

**Town of Bedford**  
**Historic District Commission Minutes**  
**September 5, 2023**

A meeting of the Bedford Conservation Commission was held on Tuesday, September 5, 2023 at the BCTV meeting room at 10 Meetinghouse Road, Bedford. Present were Lori Radke (Acting Chairwoman), David Clark (alternate), Kelly Tope (member), Elaine Tefft (member), Kathleen Ports (Conservation Planner). Absent were Lisa Muskat (Vice Chair) Steve Clough, (Planning Board liaison), and Michael Strand (Town Council alternate).

**I. Call to Order and Roll Call and Acceptance of Agenda**

Acting Chairwoman Radke called the meeting to order at 7:00 p.m. She welcomed and introduced Ms. Kathleen Ports as the new Planning Department liaison to the Commission. She asked the Board members to introduce themselves and appointed Mr. Clark as a voting member this evening. Ms. Ports reviewed the agenda. The Agenda was amended to include election of a new Commission Chair.

**II. Old Business:** None

**III. New Business:**

1. **Gladys M. Moore Trust II, James M. Doherty, Trustee (Owner & Applicant)** – Request for replacement of ten, second floor windows and construction of a new gazebo at 76 Bedford Center Road, Lot 20-3, Zoned R&A.
2. **Matthew and Debra McLaughlin (Owner & Applicant)** – Request to remove an existing portico and replace it with a 25'-long x 20'-depth carport at 12 Briar Road, Lot 20-91-5, Zoned R&A.
3. **Deirdre Menard (Owner & Applicant)** – Request to remove approximately 16 trees and install a 32-foot long, 4-foot tall, cedar fence on the west side of the home at 69 Bedford Center Road, Lot 14-8, Zoned R&A.

**IV. Other Business:**

1. Appointing a new Chair
2. Protocol for Tree Removal
3. HDC Residential Mailing

**V. Approval of Minutes from Previous Meeting (May 2, 2023)**

**VI. Communications**

## VII. Members Comments and Concerns

## VIII. Adjournment

**MOTION: Ms. Tope moved to accept the agenda with amendment. Mr. Clark seconded the motion. ALL IN FAVOR – unanimous. MOTION carries. Agenda is approved.**

## III. New Business:

1. **Gladys M. Moore Trust II, James M. Doherty, Trustee (Owner & Applicant)** – Request for replacement of ten, second floor windows and construction of a new gazebo at 76 Bedford Center Road, Lot 20-3, Zoned R&A.

**Mr. John Doherty, Trust member, presents:** Hello, I'm John Doherty. I'm a member of the Trust and I will be speaking on its behalf. Acting Chair Radke said OK. Wonderful. Great. Do you want to come up? So, at this point, I'm just going to have you, if you don't mind, have a seat up there. We're going to have you go through your application, and members, if you can just hold off asking any questions until after our applicant has presented his application, then we can go ahead and ask questions or get clarification. Ms. Tope explained we have items that are going to come up on our screen. Mr. Doherty asked do you mind if I use the computer here to pull up the PowerPoint from earlier? Board agrees that is fine.

I did a similar project about two years ago where I replaced windows on the first floor of the home. They turned out nicely, and I was hoping to do the same for some windows on the 2nd floor as well as in the rear of the first floor of the property. So, this is the approximate locations of the windows that I'm seeking to replace. On the bay, there there's two side-by-side and then another one that's front facing. On this next picture, there's three in the bedroom above the garage that I'm seeking to replace, as well as the two on the older portion of the home on the left. And then on this final image, these two in the rear on the first floor in an office space.

The windows pictured in this image on the right, that part of the home was built in the 90s. They don't have any historic provenance, in my judgment. And then the other windows, I don't believe that they're original to that portion of the home. It's hard for me to tell exactly when they were installed, but I would guess the 50s just from the design and what the window contractor, his assessment. And then again, I'm seeking to do an identical manufacturer as the ones that were placed on the first floor. The size will be slightly different, obviously.

Mr. Clark asked do you have a picture of the existing windows in the bottom and the ones that you've replaced? Do you have any graphic of that? Mr. Doherty replied not on this slide deck. I could provide that if needed. Ms. Ports said it might be in the packet. There are some additional photographs in the packet that was given. Acting Chair Radke said and these are 6 over 6. Scroll down, you'll see a picture. Mr. Doherty said OK, here we go. Sorry, it's not a great image, but that's the new windows that were put in.

