

**TOWN OF BEDFORD
HISTORIC DISTRICT COMMISSION MINUTES
January 8, 2019**

A meeting of the Bedford Historic District Commission was held on Tuesday, January 8, 2019 at the Bedford Meeting Room, 10 Meetinghouse Road, Bedford, NH. Present were: Janet Tamulevich (Chair), Judy Perry (Vice Chair), Catherine Rombeau (Town Councilor), William Granfield (regular member), Theresa Walker (alternate), Joe Vaccarello (alternate), Charles Fairman (Planning Board liaison), and Mark Connors (Assistant Planning Director, Staff liaison).

I. Call to Order, Roll Call, and Acceptance of Agenda:

Chairwoman Janet Tamulevich called the meeting to order at 7:00 pm. She asked for a rollcall of HDC members to introduce themselves.

MOTION by Mr. Granfield to accept the HDC agenda. Ms. Perry seconded the motion. Vote taken – All in favor.

Ms. Tamulevich announced that there was no new business before the Commission, but an application tabled from December. Mr. Vaccarello announced that he was recusing himself from hearing the application because he is a direct abutter to the parcel.

II. Old Business:

- 1. Frank Robertson (Owner) – Request for approval to construct a single-family residence and associated improvements on a vacant lot on Wallace Road (parcel is located between 316 and 328 Wallace Road), Lot 14-67-2, Zoned R&A. *Tabled from December 4, 2018***

Ken Bernard, co-applicant, said there were some changes to the architectural plans on the front fascia of the home because of the input received at the December HDC meeting. He said the windows now incorporate 8 over 8 grids. He indicated the front was now clad in shakes instead of vinyl siding. He announced that the secondary roofline had been removed. He noted that there appeared to be some concern regarding the large window in the center of the front façade. He indicated that they were open to reducing the size of the window if that was the will of the Commission.

Ms. Tamulevich opened the meeting to public comment.

Lisa Muskat, of 49 Church Road, said she lived at the Riddle House, a photo of which was included in the staff report. She said she was pleased with the direction of the changes to the windows, but believed a 6 over 6 window style, which would be smaller, would be more appropriate for the size of the home. Mr. Bernard said they did not object to going with a 6 over 6 window style for home.

Ms. Muskat said she was having trouble envisioning the home as a Colonial. The center hall ‘bumpout’ is not consistent with Colonial architecture, she said. She said they hoped the

applicants were open to a design that included the eaveline going straight across. Ms. Muskat noted that she had concerns with the decorative trim over the windows and the shutters, which were grossly undersized, and indicated the home would be better off without them.

Ms. Muskat asked for clarification regarding the building materials. Mr. Bernard noted that the front façade would be clad in textured vinyl shakes that simulate wood. Ms. Muskat said that using clapboard on the front façade and shakes on the other three facades would be more historically appropriate. Mr. Bernard said the shakes were very expensive. He said that they were trying to make the front façade look better. Ms. Muskat said her comments were not related to the quality of the materials, but what would be more appropriate from a historical perspective.

There was some discussion regarding whether the home would be visible from the road and further discussion of the shake style proposed for the front façade. Samples of the siding materials were handed out for the Commission members to review.

Ms. Tamulevich said that although the home may not be fully visible from the road that the HDC regulations still applied to construction of the home. Mr. Bernard asked what the regulations require. Ms. Tamulevich encouraged him to read the requirements.

Ms. Muskat said she appreciated the changes to the front façade materials, but said you have to consider the home in totality. She asked if the applicants were willing to change the roof pitch of the house so it was consistent with the roof pitch of the garage. She said the front façade would have a better presence with a steeper roof pitch.

Ms. Muskat said she intended to stay in the community and wanted to express her concerns to maintain the historical integrity of the neighborhood.

Mr. Fairman said he agreed with many of the abutter comments. He said the windows should be reduced in size. The shutters should look like real shutters or be removed. The decorative window trim is not appropriate. He said he still did not like the front bumpout, but appreciated the changes made by the applicant. His preference was vinyl clapboard instead of vinyl shakes on the front façade.

Ms. Tamulevich asked if there were additional comments.

Diana Vaccarello, of 316 Wallace Road, said she lived in the Van Loan House, which would be the closest residence to the new home. She said she agreed with Ms. Muskat's comments. She said her biggest concern is the front bump-out, which she would like eliminated. She noted that wood siding and a higher roofline would be preferential. She asked if there had been changes to the driveway design which had been a discussion at the last meeting. Mr. Bernard said that they would be willing to eliminate the driveway turn-around but that they did not yet have revised plans.

