is located in a special flood hazard area, all new construction or substantial improvements shall be:
- (1) Designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
 - (2) Constructed with materials resistant to flood damage;
 - (3) Constructed by methods and practices that minimize flood damages; and
 - (4) Constructed with electrical, heating, ventilation, plumbing, and air-conditioning equipment, and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- B. Where new or replacement water and sewer systems (including on-site systems) are proposed in a special flood hazard area, the applicant shall provide the Building Code Official with assurance that these systems will be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters, and on-site waste disposal systems will be located to avoid impairment to them or contamination from them during periods of flooding.
- C. For all new or substantially improved structures located in Zones A and AE, the applicant shall furnish the following information to the Building Code Official: the as-built elevation (in relation to NGVD) of the lowest floor (including basement) including whether or not such structures contain a basement; if the structure has been floodproofed, the as-built elevation (in relation to NGVD) to which the structure was floodproofed; any certification of floodproofing. The Building Code Official shall maintain these records for public inspection, and shall furnish such information upon request.
- D. The Building Code Official shall not grant a building permit until the applicant certifies that all necessary permits have been received from those governmental agencies from

which approval is required by federal or state law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. § 1334.

§ 275-80. Alteration or relocation of watercourses.

A. Riverine situations.

- (1) Prior to the alteration or relocation of a watercourse, the applicant for such authorization shall notify the Wetlands Bureau of the New Hampshire Environmental Services Department and submit copies of such notification to the Building Code Official, in addition to the copies required by the RSA 482-A:3. **[Amended 3-8-1994; 3-13-2007]**
- (2) Further, the applicant shall be required to submit copies of said notification to those adjacent communities as determined by the Building Code Official, including notice of all scheduled hearings before the Wetlands Bureau. **[Amended 3-13-2007]**

B. Certification of maintenance of flood-carrying capability. The applicant shall submit to the Building Code Official, certification provided by a registered professional engineer, assuring that the flood-carrying capacity of an altered or relocated watercourse can and will be maintained.

C. Watercourses with a designated regulatory floodway.

- (1) Along watercourses with a designated regulatory floodway, no encroachments, including fill, new construction, substantial improvements, and other development are allowed within the floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the proposed encroachment would not result in any increase in flood levels within the community during the base flood discharge. **[Amended 3-13-2007]**
- (2) In Zone A, the Building Code Official shall obtain, review, and reasonably utilize any floodway data available from federal, state, or other sources as criteria for requiring that development meet the floodway requirements of this section.

D. Watercourses without a designated regulatory floodway. Along watercourses that have not had a regulatory floodway designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within Zone AE on the FIRM, unless it is demonstrated by the applicant that the cumulative effect of the proposed development, when combined with all existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community. **[Amended 3-13-2007]**

§ 275-81. Flood hazard areas defined.

- A. In special flood hazard areas the Building Code Official shall determine the one-hundred-year flood elevation in the following order of precedence according to the data available:
- (1) In Zone AE, refer to the elevation data provided in the community's Flood Insurance Study and accompanying FIRM.
 - (2) In Zone A, the Building Code Official shall obtain, review, and reasonably utilize any one-hundred-year flood elevation data available from any federal, state or other sources including data submitted for development proposals submitted to the community (i.e. subdivisions, site approvals).
 - (3) In Zone AO, the flood elevation is determined by adding the elevation of the highest adjacent grade to the depth number specified on the FIRM or, if no depth number is specified on the FIRM, at least two feet. **[Amended 3-13-2007]**
- B. The Building Code Official's one-hundred-year flood elevation determination will be used as criteria for requiring in Zones A and AE that: **[Amended 3-8-1994; 3-13-2007]**
- (1) All new construction or substantial improvement of residential structures have the lowest floor (including basement) elevated to or above the hundred-year flood elevation; and
 - (2) That all new construction or substantial improvements of nonresidential structures have the lowest floor (including basement) elevated to or above the one-hundred-year flood level, or together with attendant utility and sanitary facilities shall:
 - (a) Be floodproofed so that below the one-hundred-year flood elevation the structure is watertight with walls substantially impermeable to the passage of water;
 - (b) Have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and
 - (c) Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section.
 - (3) All manufactured homes to be placed or substantially improved within special flood hazard areas shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood level and be securely anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.
 - (4) Recreational vehicles placed on sites within zone AE shall either: **[Amended 3-13-2007]**

- (a) Be on the site for fewer than 180 consecutive days;
 - (b) Be fully licensed and ready for highway use; or
 - (c) Meet all standards of Section 60.3(b)(1) of the National Flood Insurance Program Regulations and the elevation and anchoring requirements for manufactured homes in Paragraph (c)(6) of Section 60.3.
- (5) For all new construction and substantial improvements, fully enclosed areas below the lowest floor that are subject to flooding are permitted, provided they meet the following requirements:
- (a) The enclosed area is unfinished or flood-resistant, usable solely for the parking of vehicles, building access or storage;
 - (b) The area is not a basement; and
 - (c) The area shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater; and
 - (d) Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria: **[Amended 3-13-2007]**
 - [1] A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
 - [2] The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, or other coverings or devices, provided that they permit the automatic entry and exit of floodwater.

§ 275-82. Variances and appeals.

- A. Any order, requirement, decision, or determination of the Building Code Official made under this article may be appealed to the Zoning Board of Adjustment as set forth in RSA 676:5.
- B. If the applicant, upon appeal, requests a variance as authorized by RSA 674:33, 1(b), the applicant shall have the burden of showing in addition to the usual variance standards under state law that:
 - (1) The variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense;
 - (2) If the requested variance is for activity within a designated regulatory floodway, no increase in flood levels during the base flood discharge will result; and
 - (3) The variance is the minimum necessary, considering the flood hazard, to afford relief.

- C. The Zoning Board of Adjustment shall notify the applicant in writing that the issuance of a variance to construct below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage, and such construction below the base flood level increases risks to life and property. Such notification shall be maintained with a record of all variance actions.
- D. The community shall: **[Added 3-13-1990]**
- (1) Maintain a record of all variance actions, including their justification for their issuance; and
 - (2) Report such variances issued in its annual or biennial report submitted to FEMA's Federal Insurance Administrator.

ARTICLE XI
Administration and Enforcement

§ 275-83. Zoning Administrator; appointment; duties.

For the purposes of this chapter, the Bedford Town Manager as specified in the Town Charter is hereby given the power to appoint a Zoning Administrator who shall perform the duties of the office as designated in the various provisions of this chapter and shall report all violations of this chapter to the Town Manager.

§ 275-84. Administrative officer.

This chapter shall be administered by the Zoning Administrator who shall have the authority to make inspections necessary to carry out his/her duties in the enforcement of this chapter.

§ 275-85. Building permit procedure.

- A. Code compliance. All structures shall be constructed in accordance with the most current applicable residential and nonresidential building codes as referenced in Chapter 92, § 92-9, of the Town of Bedford Code. **[Added 3-8-1994; amended 3-14-2000; 3-9-2010]**
- B. Applicability. No building or structure shall be constructed, reconstructed, altered, or relocated nor shall any excavation be commenced without a duly authorized building permit issued by such Building Code Official.
- C. Prerequisite approvals. **[Amended 3-11-1997; 3-9-2010]**
- (1) An applicant for building permit approval shall be responsible for providing certified verification of all requisite local, state, and federal approvals prior to the issuance of said building permit.
 - (2) Prior to the start of construction, all wetlands shall be identified and flagged on the lot by a New Hampshire certified wetlands scientist. Flagging must be maintained during the construction and until a certificate of occupancy is issued by the

Building Code Official or his agent. Flagging shall be installed with a maximum of no more than 25 feet between flags.

D. Application.

- (1) Application for a building permit shall be made on standard forms provided by the Building Code Official which are available at the Town offices during normal business hours.
- (2) Footings/foundations for all new building construction will be certified by a State of New Hampshire licensed land surveyor prior to any further construction. The Building Code Official or his agent may waive this requirement if in his opinion it is obvious there are no setback encroachments. **[Amended 3-10-1992]**

E. Pending changes in Zoning Ordinance. The Building Code Official shall not issue a building permit where application for such permit is made after the first legal notice of proposed changes in the Zoning Ordinance has been posted pursuant to the provisions of RSA 675:7 if the proposed changes in the ordinance would, if adopted, justify refusal of such permit. After final action has been taken on the proposed changes in the Zoning Ordinance, the Building Code Official shall issue or refuse to issue a permit which has been held in abeyance under this section pursuant to a final action taken by the Town Meeting. **[Amended 3-9-2010]**

§ 275-86. Certificate of occupancy.

A. Purpose. The purpose of a certificate of occupancy is to give the Building Code Official a mechanism by which he/she can verify conformance to provisions of this chapter, the building permit, and other requisite approvals related thereto.

B. Applicability.

- (1) No person shall use or permit the use of any building, structure, or premises or part thereof hereafter erected, relocated, altered, repaired, converted, or extended until a certificate of occupancy is issued by the Building Code Official.
- (2) Prior to the issuance of a certificate of occupancy for any building or addition, a plat plan locating all buildings, utilities, and easements on a given lot must be certified by a State of New Hampshire licensed land surveyor. The Building Code Official may waive the requirement for a certified plat plan for good cause shown. **[Amended 3-8-2005]**

§ 275-87. Violations and penalties.

A. Violations. The Zoning Administrator shall serve a notice of violation and order to cease activity to any person, company, corporation, or other association responsible for violating any provision of this chapter. Any person, company, corporation, or other association who has been served with a notice and ceases any work or other activity shall not leave any structure or lot in such a condition as to be a hazard or menace to the public safety, health, or general welfare.

- B. Prosecution of violations. If the notice of violation and order to cease activity is not complied with, the Zoning Administrator shall notify the Town Council which may, in addition to other remedies provided by law, institute injunction, mandamus, abatement, or any other appropriate action or proceeding to prevent, enjoin, abate, or remove such unlawful violation. [RSA 676:15]
- (1) Any violation of this chapter shall constitute a misdemeanor if a natural person, or a felony if any other person, and shall be subject to a civil penalty not to exceed \$275 for the first offense and \$550 for subsequent offenses for each day that such violation is found to continue after the conviction date or after the date on which the violator receives written notice from the Town that he is in violation, whichever is earlier. [RSA 676:17, I] **[Amended 3-19-1998]**
 - (2) In addition, if any successful legal action is brought by the Town to enforce by way of injunctive relief or otherwise any local ordinance, code or regulation, or to enforce any Planning Board, Zoning Board of Adjustment or Building Code Board of Appeals decision or to seek the payment of any fine levied pursuant to RSA 676:17, the Town shall attempt to recover its out-of-pocket costs and reasonable attorney's fees actually expended in pursuing the legal action. [RSA 676:17, II]

ARTICLE XII Zoning Board of Adjustment

§ 275-88. Statutory authority.

In accordance with the requirements of RSA 673:1, IV, a Zoning Board of Adjustment is hereby established as part of this chapter.

§ 275-89. Membership.

- A. The Zoning Board of Adjustment shall consist of five regular members, one of whom may be a member of the Planning Board.
- B. The terms of the initial members appointed by the Town Council shall be staggered such that two shall serve three-year terms, two members shall serve two-year terms, and one member shall serve a one-year term. Thereafter, their successors when appointed by the Town Council shall each serve three-year terms.
- C. The Town Council shall also appoint three alternate members of the Board of Adjustment with each alternate to serve a term of three years.
- D. All regular and alternate Board members shall be appointed by the Town Council and shall be residents of the Town in order to be appointed.

§ 275-90. Adoption of rules; recordkeeping.

The Zoning Board of Adjustment shall adopt rules and regulations governing meetings, hearings, application procedures, fees, and other matter for the proper functioning of the

Board. The Board shall adopt its own rules of procedure and shall keep a record of its proceedings showing the vote, indicating such facts used in making decisions, and shall keep records of its examinations and other official actions. Every rule or regulation, every amendment or repeal thereof, and every order, requirement, decision, or determination of the Board shall immediately be filed in the office of the Board and become a matter of public record.

§ 275-91. Powers and duties.