Mr. Clark asked what is the construction of these? Are they vinyl or are they wood? Mr. Doherty replied they are vinyl. Mr. Clark said they're vinyl, OK. And that's what you have on the first floor. Mr. Doherty said yes, Sir. Ms. Tope asked looking at the other one, is it just dark underneath it? Mr. Doherty replied

there's interior wooden blinds, excuse me, shutters that I didn't open. I probably should have done so. They're 6 over 6 on both top and bottom pane.

Acting Chair Radke said I think if you scroll down, I bet you'll see a picture of the... Ms. Tope added yeah. And I saw them on the second floor on top on the first... Acting Chair Radke said there we go. See, that's the whole thing. Does that help the group? Mr. Clark said a little bit. It would be nice to get a closer shot. Acting Chair Radke said right. So, you kind of understand and see what's going on. Mr. Clark asked are they failing upstairs? Is that what's going on? Mr. Doherty replied I would say so. I mean, there's certainly a lot of heat loss or AC loss depending on the season. Mr. Clark said I've been to that house many times. Mr. Doherty asked is that right? Mr. Clark said yeah, the Deweys used to own it and the Harvells before them. Mr. Doherty asked is that right? Mr. Clark said yes. So, a lot of fun times in that house. Mr. Doherty said I've met Pam Vanarsdale and then, of course, the previous owners, Marty and Suzy Baroff. But I don't know anyone prior to that.

Ms. Ports said in this photograph on the left, were the windows on the bottom replaced in the last round, because they look like 6... Mr. Doherty replied this photo must be prior to that. Ms. Ports said I just took that picture. Mr. Doherty said oh, OK. Oh, I can see the house now. OK, so yeah, they're 6 over 1. Excuse me. Ms. Ports said so those weren't replaced in the last suite of when... Mr. Doherty said no, they were. I think I misstated that they had 6 panes on the bottom. The original design was 6 over 1 and the replacements are 6 over 1 and that's what you can see here in this picture. Ms. Ports said OK.

Ms. Tope asked and so now you're looking to change the 6 over 6? Mr. Doherty replied well, there's currently 6 over 6, so it would match what's there now. Ms. Ports asked so upstairs is 6 over 6? Mr. Doherty replied you can kind of faintly see it here. I believe this section actually is 8 over 8. These three alone are 8 over 8. And the replacement ones match what's in there currently, in all instances. There is some confusion because there's variation, but I'm keeping it the way it is.

Acting Chair Radke said OK, so you're not changing the look it is now, you're just changing the window. Mr. Doherty replied that's correct. Acting Chair Radke said OK, so nothing will change, just the window itself. Very good. So, I see you have another, just a gazebo too. Is that something different? Well, maybe we'll just talk about the windows and get all those questions answered. Are there any other questions on the windows? No questions, OK.

Mr. Doherty said so, let's see, my mother bought a California redwood gazebo shortly before I was born and never got around to putting it up and then gave it to me about a year ago. So, I'm seeking to put it up on my property instead. This is a picture of what it looks like, assembled. And I'm looking to install that in my backyard. I've got an aerial photo in the slide deck showing the approximate location of where I'd like to do that.

Mr. Clark said you did a lot of work back there recently, didn't you? Mr. Doherty replied that's correct. There is a lot of trees that died in some of the windstorms over the winter. So, I had those removed. Mr. Clark said I can't believe that they allowed the bittersweet to just attack those trees. They strangled those trees. Mr. Doherty said well, 'they' would include myself. Yeah, that's in fact what was happening. So, I'm happy it's cleared out now and wild grass that's grown in instead of bittersweet doesn't seem to have the same negative effect on the other wildlife. I'm happy about that. Ms. Ports said I'll just note that the final location of the gazebo isn't yet clear. Because I believe there are wetlands in the back of the property, and I guess if it's smaller than... you'd have to be 5 feet from the edge of the wetland. Mr. Doherty asked 5 or 50? Mr. Ports said well, I'm just realizing that you can have a shed within 5 feet of the side setback,

but I don't think that's subject to the wetland setback. So, you could probably have it right up against the wetland, just not in it. Mr. Doherty said OK. Well, that's certainly my intent is to not be in it. Ms. Ports said so, it might have to move a little bit north, I guess it would be, towards the house. That's all. Mr. Doherty answered I'm happy to do that.