Kathleen Bemiss, of Magazine Street, said she did not live in the Historic District. She said she was one of those crazy people who watches on television. She said she was disheartened that the applicants had not read the Historic District regulations and guidelines. She said she did not feel that the architectural changes responded to the comments that were made at the last meeting.

Ms. Tamulevich announced that she was closing the public comments portion of the meeting.

Ms. Walker said she appreciated the changes to the front façade of the residence. Ms. Walker said when she looked at other newer homes in the Historic District, that what is proposed tonight is not dissimilar to other development that has occurred in the District.

Ms. Tamulevich asked the applicants if they knew the parcel was in the Historic District when they purchased it. They said they did, but were not fully aware of the HDC regulations. She indicated it would be preferential if they designed the house after becoming familiar with the requirements. She said she would prefer smaller windows, with clean, simple lines. Her preference would be removal of the front bump-out.

Mr. Granfield recounted some of the comments that had been mentioned at the meeting relating to building materials, changes to window design, roof pitch, and changes to the driveway. He said if you agree to all those changes, then we can all go home. Mr. Bernard said that they would like additional flexibility on the siding material. Their preference is vinyl siding.

There was some additional discussion regarding the building materials, and whether vinyl or clapboard siding was appropriate. Councilor Rombeau said that regardless, she would like to see revised plans because there were many changes discussed, including several that the applicant has agreed to. Ms. Tamulevich said she would like to hear from all of the HDC members whether they preferred vinyl or wood siding.

An informal straw poll of the Historic District Commission was taken on the siding materials. Ms. Walker, Mr. Granfield, Mr. Fairman, and Councilor Rombeau indicated they did not object to vinyl siding. Ms. Tamulevich and Ms. Perry indicated they were opposed to vinyl siding. Mr. Fairman said he preferred vinyl board siding over shakes. Councilor Rombeau noted that her agreement with the vinyl siding had conditions.

Ms. Tamulevich asked if there was a motion on the application to table or approve or disapprove. Mr. Connors said before we do that, ideally we would get some more clarity on the other issues that were raised. He asked if the applicants were willing to reduce the windows to a 6 over 6 design? They indicated they were agreeable to that. Mr. Connors asked if the center second floor window size would be reduced so it is the same size as the others? The applicants indicated they were agreeable to the change. Mr. Connors asked if the shutters and window ornamentation would be eliminated. Mr. Bernard said the ornamentation would be removed and he felt that by reducing the window size, the shutters would appear realistic and proportional.

Councilor Rombeau asked about the front bump-out. Mr. Bernard said he really liked it. Ms. Tamulevich said she did not like it. Councilor Rombeau said she appreciated the applicants' willingness to make changes, but this was not a horse-trading situation. She said the bump-out was a concern for her. Ms. Walker said she was trying to visualize the change and asked if the front bump-out was removed, would the lower door overhang remain? Mr. Bernard said they had not considered that. Ms. Tamulevich asked if the applicants would remove the front bump-out. They said they would.

Mr. Fairman asked if approving the application with additional conditions would be a possibility. Councilor Rombeau said she would like to see the changes incorporated into a revised plan. Ms. Tamulevich agreed.

MOTION by Councilor Rombeau that the Historic District Commission table the application to construct a single-family residence and associated site improvements on Wallace Road, Lot 14-67-2, to the Commission's February 5, 2019 meeting.

Mr. Robertson noted that the December HDC motion allowed the applicant to move forward on site and foundation work. He said the Building Department was holding up issuing a building permit. Mr. Connors said that he had spoken to the Building Department and that they were not comfortable issuing a building permit until the applicant had final approval from the HDC. Mr. Fairman said that site work could still be conducted. Mr. Connors indicated it could. Ms. Tamulevich said the HDC did not have control of the Building Department. Mr. Bernard said that he felt the December approval was pretty clear. Mr. Connors said that he would speak to the Building Department again to see if there was some flexibility. Mr. Fairman asked if the HDC could schedule a special meeting to consider the application before the February 5 meeting. Mr. Connors said that was a possibility. The Commission might want to hold a special meeting for the second item on the agenda tonight anyway. Councilor Rombeau noted she would revise her motion.

MOTION by Councilor Rombeau that the Historic District Commission table consideration of the application to construct a single-family residence and associated site improvements on Wallace Road, Lot 14-67-2, to the Commission's next meeting. MOTION seconded by Ms. Walker. Vote taken – All in favor.

2. Discussion of petitioned Zoning Amendment #7

Ms. Tamulevich asked Mr. Connors to describe Zoning Amendment #7. Mr. Connors noted that in New Hampshire under Bedford's form of government, state law allows residents to propose zoning amendments by citizen petition by collecting the signatures of 25 residents agreeable to the amendment language. He said that they are fairly common and we have received at least one every year since I have been with the Town.