The Zoning Board of Adjustment shall have the following powers:

- A. Administrative appeals. Hear and decide appeals if it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of any zoning ordinance.
 - (1) In exercising these powers, the Zoning Board of Adjustment may reverse or affirm, wholly or in part, or may modify the order, requirement, decision, or determination appealed from and may make such order or decision as ought to be made and, to that end, shall have all the powers of the administrative official from whom the appeal is taken.
 - (2) The concurring vote of three members of the Board shall be necessary to reverse any action of the administrative official or to decide in favor of the applicant on any matter on which it is required to pass.
- B. Variances. Authorize upon appeal in specific cases such variance from the terms of the zoning ordinance as provided for in RSA 674:33, I(b).
- C. Special exceptions.
 - (1) Authorize special exceptions to the terms of the ordinance for uses specifically identified in the Table of Uses.⁶⁴ The Board may grant such special exceptions in appropriate cases and subject to appropriate conditions so as to be in harmony with the general purpose and intent of the Zoning Ordinance. In granting a special exception, the Board's shall apply the following standards:
 - (a) No detriment to property values in the vicinity of the proposed development will result on account of the location or scale of buildings, structures, parking areas, or other accessways; the emission of odors, smoke, gas, dust, noise, glare, heat, vibration, or other pollutants; or the unsightly outdoor storage of equipment, vehicles, or other materials.
 - (b) No hazard will be caused to the public or adjacent property on account of potential fire, explosion, or release of toxic materials.
 - (c) No creation of a traffic safety hazard or substantial traffic congestion in the vicinity of the proposed development.

64. Editor's Note: The Table of Uses (Table 2) is included at the end of this chapter.

- (d) No excessive demand on municipal services and facilities, including but not limited to waste disposal, police and fire protection, and schools.
 - (e) The proposed use will not result in the degradation of existing surface and groundwater quality standards, nor will it have adverse effects on the natural functions of wetlands on the site which would result in the loss of significant habitat or flood control protection.
 - (f) Adequate and appropriate facilities will be provided for the intended use.
- (2) In addition to the guiding principles specified above, the Zoning Board of Adjustment may condition the granting of a special exception upon more stringent standards if the Board determines that such conditions are necessary to protect the health and welfare of the Town and its residents. Such conditions may include the following:
- (a) Front, side, or rear yards in excess of the minimum requirements of this chapter;
 - (b) Screening of the premises from the street or adjacent property by walls, fences, or other devices;
 - (c) Limitations on the size of buildings and other structures more stringent than minimum or maximum requirements of this chapter;
 - (d) Limitations on the number of occupants and methods and times of operation;
 - (e) Regulation of the design and location of access drives, sidewalks, and other traffic features;
 - (f) Location and amount of parking and loading spaces in excess of existing standards; and
 - (g) Regulation of the number, size, and lighting of signs in excess of existing standards.

D. Special conditions and safeguards for certain special exceptions.

- (1) In addition to the guiding principles and standards specified in § 275-90, the following additional conditions and safeguards for certain uses shall apply:
- (2) The Board shall not grant a special exception for a membership club in any district which permits such a use unless the Board shall first determine that such membership club will:
 - (a) Serve a purely social, athletic, or community service purpose;
 - (b) Be operated on a membership basis and not conducted as a business; and
 - (c) The nature of such club will not cause or create a nuisance to adjoining properties or to its general neighborhood.

- E. Waivers of dimensional requirements. Authorize upon appeal in specific cases equitable waivers of dimensional requirements as provided for in RSA 674:33-a. **[Added 3-10-1998]**
- F. Variances for persons with disabilities. The Zoning Board of Adjustment may grant a variance from the terms of the Zoning Ordinance pursuant to RSA 674:33, V, without finding a hardship arising from the condition of a premises subject to the ordinance, when reasonable accommodations are necessary to allow a person with a recognized physical disability to reside in or regularly use the premises. In granting a variance pursuant to RSA 674:33, V, the Zoning Board may provide that the variance shall survive only so long as the particular person has a continuing need to use the premises. **[Added 3-14-2000]**

§ 275-92. Time limits on approvals. [Added 3-9-1993; amended 3-9-2010]

Any variance, special exception, or administrative appeal granted by the Zoning Board of Adjustment shall be rendered null and void one year from the date of approval unless the applicant files a complete application for a building permit, site plan, or subdivision plan for the subject parcel at which point the Zoning Board of Adjustment approval will run with the administrative time line of the building permit or Planning Board decision.

ARTICLE XIII
Small Wind Energy Systems
[Added 3-10-2009]

§ 275-93. Purpose.

This small wind energy systems article is enacted in accordance with RSA 674:62 to 674:66 and the purposes outlined in RSA 672:1, III-a. The purpose of this article is to accommodate small wind energy systems in appropriate locations, while protecting the public's health, safety and welfare. In addition, this article provides a permitting process for small wind energy systems to ensure compliance with the provisions of the requirements and standards established herein.

§ 275-94. Definitions.

As used in this article, the following terms shall have the meanings indicated:

METEOROLOGICAL TOWER (MET TOWER) — Includes the tower, base plate, anchors, guy wires and hardware, anemometers (wind speed indicators), wind direction vanes, booms to hold equipment for anemometers and vanes, data loggers, instrument wiring, and any telemetry devices that are used to monitor or transmit wind speed and wind flow characteristics over a period of time for either instantaneous wind information or to characterize the wind resource at a given location. For the purpose of this chapter, met towers shall refer only to those whose purpose is to analyze the environmental factors needed to assess the potential to install, construct or erect a small wind energy system.

MODIFICATION — Any change to the small wind energy system that materially alters the size, type or location of the small wind energy system. Like-kind replacements shall not be construed to be a modification.

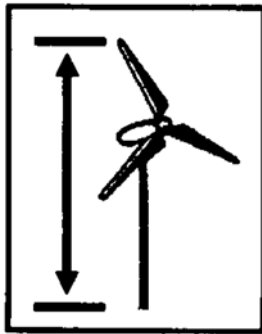
NET METERING — The difference between the electricity supplied to a customer over the electric distribution system and the electricity generated by the customer's small wind energy system that is fed back into the electric distribution system over a billing period.

POWER GRID — The transmission system, managed by ISO New England, created to balance the supply and demand of electricity for consumers in New England.

SHADOW FLICKER — The visible flicker effect when rotating blades of the wind generator cast shadows on the ground and nearby structures causing a repeating pattern of light and shadow.

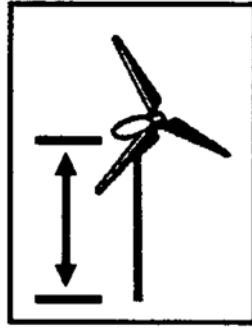
SMALL WIND ENERGY SYSTEM — A wind energy conversion system consisting of a wind generator, a tower, and associated control or conversion electronics, which has a rated capacity of 100 kilowatts or less and will be used primarily for on-site consumption.

SYSTEM HEIGHT — The vertical distance from ground level to the tip of the wind generator blade when it is at its highest point.



TOWER — The monopole, guyed monopole or lattice structure that supports a wind generator.

TOWER HEIGHT — The height above grade of the fixed portion of the tower, excluding the wind generator.



WIND GENERATOR — The blades and associated mechanical and electrical conversion components mounted on top of the tower whose purpose is to convert kinetic energy of the wind into rotational energy used to generate electricity.

§ 275-95. Procedure for review.

- A. **Location.** Small wind energy systems and met towers are an accessory use permitted in all zoning districts where structures of any sort are allowed. Only one small wind energy system shall be permitted per lot.
- B. **Building permit.** A permit for the construction, alteration, enlargement, moving, demolition or use of a small wind energy system shall not be issued by the Building Code Official unless it complies with the provision of this section and/or has been granted a waiver by the Planning Board for projects located in the Performance Zone or a variance by the Zoning Board of Adjustment in all other zones. Met towers that receive a building permit shall be permitted on a temporary basis not to exceed three years from the date the building permit was issued.
- C. **Application.** Applications submitted to the Building Code Official shall contain a plan stamped by a State of New Hampshire certified professional engineer and or licensed land surveyor with the following information:
 - (1) Property lines and physical dimensions of the applicant's property.
 - (2) Location, dimensions, and types of existing major structures on the property.
 - (3) Location of the proposed small wind energy system, foundations, guy anchors and associated equipment.
 - (4) Tower foundation blueprints or drawings.
 - (5) Tower blueprints or drawings.
 - (6) Setback requirements as outlined in this chapter.
 - (7) The right-of-way of any public road that is contiguous with the property.
 - (8) Any overhead utility lines.

- (9) Small wind energy system specifications, including manufacturer, model, rotor diameter, tower height, tower type, nameplate generation capacity.
 - (10) Small wind energy systems that will be connected to the power grid shall include a copy of the application for interconnection with their electric utility provider.
 - (11) Sound level analysis prepared by the wind generator manufacturer or qualified engineer which indicates that the system will be compliant with the sound level required in § 275-96C.
 - (12) Electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the New Hampshire State Building Code.⁶⁵
 - (13) Evidence of compliance or nonapplicability with Federal Aviation Administration requirements.
 - (14) List of abutters to the applicant's property.
- D. Abutter and regional notification. In accordance with RSA 674:66, the Building Code Official shall notify all abutters and the local governing body by certified mail upon application for a building permit to construct a small wind energy system. The public will be afforded 30 days to submit comments to the Building Code Official prior to the issuance of the building permit. The Building Code Official shall review the application for regional impacts per RSA 36:55. If the proposal is determined to have potential regional impacts, the Building Code Official shall follow the procedures set forth in RSA 36:57, IV.

§ 275-96. Standards.

- A. The Building Code Official shall evaluate the application for compliance with the following standards;
- (1) Setbacks. The setback shall be calculated by multiplying the minimum setback requirement number by the system height and measured from the center of the tower base to property line, public roads, or nearest point on the foundation of an occupied building.

Minimum Setback Requirements

Occupied Buildings on Participating Landowner Property	Occupied Buildings on Abutting Property	Property Lines of Abutting Property and Utility Lines	Public Roads
0	1.5	1.1	1.5

⁶⁵ Editor's Note: See Ch. 92, Building Construction.

- (2) Small wind energy systems must meet all setbacks for principal structures for the zoning district in which the system is located.
 - (3) Guy wires used to support the tower are exempt from the small wind energy system setback requirements.
- B. Tower. The maximum tower height shall be restricted to 35 feet above the tree canopy within 300 feet of the small wind energy system. In no situation shall the tower height exceed 120 feet.
- C. Sound level. The small wind energy system shall not exceed 60 decibels using the A scale (dBA), as measured at the site property line, except during short-term events such as severe wind storms and utility outages. The applicant shall be required to prove that the system meets the sound-level requirement prior to a certificate of occupancy being issued.
- D. Shadow flicker. Small wind energy systems shall be sited in a manner that does not result in significant shadow flicker impacts. Significant shadow flicker is defined as more than 30 hours per year on abutting occupied buildings. The applicant has the burden of proving that the shadow flicker will not have significant adverse impact on neighboring or adjacent uses. Potential shadow flicker will be addressed either through siting or mitigation measures.
- E. Signs. All signs, including flags streamers and decorative items, both temporary and permanent, are prohibited on the small wind energy system, except for manufacturer identification or appropriate warning signs.
- F. Code compliance. The small wind energy system shall comply with all applicable sections of the New Hampshire State Building Code.
- G. Aviation. The small wind energy system shall be built to comply with all applicable Federal Aviation Administration regulations, including but not limited to 14 CFR Part 77, Subpart B, regarding installations close to airports, and the New Hampshire Aviation regulations, including but not limited to RSA 422-B and RSA 424.
- H. Visual impacts. It is inherent that small wind energy systems may pose some visual impacts due to the tower height needed to access wind resources. The purpose of this section is to reduce the visual impacts, without restricting the owner's access to the optimal wind resources on the property.
 - (1) The applicant shall demonstrate through project site planning and proposed mitigation that the small wind energy system's visual impacts will be minimized for surrounding neighbors and the community. This may include, but not be limited to information regarding site selection, wind generator design or appearance, buffering, and screening of ground-mounted electrical and control equipment. All electrical conduits shall be underground, except when the financial costs are prohibitive.
 - (2) The color of the small wind energy system shall either be the stock color from the manufacturer or painted with a nonreflective, unobtrusive color that blends in with

the surrounding environment. Approved colors include but are not limited to white, off-white or gray.

- (3) A small wind energy system shall not be artificially lit unless such lighting is required by the Federal Aviation Administration (FAA). If lighting is required, the applicant shall provide a copy of the FAA determination to establish the required markings and/or lights for the small wind energy system.
- I. Approved wind generators. The manufacturer and model of the wind generator to be used in the proposed small wind energy system must have been approved by the California Energy Commission or the New York State Energy Research and Development Authority, or a similar list approved by the State of New Hampshire, if available.
- J. Utility connection. If the proposed small wind energy system is to be connected to the power grid through net metering, it shall adhere to RSA 362-A:9.
- K. Access. The tower shall be designed and installed so as not to provide step bolts or a ladder readily accessible to the public for a minimum height of eight feet above the ground. All ground-mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access.
- L. Clearing. Clearing of natural vegetation shall be limited to that which is necessary for the construction, operation and maintenance of the small wind energy system and as otherwise prescribed by applicable laws, regulations, and ordinances.

§ 275-97. Abandonment.

- A. At such time that a small wind energy system is scheduled to be abandoned or discontinued, the applicant will notify the Building Code Official by certified United States mail of the proposed date of abandonment or discontinuation of operations.
- B. Upon abandonment or discontinuation of use, the owner shall physically remove the small wind energy system within 90 days from the date of abandonment or discontinuation of use. This period may be extended at the request of the owner and at the discretion of the Building Code Official. "Physically remove" shall include, but not be limited to:
 - (1) Removal of the wind generator and tower and related above-grade structures.
 - (2) Restoration of the location of the small wind energy system to its natural condition, except that any landscaping, grading or below-grade foundation may remain in its same condition at initiation of abandonment.
- C. In the event that an applicant fails to give such notice, the system shall be considered abandoned or discontinued if the system is out of service for a continuous twelve-month period. After the 12 months of inoperability, the Building Code Official may issue a notice of abandonment to the owner of the small wind energy system. The owner shall have the right to respond to the notice of abandonment within 30 days from notice receipt date. After review of the information provided by the owner, the Building Code Official shall determine if the small wind energy system has been abandoned. If it is

determined that the small wind energy system has not been abandoned, the Building Code Official shall withdraw the notice of abandonment and notify the owner of the withdrawal.

- D. If the owner fails to respond to the notice of abandonment or if, after review by the Building Code Official, it is determined that the small wind energy system has been abandoned or discontinued, the owner of the small wind energy system shall remove the wind generator and tower at the owner's sole expense within three months of receipt of the notice of abandonment. If the owner fails to physically remove the small wind energy system after the notice of abandonment procedure, the Building Code Official may pursue legal action to have the small wind energy system removed at the owner's expense.

§ 275-98. Compliance required; existing systems.

It is unlawful for any person to construct, install, or operate a small wind energy system that is not in compliance with this article. Small wind energy systems installed prior to the adoption of this article are exempt from this article except when modifications are proposed to the small wind energy system.

§ 275-99. Violations and penalties.

Any person who fails to comply with any provision of this article or a building permit issued pursuant to this article shall be subject to enforcement and penalties as allowed by New Hampshire Revised Statutes Annotated Chapter 676:17.

ARTICLE XIV
Adoption and Amendment Procedures
[Added 3-31-1984]

§ 275-100. Procedure.

As authorized by RSA 675:2, this chapter shall be adopted and amended by a majority vote of any legal Town Meeting when such amendment is published in the warrant calling for the meeting, and when such amendment has received at least one public hearing notice of which has been duly given at least 10 calendar days before said hearing, not including the day the notice is posted and the day of said hearing, in the manner provided by RSA 675:7.

ZONING

275 Attachment 1

Town of Bedford

Table 1
Table of Dimensional Regulations

(All dimensions are in feet unless otherwise noted.)

Zoning District	Minimum Lot Size ^{1,2,3}	Minimum Frontage	Minimum Structure Setbacks				Maximum Building Height	Maximum Building Coverage (%)	Special Conditions	Wireless Telecom Facilities
			Front Yard	Rear Yard	Side yard					
				Abutting a Lot	Abutting a Street					
RA	1.5 acres	150	35	25	35	35	NA	—	— ¹⁴	
GR	— ¹²	— ¹²	35	25	35	35	NA	—	— ¹⁴	
AR	— ⁴	100	50	30 ⁵	50	35	25	7	— ¹⁴	
CI	—	—	—	—	—	—	25	—	— ¹⁴	
CO	1.5 acres	175	60	30	60	48	— ¹⁸	— ^{6,7,16,17}	— ¹⁴	
OF	1 acre	150	60	30	60	48	25	— ⁷	— ¹⁴	
NC	1 acre	150	60	30	60	36	30	— ^{7,8}	— ¹⁴	
HC	1 acre	150	60	30	60	48	25	— ⁷	— ¹⁴	
SI	3 acre	300	60	50	60	40	25	— ^{7,9,11}	— ¹⁴	
PZ	— ¹³	— ¹³	— ¹³	— ¹³	— ¹³	— ¹³	— ¹³	— ^{13,16}	— ¹⁴	
HD	— ¹⁵	— ¹⁵	— ¹⁵	— ¹⁵	— ¹⁵	— ³⁵	— ¹⁸	— ^{16,17}	— ¹⁴	

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FOOTNOTES:

- 1 Refer to Section § 275-23, Nonconforming lots, structures and uses, for exception to these minimum lot sizes.
- 2 Minimum lot size calculations shall be per dwelling or other principal building except as otherwise specified herein and shall exclude all surface water bodies. No more than 25% of the minimum lot size shall be composed of wetlands.
- 3 In the absence of municipal sewerage facilities, minimum lot sizes within all subdivisions shall, in addition to meeting the requirements of the Zoning Ordinance for the district wherein the subdivision is proposed, shall also comply with the lot size requirements specified in the soils and steep slopes regulation contained within the Town's Subdivision Regulations.
- 4 Minimum lot size per building shall be 40,000 square feet plus 4,000 square feet per dwelling unit. There shall be no more than 12 dwelling units in any one building. Maximum number of bedrooms per dwelling shall not exceed two. There shall be a minimum of 800 square feet of net floor space for each one-bedroom dwelling unit and 950 square feet for each two-bedroom dwelling unit.
- 5 For subdivisions without lot lines the minimum distance between buildings shall be 35 feet.
- 6 A business center development must have a minimum lot size of two acres and minimum frontage of 250 feet.
- 7 A buffer zone shall be provided in accordance with the provisions of § 275-21F(2), Buffer zone.
- 8 No enterprise in this district shall have more than eight full-time employees, including the proprietor.
- 9 No newly constructed building within this district shall be closer than 200 feet to an existing residential dwelling.
- 10 A property being developed by one owner into an industrial park may have more than one principal building or use on a single lot.
- 11 Street access to any lot shall be from a street not a state or federal highway whose intersection with the lot shall be at least 250 feet from any state or federal highway.
- 12 Minimum lot size and frontage shall be as follows:
 - a. Served by both public water and public sewer: lot size, 1/2 acre; frontage, 100 feet. **[Amended 3-14-1995]**
 - b. Served by either public water or public sewer: lot size, one acre; frontage, 120 feet.
 - c. No public water or sewer; lot size 1 1/2 acres, frontage and 150 feet.
- 13 See Article VIII, US Route 3 Corridor Performing Zoning District, and Table 2, Table of Uses.
- 14 Wireless telecommunication facilities: See § 275-21A, Uses permitted by right, and § 275-21C, Uses permitted by special exception. **[Added 3-11-1997]**
- 15 Lots within the Historic District overlay (HD) shall meet the dimensional requirements of the underlying zoning district unless otherwise specified. **[Added 3-8-2005]**
- 16 Lots in the Commercial Zone (CO), as well as lots in the Commercial Zone with Historic District overlay (HD), and lots in the Route 3 Performance Zone (PZ) shall be permitted to have more than one principal building per lot. Multiple buildings on a single lot in these zones shall provide a minimum separation between buildings of 20 feet. Additional separation between buildings may be required by applicable fire or building codes. **[Added 3-8-2005]**
- 17 Each building in the Commercial Zone without a Historic District overlay shall be limited to 40,000 square feet per floor. Each building in the Commercial Zone with a Historic District overlay shall be limited to 25,000 square feet per floor. **[Added 3-8-2005]**
- 18 Lots in the Commercial Zone (CO) and in the Commercial Zone with Historic District overlay (HD) shall be limited to a maximum impervious surface area of 75% of the total lot area instead of a maximum building coverage. **[Added 3-8-2005]**

ZONING

275 Attachment 2

Town of Bedford

Table 2
Table of Uses

[Amended 3-9-1993; 3-18-1994; 3-14-1995; 3-11-1997; 3-14-2000; 3-14-2006; 3-11-2008; 3-10-2009]

(All dimensions are in feet unless otherwise noted.)

Use	Zoning District									
	Residential and Agricultural (RA)	General Residential (GR)	Apartment Residential (AR)	Civic and Institutional (CI)	Commercial (CO)	Office (OF)	Neighborhood Commercial (NC)	Highway Commercial (HC)	Service Industrial (SI)	Performance Standards (PZ)
Residential										
Single dwelling	P	P	—	—	—	—	—	—	—	—
Duplex dwelling	—	—	P ¹	—	—	—	—	—	—	—
Multiple dwelling	—	—	P ¹	—	—	—	—	—	—	—
Manufactured housing unit	P	P	—	—	—	—	—	—	—	—
Cluster residential development	P ²	P ²	—	—	—	—	—	—	—	—
Home occupations	P ⁴	P ⁴	—	—	—	—	—	—	—	P ³²
Accessory apartment	S ²⁷	S ²⁷	—	—	—	—	—	—	—	—
Elderly housing	P ³³	P ³³	P ²⁸	—	P ²⁸	P ²⁸	—	—	P ²⁸	—
Boarding-, lodging or rooming house	—	—	—	—	—	—	—	—	—	—
Workforce housing	P ³⁶	P ^{35,36}	P ³⁵	—	P ³⁵	P ³⁵	—	—	P ³⁵	—

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Use	Zoning District										
	Residential and Agricultural (RA)	General Residential (GR)	Apartment Residential (AR)	Civic and Institutional (CI)	Commercial (CO)	Office (OF)	Neighborhood Commercial (NC)	Highway Commercial (HC)	Service Industrial (SI)	Performance Standards (PZ)	
Commercial											
Bank or financial institution	—	—	—	—	P	P	—	—	—	P	
Retail sales of establishments	—	—	—	—	P ⁵	P ⁶	P ⁷	P ⁸	—	P	
Business office	—	—	—	—	P	P	—	—	—	P	
Professional office	—	—	—	—	P	P	—	—	—	P	
Medical or dental clinic	—	—	—	—	P	P	—	—	—	P	
Personal service establishment	—	—	—	—	P	—	P	P	—	P	
General service and repair establishment	—	—	—	—	P ^{2,3}	—	—	P	—	P	
Business center development	—	—	—	—	P ⁹	—	—	—	—	P	
Restaurant	—	—	—	—	P	—	—	P	—	P	
Restaurant, fast-food	—	—	—	—	P ^{3,4}	—	—	P	—	P	
Tourist information center	—	—	—	—	—	—	—	P	—	P	
Funeral home	—	—	—	—	S	—	—	—	—	P	
Parking lot/garage	—	—	—	—	S	—	—	P	—	—	
Commercial recreation facility	—	—	—	P	S	—	—	P	—	P	
Membership club	—	—	—	P	S ¹¹	—	—	—	—	P	

ZONING

Use	Zoning District									
	Residential and Agricultural (RA)	General Residential (GR)	Apartment Residential (AR)	Civic and Institutional (CI)	Commercial (CO)	Office (OF)	Neighborhood Commercial (NC)	Highway Commercial (HC)	Service Industrial (SI)	Performance Standards (PZ)
Hotel	—	—	—	—	P ⁹	—	—	P	—	P
Motel	—	—	—	—	P ⁹	—	—	P	—	P
Gasoline service station	—	—	—	—	—	—	—	P ¹²	—	P ¹²
Automobile and vehicle repair	—	—	—	—	—	—	—	P	—	P
Wholesaling	—	—	—	—	—	—	—	—	—	P
Rental and service of tools equipment	—	—	—	—	—	—	—	—	P ²²	P
Sale of building materials	—	—	—	—	—	—	—	—	P	P
Adult entertainment businesses	—	—	—	—	—	—	—	—	—	P ³⁰
Kennel	—	—	—	—	P	—	—	—	—	P
Industrial										
Manufacturing	—	—	—	—	—	—	—	—	—	P
Light manufacturing	—	—	—	—	—	—	—	—	P ^{13,24}	P
Excavation operations	—	—	—	—	—	—	—	—	—	P ²¹
Warehousing	—	—	—	—	—	—	—	—	P	P
Truck terminal	—	—	—	—	—	—	—	—	P ¹⁴	P ¹⁴
Wholesale and rental trades	—	—	—	—	—	—	—	—	P	P