He said that this year we received four zoning amendments by citizen petition. Only one, Amendment #7, includes language relating to the Historic District. Amendment #7 would rezone two parcels including the Harvest Market Plaza parcel at the corner of Route 101 and Wallace Road and the abutting parcel to the east at 137 Bedford Center Road. He said both parcels are currently split-zoned between the Commercial and Residential & Agricultural Districts and the amendment would rezone them so that they were both zoned entirely Commercial. He explained that in 2012, the Town voted in favor of a zoning amendment to remove areas zoned Commercial from the Historic District overlay. So if Amendment #7 were to pass it would also remove the rear portions of both lots from the Historic District and from the Historic District Commission's jurisdiction.

The Town Clerk has certified that the citizen petition meets the minimum number of signatures to appear on the ballot at Town Meeting in March. So the amendment will appear on the ballot regardless of whether the Planning Board votes to support or not support the amendment and the amendment's fate will ultimately be up to voters. Because the amendment impacts the Historic District boundaries, Mr. Connors noted that the Planning

Board would likely be interested to know the opinions of the HDC on the amendment and whether the HDC supports or does not support the amendment. There are a couple options for formalizing the HDC's position. We can simply forward the HDC minutes to the Planning Board or the HDC could draft a letter. Mr. Fairman asked for clarification on what was being asked of the HDC – is this just for informational purposes? Mr. Connors noted that the HDC has the option of offering its comments to the Planning Board on the amendment. The Planning Board will likely be curious of the HDC's position on the issue. He noted that the Commission does not have to take a position on the amendment.

Mr. Granfield asked if Mr. Connors knew when the parcels were zoned to be split-zoned between the Commercial and Residential & Agricultural districts. Mr. Connors said he believed it dates all the way back to the Town's original Zoning Map from the 1950s. Mr. Fairman said the Commercial Zone extends a certain distance from Route 101. Mr. Connors said that's right, the Commercial District extends 400-feet from Route 101. This was followed by further discussion of the existing zoning boundaries.

Mr. Granfield said just for the record it only takes 25 signatures to get this on the ballot in a town of over 22,000 people. He said apparently the opinions of the abutters are not considered at all unless they elect to put forward a protest petition. This was followed by some discussion on the state laws for zoning amendments by citizen petition and protest petitions.

Ms. Tamulevich noted that she did some research on the parcels and that they are both owned by 209 Route 101 Realty, which is owned by William Greiner. Mr. Greiner also serves on the Board for Primary Bank and signed the Zoning Amendment. Mr. Connors said that there is nothing to restrict the owner from signing or putting forward a citizens petition to rezone a parcel that he owns. Mr. Granfield noted that Mr. Greiner is one of the developers of the proposed workforce housing project on the other side of the street.

Ms. Tamulevich asked what happens if this land becomes Commercial? I think likely the land value goes up because it is more valuable. But the properties next to it? I think those values go down, because who wants to live next to a McDonald's or a gas station. I know I don't. Ms. Tamulevich also noted that she was concerned about additional traffic on Bedford Center Road. I don't think this is fair to the neighbors, she said.

Mr. Granfield speculated that the owners were planning to build workforce housing on the lots. Mr. Granfield asked about the requirements for filling wetlands. Mr. Connors said that brings up a good point from the staff report. A large area of the back portion of the Harvest Market parcel is wetlands, so much of that area does not appear to be buildable. We don't have a site plan for 137 Bedford Center Road, but we know that wetlands also partially extend to that lot as well, although it does appear there are more buildable areas on that parcel. This was followed by some discussion of the local and state requirements regarding the filling of wetlands.

Mr. Granfield said it is important to note this is Riddle Brook, which is an important wetland. We named a school after it, and it is already polluted. I don't think adding more commercial development in the area is going to help that situation. He said he did not think the amendment was in the best interest of the Town.

Mr. Connors noted that before we get too deep into this, we should probably open the item up for public comment. Ms. Tamulevich asked if any members of the public would like to comment on this item.

Kathleen Bemiss, of Magazine Street, said she understood anyone could petition for a rezoning. But the owners purchased the properties knowing what the zoning was. She said it was reminiscent of the developers who proposed an amendment a couple years ago to rezone three parcels on Old Bedford Road to allow commercial development. That did not go over very well with the community. Ms. Bemiss said she was concerned about taking properties out of the Historic District and the encroachment of the Commercial Zone into the Residential districts.

Lisa Muskat, of 49 Church Road, said she agreed with Ms. Bemiss' comments. We need to protect our Historic District. We don't have a Downtown per se, that's our history. Encroachment is eventually going to deteriorate whatever is left, so I support preserving what we have.