BEDFORD CODE

Use	Zoning District										Performance Standards (PZ)
	Residential and Agricultural (RA)	General Residential (GR)	Apartment Residential (AR)	Civic and Institutional (CI)	Commercial (CO)	Office (OF)	Neighborhood Commercial (NC)	Highway Commercial (HC)	Service Industrial (SI)		
Research and development facility	—	—	—	—	—	—	—	—	P ²⁴	—	P
Information processing	—	—	—	—	—	—	—	—	P ²⁴	—	P
Public/Institutional											
Church or other place of worship	P	P	—	P	—	—	—	—	—	—	P
Educational institution	P	P	S	P	P	—	—	—	—	—	P
Hospital; sanitorium	P ¹⁵	—	—	—	SP ¹⁶	—	—	—	—	—	P
Nursing homes and assisted living	PP ¹⁵	S ²⁹	—	—	P ¹⁶	—	—	—	—	—	P
Public parks and playgrounds	P	P	P	P	P	P	P	P	P	P	P
Day-care facility	P ⁴ P ¹⁷	P ⁴ P ¹⁷	P ¹⁷	P ¹⁷	P ¹⁷	P ¹⁷	P ¹⁷	P ¹⁷	P ¹⁷	P ¹⁷	P ¹⁷
Cemeteries	—	—	—	P	—	—	—	—	—	—	P
Golf course/county club	—	—	—	P	—	—	—	—	—	—	P
Community center	—	—	—	P	S	—	—	—	—	—	P
Government facilities	—	—	—	P	—	—	—	—	—	—	P
Agricultural											
Gardens, nurseries, and greenhouses	P	P(18)	—	—	—	—	—	—	—	—	P
General farming	P	—	—	—	—	—	—	—	—	—	P

ZONING

Use	Zoning District										Performance Standards (PZ)	
	Residential and Agricultural (RA)	General Residential (GR)	Apartment Residential (AR)	Civic and Institutional (CI)	Commercial (CO)	Office (OF)	Neighborhood Commercial (NC)	Highway Commercial (HC)	Service Industrial (SI)			
Livestock and poultry raising	P ¹⁹	—	—	—	—	—	—	—	—	—	—	—
Accessory use												
Warehousing facilities	—	—	—	—	—	—	—	—	—	—	—	P
Helicopter operation	P ²⁰	—	—	—	—	—	—	—	—	—	—	—
Customary accessory uses	P	P	P	P	P	P	P	P	P	P	P	P
Business office	—	—	—	—	—	—	—	—	—	—	—	P ²⁴
Commercial service facilities	—	—	—	—	—	—	—	—	—	—	—	P
Water-dependent structures	—	—	—	—	—	—	—	—	—	—	—	P
Telecommunications												
Wireless telecommunications facilities	P ³¹	P ³¹	P ³¹	P ³¹	P ³¹	P ³¹	P ³¹	P ³¹	P ³¹	P ³¹	P ³¹	P ³¹

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FOOTNOTES:

- 1 There shall be a minimum of 800 square feet of net floor space for each one-bedroom dwelling unit and an additional 150 square feet of net floor area for a second bedroom. No more than two bedrooms per dwelling are permitted, and no more than 12 dwelling units shall be permitted in any one building.
- 2 Provided that such development complies with Article V, Cluster Residential Development.
- 3 **[Deleted 3-12-1996; amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**
- 4 Provided that such complies with § 275-21F(1), Home occupations, of this chapter.
- 5 Including retail clothing, appliance, hardware and department stores; automotive accessory, drug and variety stores; grocery and supermarkets; cocktail lounges and liquor stores. Excluding the sale of automobiles, trucks, motorcycles, boats, snowmobiles, trailers, mobile homes, camping vehicles, and similar types of vehicles. Also excluded are oil, lubrication, car wash establishments, and automotive maintenance retail establishments. **[Amended 3-8-2005]**
- 6 Retail businesses are permitted only as an accessory use to, and located within, a building that contains a use that is permitted by right within this district.
- 7 Limited to the selling of groceries, meats, produce, drugs, stationary, hardware, baked foods (outlet only), floral arrangements, and household appliances.
- 8 Limited to the selling of general merchandise, appliances or automobile supplies, trucks, motorcycles, boats, snowmobiles, trailers, manufactured housing, camping vehicles and similar types of vehicles.
- 9 Provided that the lots have a minimum area of two acres and minimum frontage of 25 feet.
- 10 (Reserved)
- 11 Excluding clubs for gunning, trap shooting, trapping, or other similar purposes.

- 12 Gasoline service stations, with or without accessory service bays for repairs to automobiles, are permitted, but shall not include body or fender repair, painting, or used car sales or storage. A gasoline service station is not permitted to be located within two miles of an existing station in the Highway Commercial Zones. In the PZ Zone, gas stations are permitted only by a conditional use permit granted by the Planning Board. Parcels of land used for gasoline service stations may also contain a convenience food store. **[Amended 3-10-1998]**
- 13 Limited to the manufacturing or fabricating of parts from previously prepared materials.
- 14 Provided that the site shall be enclosed on all sides by a fence or wall at least six feet in height, and the parking area shall be paved and protected by barriers or wheel stops. The site shall be limited to one entrance and one exit no wider than 30 feet each.
- 15 Provided that the lots have a minimum area of five acres and comply with the buffer zones requirements of § 275-21F(2) of this chapter.
- 16 Provided that the lot has a minimum area of five acres and minimum frontage of 400 feet.
- 17 Provided that on the same lot there is no less than 50 square feet of play area for each child and that activities associated with such use are properly screened or fenced from adjoining properties.
- 18 Only customary agricultural operations, including gardens, nurseries, and greenhouses, will be permitted for home use only.
- 19 No commercial hog raising is permitted.
- 20 Shall be permitted as residential accessory use subject to the following:
 - a. The resident's lot upon which the helicopter is housed shall contain at least five acres;
 - b. The New Hampshire Aeronautics Commission and the Federal Aviation Administration shall have approved the resident's lot for a private, noncommercial helipad;
 - c. The helicopter shall be used for noncommercial purposes only;
 - d. The helicopter shall be flown such that it will be at normal operating altitude before flying directly over any residence; and

ZONING

- e. The area where the helicopter is housed shall be appropriately screened such that the helicopter is not readily visible by abutters.
- ²¹ Excavation operations shall only be permitted in the PZ Zoning District that is located in the portion of town bounded by the Merrimack River, the Town of Merrimack town line, the F.E. Everett Turnpike, and Route 101/1-293. **[Amended 3-9-1994]**
- ²² Excluding facilities for repair or maintenance of equipment, appliances and vehicles having internal combustion engines.
- ²³ Excluding shops for the repair or maintenance of automobiles, trucks, motorcycles, boats, snowmobiles, trailers, mobile homes, camping vehicles, and similar type vehicles.
- ²⁴ The amount of floor space dedicated to office functions in research and development operations, information processing operations, and light manufacturing operations shall not exceed 40% of total floor area of each separate unit unless approved by the Planning Board. Approval of general office use greater than 40% of total floor area, but not to exceed 65%, will be based on a request by the owner of the property where the building is located. In evaluating this request the Planning Board will consider the following factors.
- a. Impact of the additional office space use on municipal roads, sewer, and water systems.
- b. The availability on the site for additional parking, if required, and traffic movement.
- c. The impact of creating additional parking within buffers or “green areas” around the site and plant materials located adjacent to existing parking areas.
- ²⁵ (Reserved) **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**
- ²⁶ (Reserved) **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**
- ²⁷ One accessory attached apartment shall be permitted to single-family residences in the General Residential Zone and the Residential and Agricultural Zone by special exception from the Zoning Board of Adjustment, subject to existing standards set forth in § 275-91C of this chapter and with these further stipulations:
- a. An accessory apartment shall be clearly incidental to the primary use of the property for a single-family residence, and such accessory living space shall not exceed 1,000 square feet. **[Amended 3-9-2010]**
- b. An accessory apartment shall either be constructed within or attached to a single-family residence.
- c. At least one interior connecting door or other access for persons to pass between the primary residence and the accessory apartment shall be provided.
- d. Septic system design/capacity shall be approved by the New Hampshire Department of Environmental Services.
- e. No new entrance or exit to an accessory apartment shall be constructed facing the front of the single-family residence.
- f. One parking space shall be provided for an accessory apartment, and no new curb cut from the street shall be constructed.
- g. Exterior construction and materials shall be uniform with the single-family residence. **[Added 3-9-1993]**
- ²⁸ See § 275-21B. **[Amended 9-3-1993; 3-11-2008; at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**
- ²⁹ Nursing homes shall be permitted in the General Residential Zoning District by special exception of the Zoning Board of Adjustment, subject to existing standards set forth in § 275-21C(3) and with these further conditions: **[Amended at time of adoption of Code (see Ch.1, General Provisions, Art. I)]**
- a. The lot area shall be minimum of five acres;
- b. The site shall comply with the buffer zone requirements of § 275-21F(2) of this chapter; and
- c. The site shall be served by municipal sewer and municipal water. **[Added 3-9-1993]**
- ³⁰ Adult entertainment businesses shall be permitted subject to the standards found in § 275-72 of this chapter and all other applicable zoning and site plan requirements. **[Added 3-14-1995]**
- ³¹ Wireless telecommunications facilities shall be permitted subject to the standards found in § 275-21A, Uses permitted by right, and § 275-21C, Uses permitted by special exception of this chapter and all other applicable zoning and site plan requirements. **[Added 3-11-1997]**

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- 32 Only Level 1 home occupations will be permitted. [**Added 3-14-2000**]
- 33 Allowed only in cluster residential developments subject to § 275-34J, Design standards for single attached dwellings for elderly and workforce housing. [**Added 3-8-2005**]
- 34 Fast-food restaurants in the Commercial (CO) Zoning District shall not provide drive-up or drive-through service facilities and shall not provide curb service or outside drive-up or walk-up service windows. [**Added 3-8-2006**]
- 35 Workforce housing shall be subject to the provisions of § 275-21B(4) of this chapter. [**Added 3-10-2009**]
- 36 Workforce ownership housing shall be subject to the provisions of § 275-21B(5) of this chapter. [**Added 3-10-2009**]

ZONING

275 Attachment 3

Town of Bedford

Table 3
Table of Performance Dimensional Standards

For Properties Located On	Minimum Lot Area (acres)	Minimum Lot Frontage (feet)	Maximum Building Height (feet)	Minimum Front Structure Setback (feet)	Minimum Side Structure Setback (feet)	Minimum Rear Structure Setback (feet)	Maximum Impervious Cover (%)
U.S. Route 3:							
With municipal water and sewer	3.0	300 ^{1,2}	80	1:4 ^{6,7,8}	1:1 ⁶	1:1 ⁶	75% ⁹
Without municipal water and/or sewer	3.0 ^{4,5}	300 ^{1,2}	48	1:4 ^{6,7,8}	1:1 ⁶	1:1 ⁶	75% ⁹
Local roads or U.S. Route 3 when private shared access drives are used: ¹⁰							
With municipal water and sewer	1.0 ³	75 ^{1,2}	80	1:4 ^{6,7,8}	1:1 ⁶	1:1 ⁶	75% ⁹
Without municipal water and sewer	1.5 ^{3,4,5}	150 ^{1,2,3}	48	1:4 ^{7,8}	1:1 ⁶	1:1 ⁶	75% ⁹

FOOTNOTES:

- ¹ Lots with frontage on both U.S. Route 3 and a local road shall be accessed from the local road.
- ² Minimum frontage requirement to be satisfied at street providing access to lot.
- ³ Required lot area and frontage for lots without sewer may be reduced to the required dimensions for lots with water and sewer if all of the following are met: lot meets requirements of NHDES lot sizing criteria; subdivider contributes to a Town-administered fund kept for the future sewer extensions; has a municipal water supply. In addition, the Planning Board may waive the soils-and-slopes-based lot requirements contained within the Subdivision Regulations for the Town of Bedford.
- ⁴ Subject to NHDES lot sizing criteria.
- ⁵ Subject to Town of Bedford soils-and-slopes-based lot criteria.
- ⁶ Calculated as a ratio of one foot of maximum building height to one foot of required building setback.
- ⁷ May be reduced to 1:2 if all parking and loading are located to the side or rear of the principal structure.
- ⁸ Minimum front structure setback dimension is 50 feet on U.S. Route 3 and 30 feet on local roads; no front structure setback requirement shall be in excess of 120 feet from any road.
- ⁹ May be increased by an amount equal to the area of easement dedicated to future widening of U.S. 3. [See Figure 3, Incentive Bonus Formulas for Route 3 Easement.]
- ¹⁰ “Private shared-access drives” shall mean common access points to U.S. Route 3 providing access to two or more properties having a total combined frontage on U.S. Route 3 of not less than 300 feet.
- ¹¹ Building height for calculation of setbacks shall be determined as the vertical distance from the average existing ground level of a building footprint to the soffit (or highest horizontal support) of the building. [**Added 3-14-1995**]

ZONING

275 Attachment 4

Town of Bedford

**Table 4
Table of Side and Rear Landscape Area Options**

Landscape Options	Number of Trees Required (measured along the centerline of side and rear landscape areas)	Number of Shrubs Required (measured along the center line of side and rear landscape areas)	Required Size of Trees ¹ (at time of planting)	Required Size of Shrubs (at time of planting)	Minimum Separation of Plantings		
					Trees	Ornamentals	Shrubs
Dense vegetated screen	1 tree + additional trees per every 50 feet 40% shall be deciduous. 60% shall be evergreen.	1 shrub + 1 additional shrub per every 10 feet 40% shall be deciduous. 60% shall be evergreen.	½ the maximum proposed building height	Minimum four-foot high	25 feet O.C.	N/A	8 feet O.C.
Trees and shrubs with a berm ²	1 tree + 1 additional trees per every 50 feet Deciduous and/or evergreen	1 shrub + 1 additional shrub per every 10 feet 40% shall be deciduous. 60% shall be evergreen.	½ the maximum proposed building height	See Footnote 3.	25 feet O.C.	N/A	5 feet O.C.
Trees with a four-foot-high wall ⁴	1 tree + 1 additional tree per every 50 feet Deciduous and/or evergreen or 1 ornamental + 1 additional ornamental per every 25 feet	N/A	½ the maximum proposed building height ⁵	N/A	25 feet O.C.	15 feet O.C.	N/A

FOOTNOTES:

¹The size of trees (deciduous, evergreen, ornamentals) shall not be less than 12 feet high, nor have a caliper less than 2.5 inches at the time of planting.

²The side slopes of any earthen berm shall not exceed 25%.

³The required size of a shrub is dependent upon the height of the berm: the combination of the berm height and the shrub height must be equal to or greater than six feet high at the time of planting.

⁴The wall is required to run the entire length of the required side and rear landscape strip; however, staggering and bending the wall is permitted and encouraged.

⁵An ornamental shall have a minimum caliper of 2.5 inches at the time of planting.

ZONING

275 Attachment 5

Town of Bedford

Table 5
Table of Exterior Pavement Landscape Options

Landscape Options	Number of Trees Required (measured along the exterior pavement edge)	Number of Shrubs Required (measured along the exterior pavement edge)	Required Size of Trees (at time of planting)	Required Size of Shrubs (at time of planting)	Minimum Separation of Plantings		
					Trees	Ornamentals	Shrubs
Vegetated screen	1 tree + 1 additional tree per every 50 feet 40% shall be deciduous. 60% shall be evergreen.	1 shrub + 1 additional shrub per every 15 feet 40% shall be deciduous. 60% shall be evergreen.	Minimum caliper of 2.5 inches or a minimum twelve-foot height	Minimum three-foot height with a minimum four-foot spread	25 feet O.C.	N/A	5 feet O.C.
Trees with an average three-foot-high berm ¹	1 tree + 1 additional tree per every 50 feet Deciduous and/or evergreen	N/A	Minimum caliper of 2.5 inches or a minimum twelve-foot height	N/A	25 feet O.C.	N/A	N/A
Trees with a four-foot-high wall ²	1 tree + 1 additional tree per every 50 feet deciduous and/or evergreen or 1 ornamental + 1 additional ornamental per every 25 feet	N/A	Minimum caliper of 2.5 inches or a minimum twelve-foot height	N/A	25 feet O.C.	15 feet O.C.	N/A
Shrubs ³	N/A	1 shrub + 1 additional shrub per every 15 feet 40% shall be deciduous. 60% shall be evergreen.	N/A	Minimum four-foot height with a minimum three-foot spread	N/A	N/A	15 feet O.C.

FOOTNOTES:

- ¹ The side slopes of any earthen berm shall not exceed 25%.
- ² The wall is required to run the entire length of the exterior landscape strip. However, staggering and bending the wall is permitted and encouraged.
- ³ This option is only available for the portion of the exterior landscape strip which falls between the pavement area and the road. [Amended 3-8-2005]

ZONING

275 Attachment 6

Town of Bedford

Table 6
Table of Performance Zone Sign Standards
[Amended 3-12-1996; 3-9-1999; 3-11-2003; 3-14-2006]

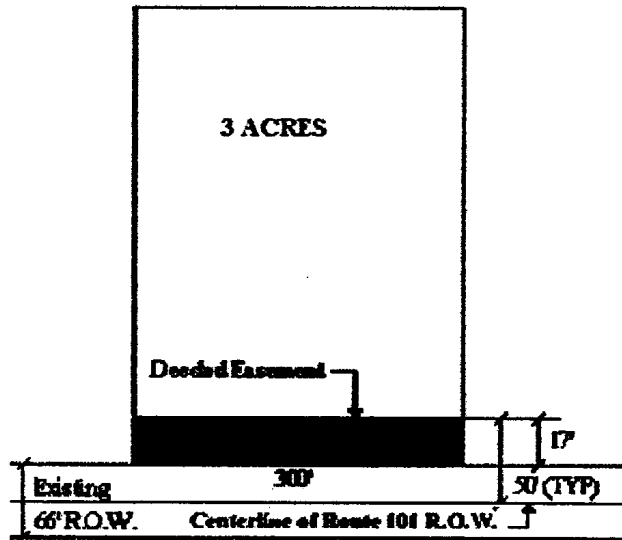
Sign	Type	Maximum Number and Maximum Sign Area	Maximum Sign Height	Location Height	Remarks
Identification sign (building)	Wall canopy eaveline	In a building where the entire first floor is occupied by a single tenant, that tenant shall be permitted to have a building sign for each road frontage or parking lot frontage on which the building is situated, not to exceed 32 square feet per sign. A maximum of two signs. In buildings where the first floor is occupied by two tenants, each tenant will be permitted to have one building sign, not to exceed 32 square feet per sign. In a building with more than two tenants, each first floor tenant with a separate public exterior entrance shall be permitted to have one building sign, not to exceed 16 square feet.	Shall not project above eaveline or canopy eaveline. Shall not project above first floor line or 12 feet, whichever is less single face.	Address numbers shall be located on main entry doorway. Numbers shall not exceed six inches in height.	
Center identification sign (freestanding)	Monument or directory	One double-faced sign per lot Maximum sign area for one or two tenants, 32 square feet per sign face. Maximum sign area for more than two tenants, 50 square feet per sign face.	10 feet above grade	Shall not be located so as to be a hazard for driveway access.	Display address number/range. See landscape section for sign base landscape requirements.
Any wall sign or freestanding sign located 150 feet or more from the edge of any street right-of-way providing frontage to a lot may increase the sign area by utilizing a formula of: distance in feet/4.25 = allowable area of sign. The distance shall be measured in a straight line from the sign location to the center point of the driveway curb cut on the lot line providing frontage for the lot. In the case of multiple driveways, the driveway entry that is used to determine the street address shall be the point of reference.					

ZONING

275 Attachment 7

Town of Bedford

Figure 1
Incentive Bonus Formula
for Route 101 Easement



- Allowable impervious coverage prior to deeding an easement:
 $0.75 \times 3 \text{ acres} = 2.25 \text{ acres}$

- Deeded easement area:
 $17' \times 300' = 5,100 \text{ square feet or } 0.12 \text{ acres}$

- By deeding the easement, the impervious coverage increases to:
$$\begin{array}{r} 2.25 \text{ acres} \\ + 0.12 \text{ acres} \\ \hline 2.37 \text{ acres} \end{array}$$

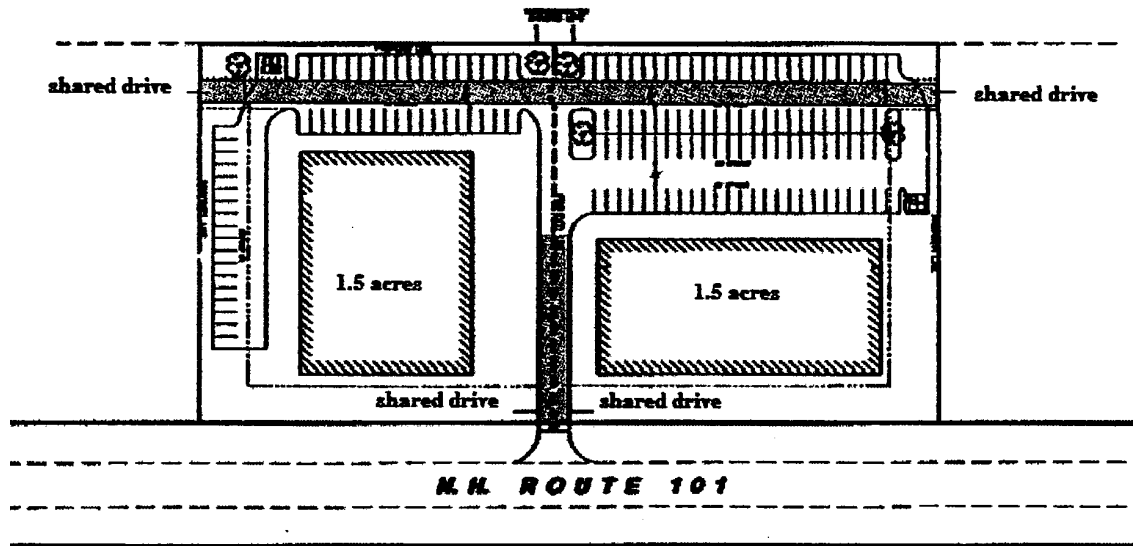
- Available land after deeding the easement:
 $3 \text{ acres} - 0.12 \text{ acres} = 2.88 \text{ acres}$
therefore,
2.37 acres of 2.88 acres may be impervious or
82% allowable impervious coverage

ZONING

275 Attachment 8

Town of Bedford

Figure 2
Incentive Bonus Standard for
Shared Access to Route 101 and Interconnecting Parking Lots



Shared Entry Drives and Parking Lot Drives

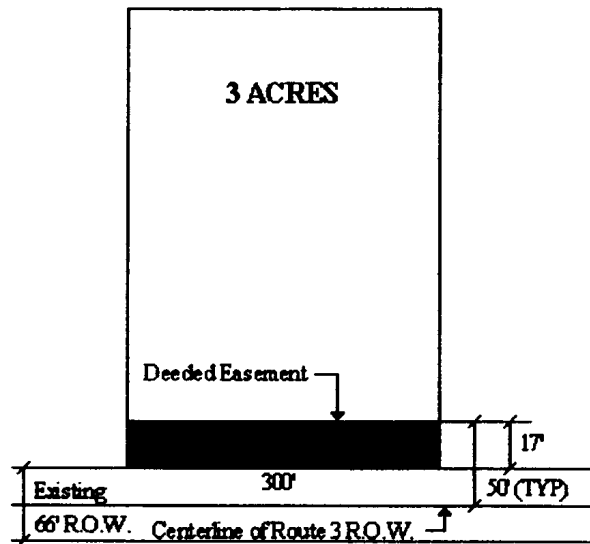
- Allowable impervious coverage prior to deeding an easement:
 $0.75 \times 1.5 \text{ acres (each lot)} = 1.13 \text{ acres per lot}$
- Deeded easement area:
Rear parking drive = $24' \times 175' = 4,200 \text{ square feet}$ or 0.10 acres
Front entry drive = $12' \times 125' = 1,500 \text{ square feet}$ or 0.03 acres
- By deeding the easement, the impervious coverage increases to:
 1.13 acres
 $+0.13 \text{ acres}$
 1.26 acres
- Available land after deeding the easement:
 $1.5 \text{ acres} - 0.13 \text{ acres} = 1.37 \text{ acres}$
therefore,
 $1.37 \text{ acres of } 1.50 \text{ acres may be impervious or}$
 $91\% \text{ allowable impervious coverage}$