Ms. Bemiss said having been through the amendment process before last year, the Town usually votes how the Planning Board recommends they vote. So whatever position the Historic District Commission has will be very informative for the public. She thanked the Commission for its time and for the work they do.

Councilor Rombeau said she felt the Commission was in a funny position because it seems unlikely that the Historic District Commission is going to say 'Yes, please take away part of the Historic District.'" Mr. Fairman said as a Planning Board member, he would take the HDC's comments back to the Planning Board, which meets next week. He noted that there will be two public hearings on the amendments, with the Planning Board voting to take a position at the second meeting.

Ms. Walker said for people traveling Route 101 who are not from Bedford, it would not be unreasonable to see this as Bedford's Town Center. Ms. Walker noted the process the Walgreen's parcel went through in order to get approvals to build there, which is kitty corner to these parcels. She said although that development is a higher intensity commercial development, she believed it was an attractive use of commercial property. But it took a long time and it needed several layers of approvals. She asked if that property was part of the Historic District. Mr. Connors said at the time it was developed, it was in the Historic District, but it is no longer in the District. Ms. Walker said she thinks that development benefited from that additional layer of review. Maybe the developers disagree, but I think for those of us in the community, it was a higher quality development. I am hesitant to support the amendment without more understanding about exactly why the rezoning is being requested.

Ms. Rombeau asked Mr. Connors if you could share some of the information in the staff report about why the rezoning may have beneficial impacts. Mr. Connors noted that he believed the split-zoning of the parcels dates back to the original Zoning Map for the Town, where the Commercial District extends back 400-feet from Route 101 regardless of the parcel boundaries. Nowadays, split zoning is discouraged because there is less clarity regarding the boundaries of the district. From an administrative and enforcement perspective, there are advantages to having parcels zoned under a single district.

Ms. Walker noted that the amendment would not address the other parcels along Route 101 that are split zoned. Mr. Connors said that is correct. Mr. Connors said he also wanted to mention that while the Commercial District does allow a broad array of commercial uses, it is more restrictive than some zones, like the Performance Zone. It does not allow for gas stations. Someone mentioned McDonald's, you could have a McDonald's but you couldn't have a drive-through. So there are some restrictions about what types of uses we permit in that district. Workforce housing is a permitted use, but there is another citizen petition that would remove that, so we will have to see what happens there.

Ms. Tamulevich noted that she was concerned with the double effect of removing the land both from the Residential & Agricultural District and the Historic District. Mr. Granfield asked if the HDC recommendation could go on the ballot. Mr. Connors said he did not believe so, the Planning Board recommendation does, but he has never seen an HDC recommendation on the ballot. Mr. Granfield said that it was a shame, because it would carry more weight on the ballot.

Ms. Tamulevich asked what the Historic District Commission would like to do. Mr. Granfield said he felt we should take a formal position through a motion. Mr. Fairman said he would share the HDC comments with the Planning Board. Councilor Rombeau said she was struggling with the idea of a formal recommendation or motion. She asked if she was overthinking this? She said it was funny to her that the Historic District Commission would take a position on something where it would seem obvious that the Commission would not support removing areas from the Historic District.

MOTION by Mr. Granfield that the Historic District Commission recommend to the Planning Board to *not support* Zoning Amendment #7. Ms. Perry seconded the motion. Vote taken. All in support, except Councilor Rombeau who voted to abstain.

Ms. Tamulevich asked if there was a motion to on the Minutes. Mr. Connors said before we do that, there's just one other quick remaining item.

3. Potential changes to the Historic District Regulations

Mr. Connors said Planning Staff recently realized that the HDC Ordinance references the old Historic District boundaries, before the Commercial District was removed from the Historic District overlay. The Zoning Map remains the authoritative document on zoning boundaries, so it is not an urgent matter, but we should fix Section 285-10 (Delineation of the District) of the Historic District Commission Regulations so that it is consistent with the Zoning Map.

Mr. Connors noted that the HDC would need to hold two public hearing before they formally make a change to the Regulations. In the meantime, he would encourage members to read over the Regulations to see if there are any changes they would like to make. We could group them together, so that the public hearings consider several changes if necessary.

Ms. Rombeau asked if a motion was necessary. Mr. Connors said no, we should probably wait until after Town Meeting, but he wanted to make sure this was on your radar.

MOTION by Ms. Perry to approve the minutes of the December 4, 2018 meeting. Vote taken, all in favor, except Councilor Rombeau, who voted to abstain.

There was some discussion of scheduling for a special meeting if necessary to consider the tabled item #1.

MOTION by Mr. Granfield to adjourn the meeting. Motion seconded by Councilor Rombeau. Vote taken – All in favor. Meeting adjourned at 8:18 p.m.

Respectfully submitted by Mark Connors