ZONING

275 Attachment 9

Town of Bedford

Figure 3
Incentive Bonus Formula
for Route 3 Easement



- Allowable impervious coverage prior to deeding an easement:
 $0.75 \times 3 \text{ acres} = 2.25 \text{ acres}$

- Deeded easement area:
 $17' \times 300' = 5,100 \text{ square feet or } 0.12 \text{ acres}$

- By deeding the easement, the impervious coverage increases to:
$$\begin{array}{r} 2.25 \text{ acres} \\ + 0.12 \text{ acres} \\ \hline 2.37 \text{ acres} \end{array}$$

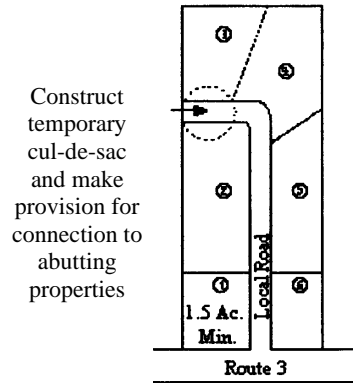
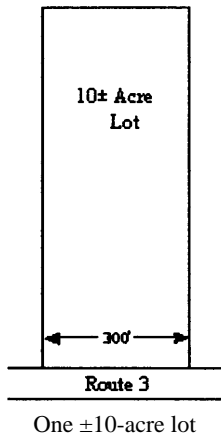
- Available land after deeding the easement:
 $3 \text{ acres} - 0.12 \text{ acres} = 2.88 \text{ acres}$
therefore,
 $2.37 \text{ acres of } 2.88 \text{ acres may be impervious or}$
 $82\% \text{ allowable impervious coverage}$

ZONING

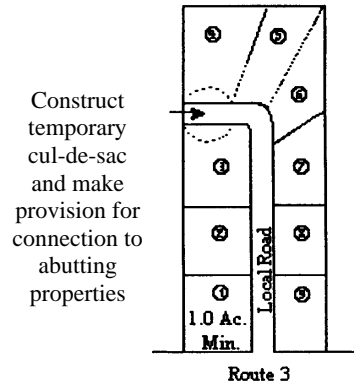
275 Attachment 10

Town of Bedford

Figure 4
Incentive Bonus Standards
Water and/or Sewer (N.T.S.)

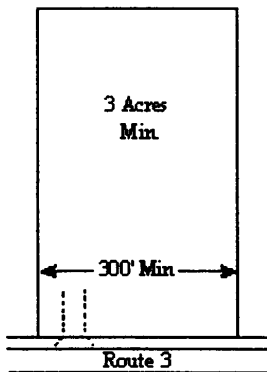


Same 10-acre lot subdivided into six lots through the use of incentive bonus standards without water and/or sewer

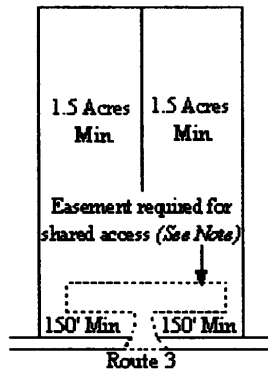


Same 10-acre lot subdivided into nine lots through the use of incentive bonus standards with water and/or sewer

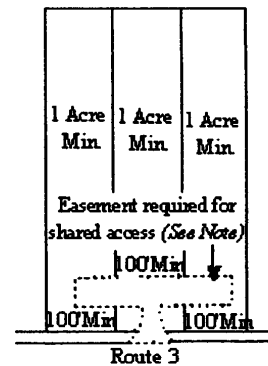
Shared Access (N.T.S.)



Three-acre lot with private access



Same three-acre lot subdivided into two 1.5-acre sites with shared access through use of minimum lot area and frontage*



Same three-acre lot subdivided into three one-acre sites with shared access through use of municipal waste and sewer connections*

Note: Easement deed(s) insuring permanent use of principal access drive(s) shall be granted to individual sites. Easement deed(s) shall provide mutually binding agreements between sites for proper construction and maintenance of shared drive(s).

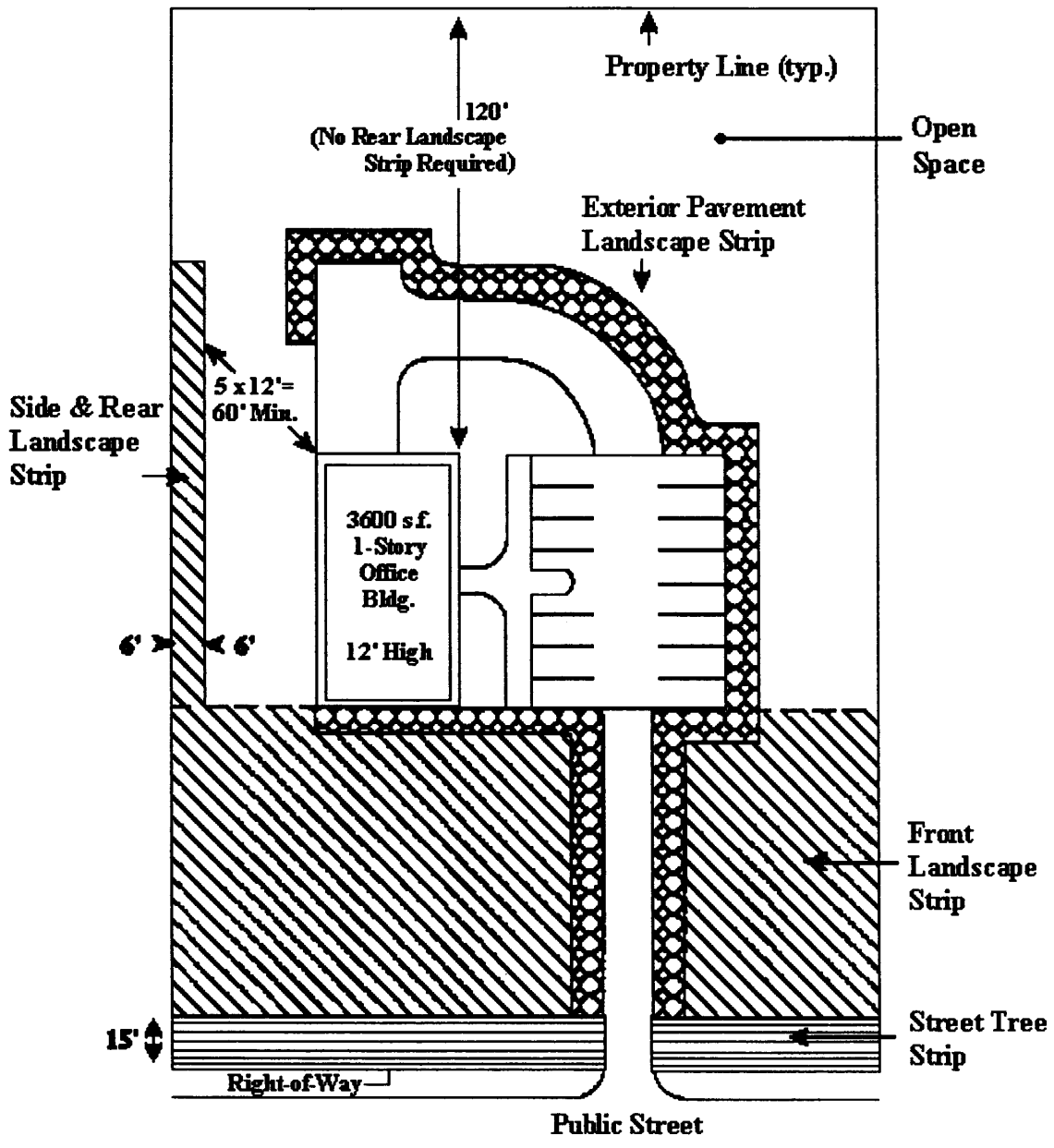
* See § 275-62B, Incentive bonus standards.

ZONING

275 Attachment 11

Town of Bedford

Figure 5
Designated Landscape Areas

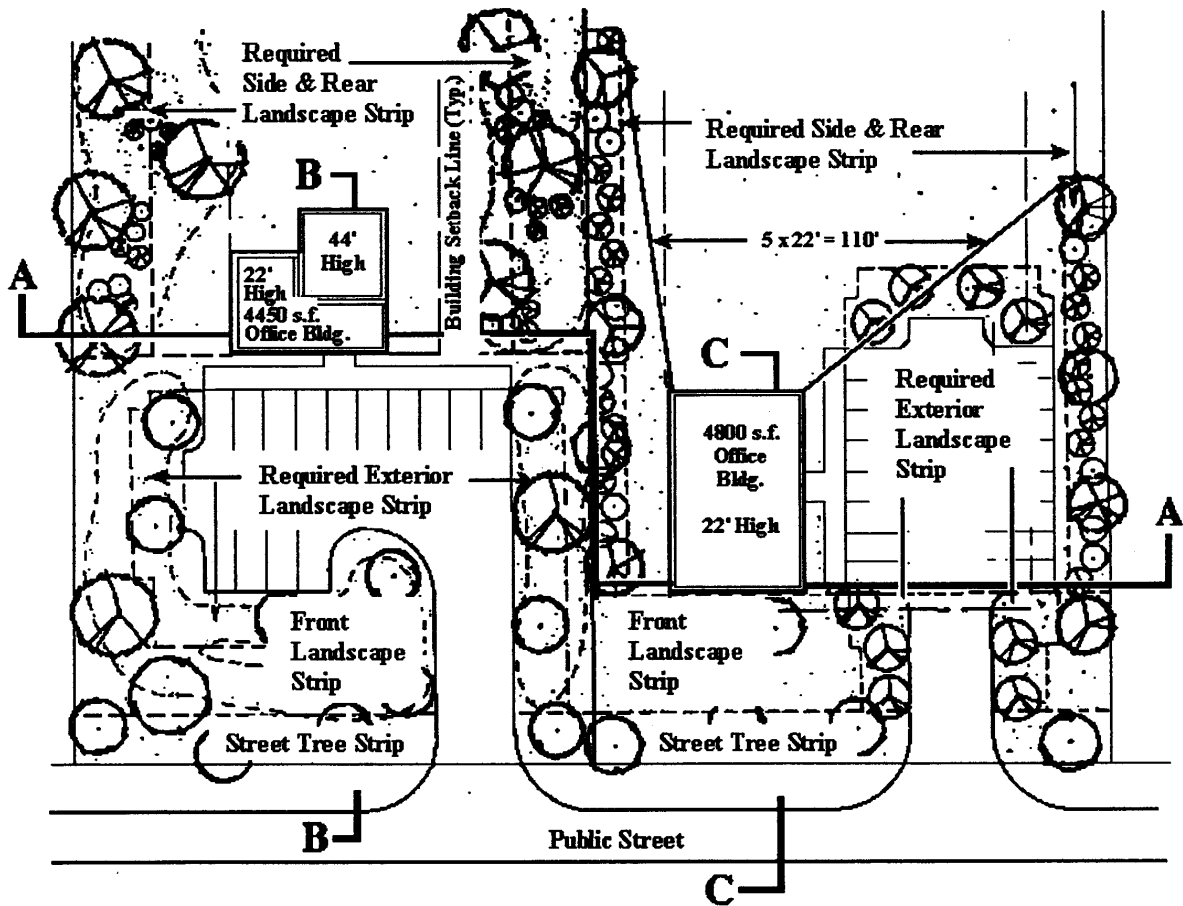


ZONING

275 Attachment 12

Town of Bedford

Figure 6
Minimum Landscape Requirements

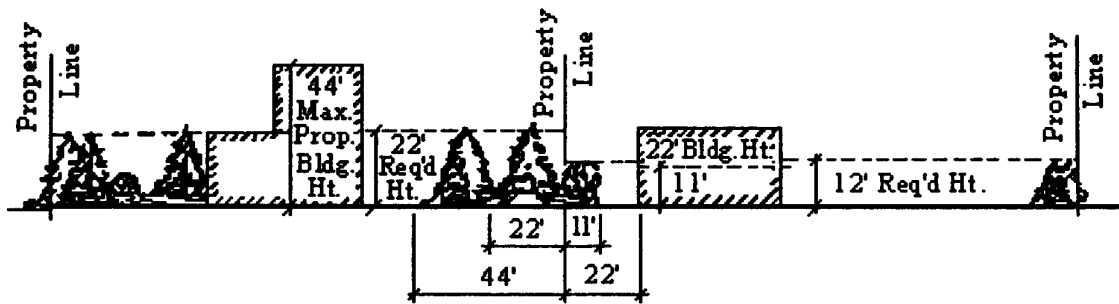


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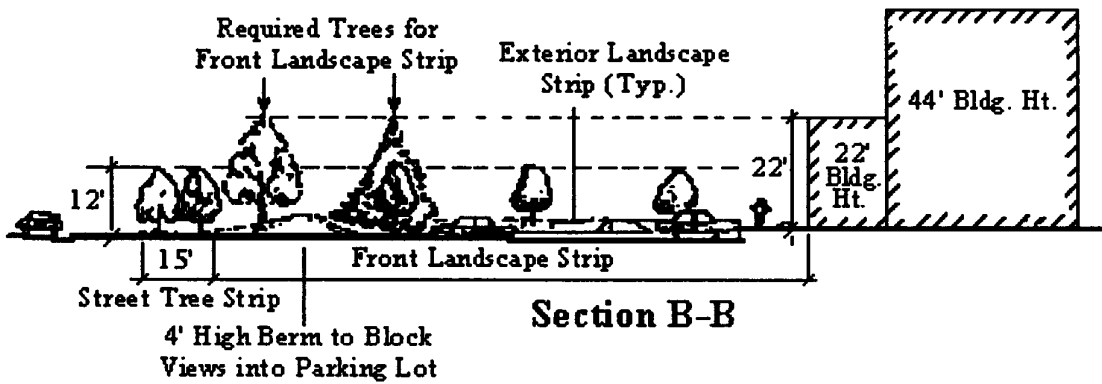
275 Attachment 13

Town of Bedford

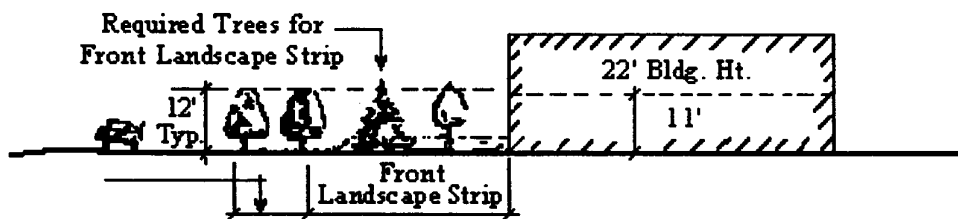
Figure 7
Minimum Landscape Heights



Section A-A



Section B-B



Section C-C

NOTES:

- (1) Required trees for side and rear landscape strip and front landscape strip shall be 1/2 of the maximum proposed building height at the time of planting. All trees planted shall be not less than 12 feet high nor have a caliper less than 2.5 inches.
- (2) Required trees for the street tree strip, the exterior landscape strip and the interior landscape a strip shall not be less than 12 feet high nor have a caliper less than 2.5 inches.

ZONING

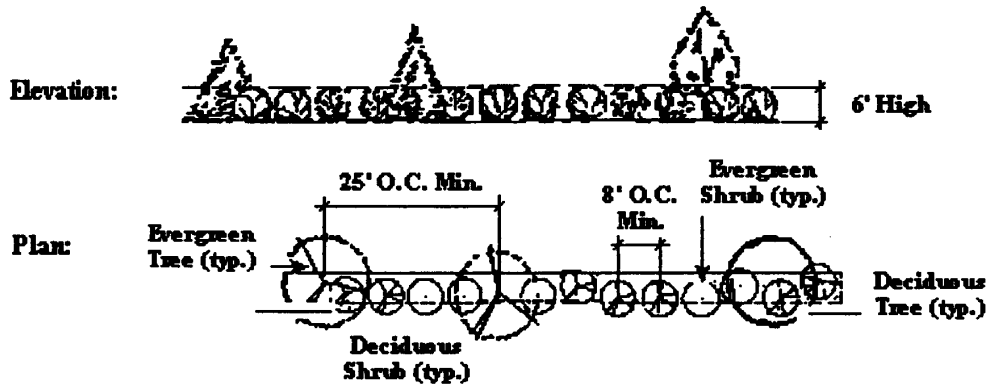
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Town of Bedford

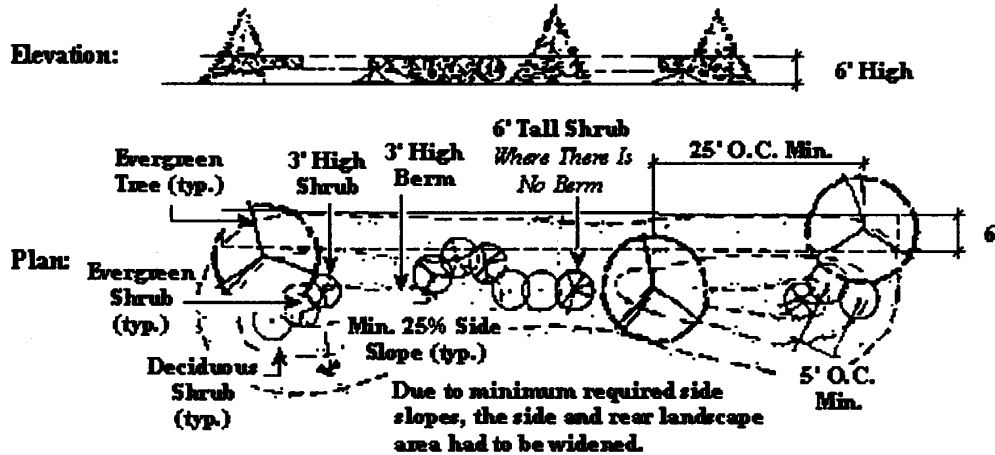
Figure 8
Side and Rear Landscape Options

[NOTE: These examples are for a side and rear landscape strip which is 110 feet long and six feet wide.]

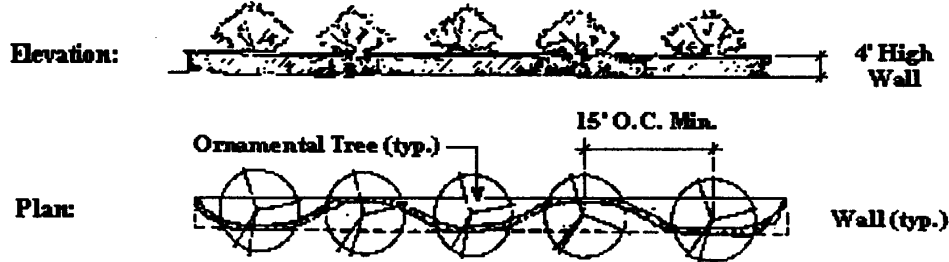
DENSE VEGETATED SCREEN (N.T.S.)



TREES AND SHRUBS WITH A BERM (N.T.S.)



TREES WITH A 4-FOOT HIGH WALL (N.T.S.)

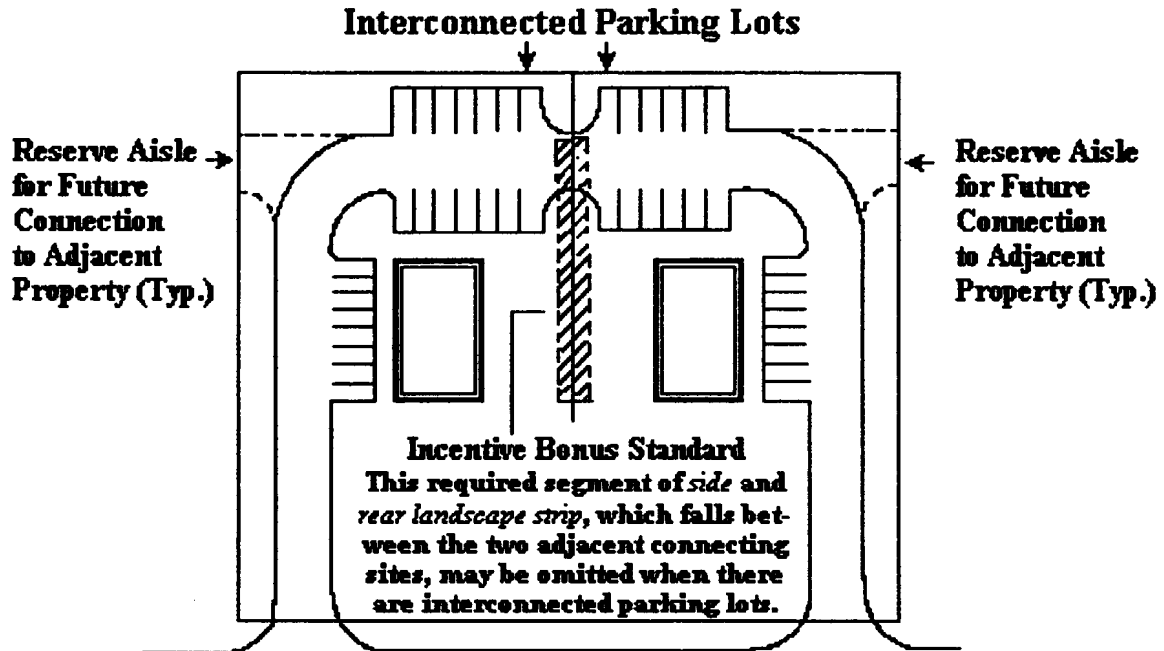


ZONING

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Town of Bedford

Figure 9
Interconnected Parking Lots

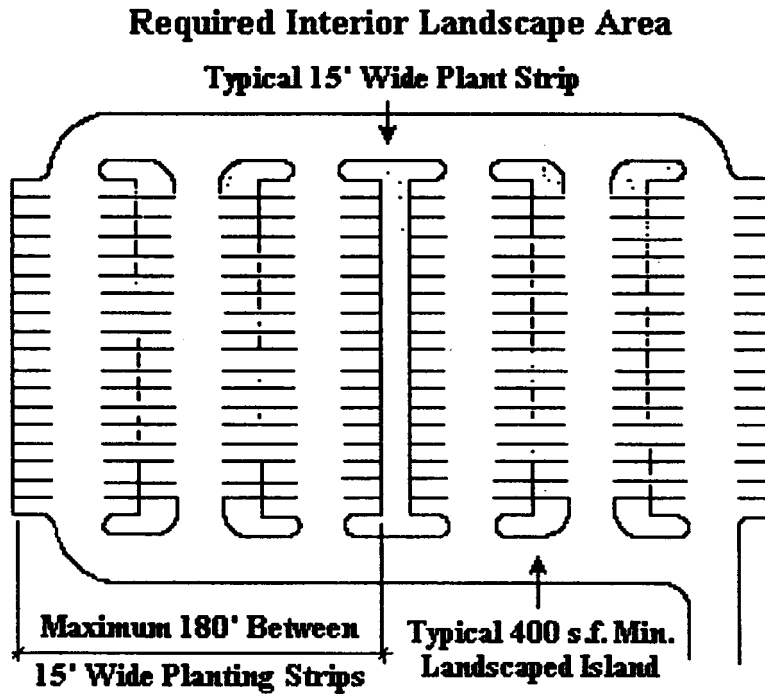


ZONING

275 Attachment 16

Town of Bedford

Figure 10
Parking Lot With Multiple Parking Aisles (N.T.S.)



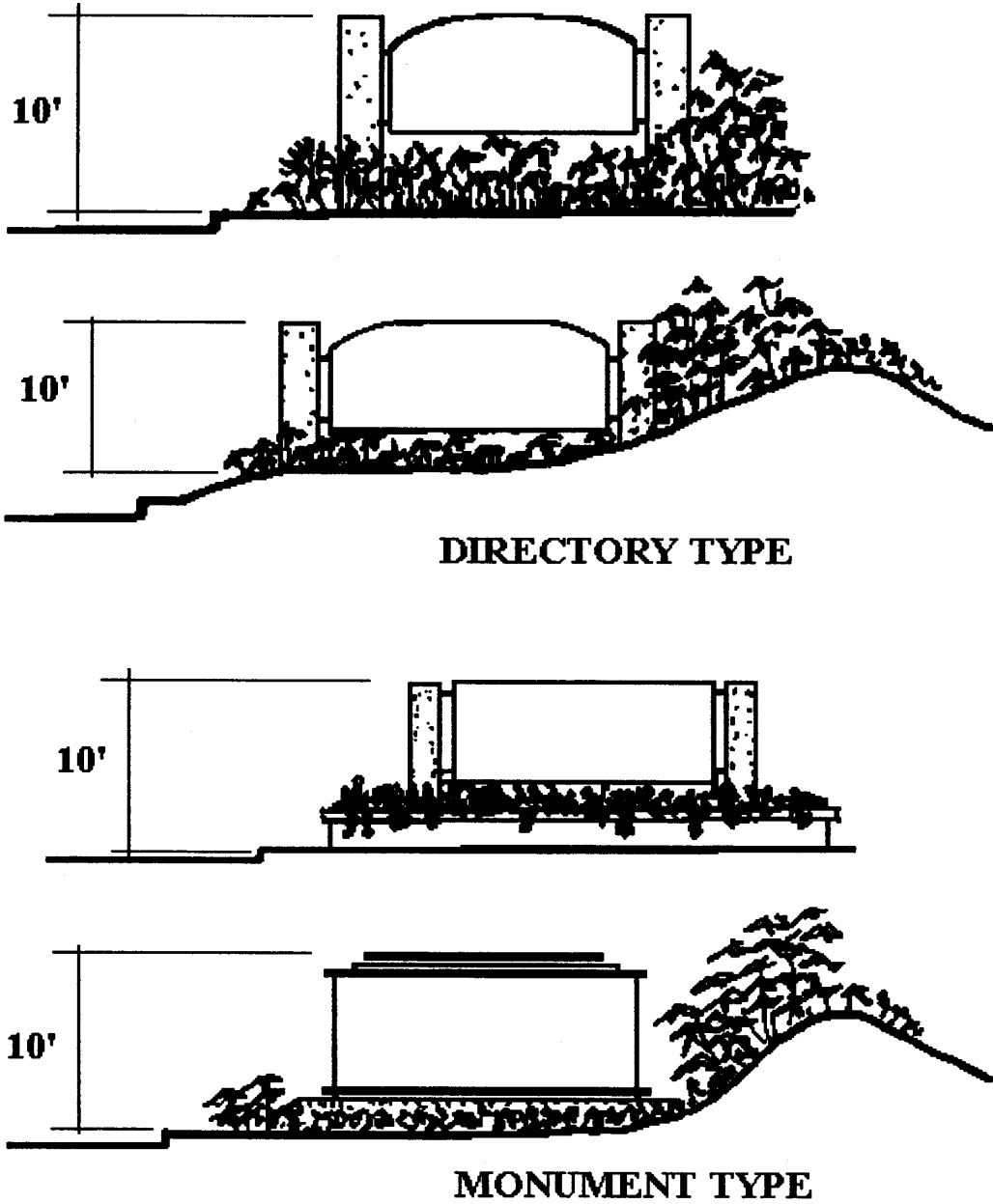
ZONING

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Town of Bedford

Figure 11
Center Identification Sign

(FREESTANDING)

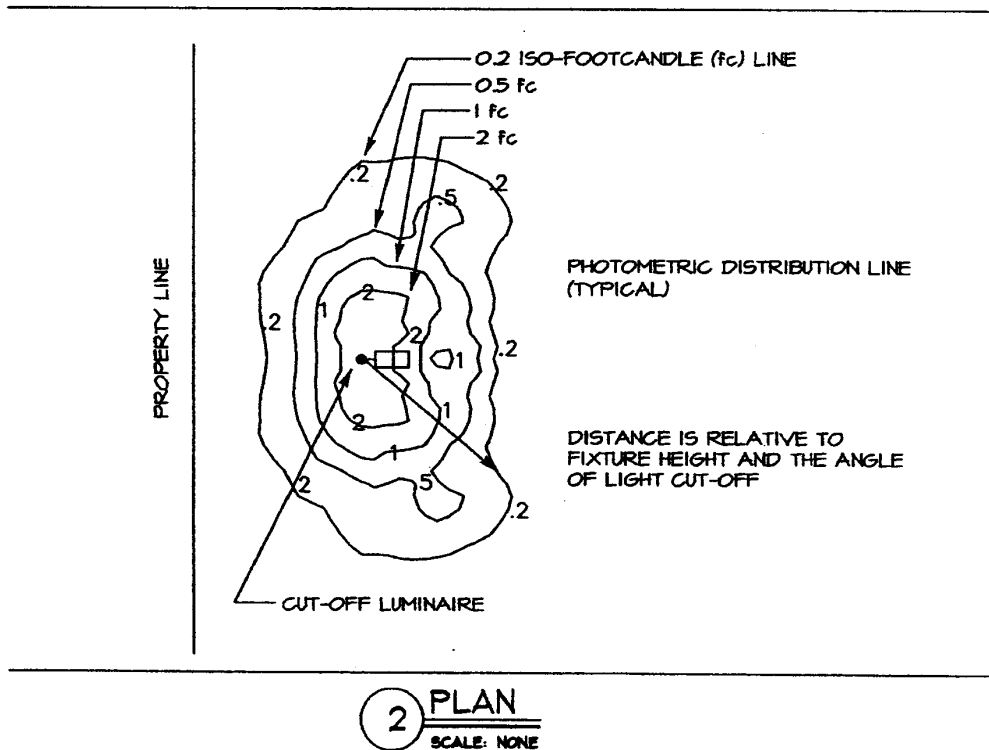
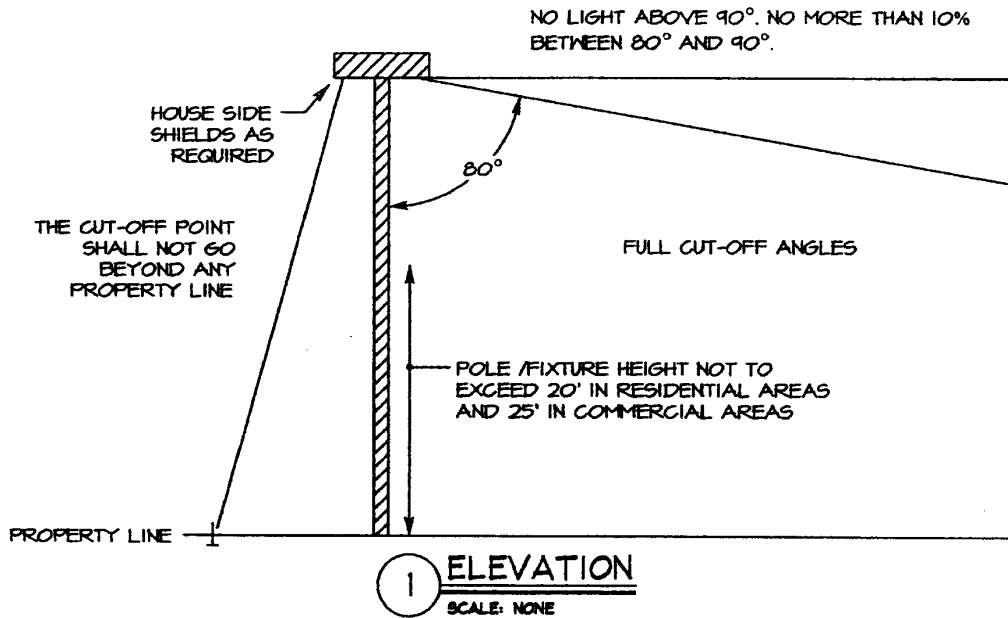


ZONING

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Figure 12
Design of External Lighting Fixtures



ZONING

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Town of Bedford

Figure 13
Buffer Zone Planting Diagrams

Figure 13A Building Height and Buffer Width

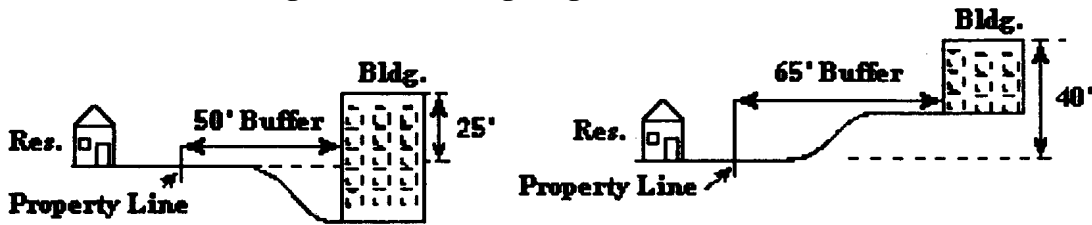


Figure 13B Tree Planting Detail - Plan View (Parallel Rows)

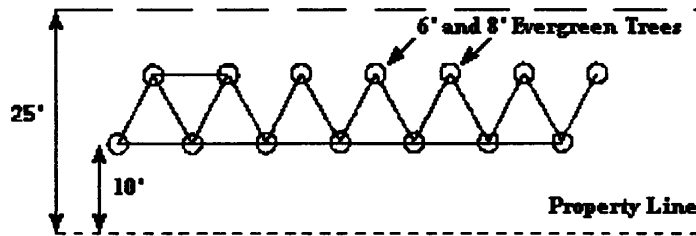


Figure 13C Tree Planting Detail - Plan View (Broken Rows)

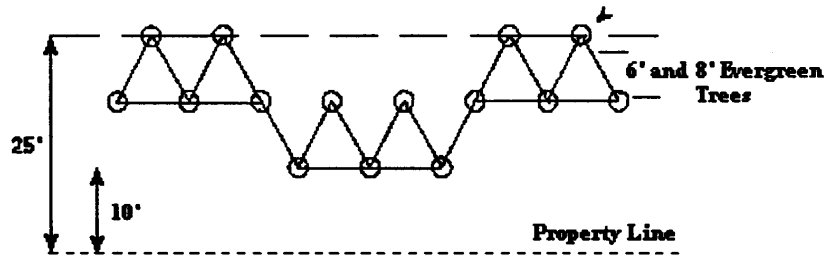
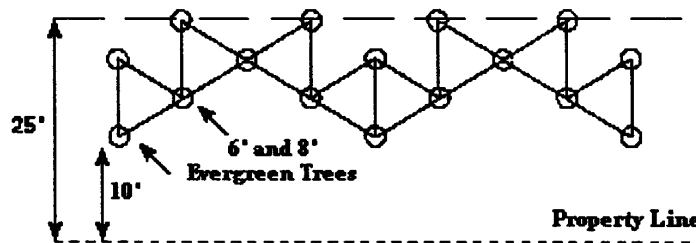
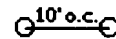


Figure 13D Tree Planting Detail - Plan View (Serpentine Rows)



Note: All trees spaced 10 feet on center.



ZONING

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Town of Bedford

Figure 14
Geometric Standards for Parking Lot Design

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Angle of Parking (degrees)	Stall Width	Width of Stall Parallel to Aisle	Depth of Stall Perpendicular to Aisle	Width of Aisle	Parking Against Wall or Bumper Stops
90	9'0"	9'	18'0" 18'0"*	24'0" ² 24'0"*	64'0" 60'-0"*
60	9'0"	10'5"	20'0" 19'0"*	18'0" 16'0"*	58'0" 54'0"*
45	9'0"	12'9"	17'6"	12'0"*	47'0"*
NOTE: Parking stops will be required to prevent vehicle obstructions from occurring in the sidewalk area(s).					
* One-way aisle					

1 [Amended 3-14-1995]