Mr. Clark said that's where you... you're talking right there. Ms. Tefft said I guess nobody's chairing. Mr. Doherty said I'm sorry. Acting Chair Radke said I would just ask—Kathleen asked some questions. He's answering it. Ms. Ports said I'm done. Acting Chair Radke replied you're done, OK. Mr. Clark said so, it's the blue square down in the lower right-hand corner? Ms. Tope added and that's a 30-foot setback to the road there, and that's fine.

Acting Chair Radke asked so, are there still some questions on the gazebo? Should we be... as far as the location, are you OK with that? Ms. Tefft said I have a question on the gazebo. Acting Chair Radke said go ahead. Ms. Tefft asked did your mom give you a 10- or 12-foot octagon gazebo? Mr. Doherty replied I believe it's 10 foot. Ms. Tefft continued so, it's a small one. It's not the bigger of the two. Mr. Doherty said that's from the measurements I took. Yes, ma'am. Ms. Tefft said OK. I did have one question on one of the pictures having nothing to do with the—one of your window pictures, there appears to be a sculpture laying down on the ground. Is that just a really interesting tree trunk or is it actually a sculptor that? Mr. Doherty replied no, my son likes to knock that over. He's two years old, so I usually just leave it there, so he doesn't have it fall on himself. Ms. Tefft said I knew the Harvells quite well. They were the people I knew. I always think of it as the Harvell house, and it'll probably be another 60 years before it becomes known as the Doherty house. It's longevity in Bedford, I guess, but you have done a wonderful, wonderful job in the background. It's startling, and it's quite well done. Mr. Doherty replied well, I appreciate that. Ms. Tefft said and thank you for helping my onslaught of bittersweet that attacks everything. Mr. Doherty said all right. Well, I'm happy it's working out. Ms. Tefft said thank you.

Acting Chair Radke asked are there any other questions, Elaine? Ms. Tefft said that's it.

Mr. Clark said another question is, are you going to leave it natural or are you going to paint it? Mr. Doherty replied I'm planning to leave it as is. I think it'll blend in a little bit more that way, which is just esthetically what I'd prefer.

Ms. Tope said I think it said in the application, right, that it was going to have a natural stain so it can retain the natural color. Ms. Ports said that's what it says in the application, yes. Ms. Tope continued and is that... Mr. Doherty said I think it looks pretty nice if it comes out looking like this without a paint job. So, I'm intending to keep it this way. Acting Chair Radke asked do you mind if I ask a follow-up question to Kelly's? So, you're going to keep it natural and the natural is what it is pictured, correct? Mr. Doherty replied that's correct. Acting Chair Radke continued so, there's no plan to paint it to match the house, correct? Mr. Doherty answered no. Acting Chair Radke said OK. So, we'll strike that from the... Mr. Clark asked electric? Mr. Doherty said no. I may run an extension cord out there at some point. Acting Chair Radke said very good. Are there any other questions on the gazebo? Are there any other questions on the windows? Hearing none, I'll be happy to entertain a motion if there is one.

**MOTION: Ms. Tefft moved the Historic District Commission approve the request for second floor replacement windows, as presented, at 76 Bedford Center Road, Lot 20-3, in accordance with the information presented by the applicant, subject to the following conditions:**

1. All work shall be completed by the applicant within two years of the date of the Historic District Commission approval.
2. The applicant shall submit photos of the completed work for the file.

**Ms. Tope duly seconded the motion. ALL IN FAVOR – unanimous. MOTION carries. The request is approved.**

Ms. Radke said okay, the motion passes. Thank you very much. Congratulations. We now have the gazebo. Is there a motion on that one? Ms. Tope asked we didn't have anything from any property abutters on this one, right? Acting Chair Radke said no.

Ms. Tefft said I'll make a motion. Good to bring that one up today. I wasn't paying attention. I didn't realize there were two motions. I move that the Historic District Commission approve the request for a 9-foot high, 9-foot diameter. I thought you said it was 10. Mr. Doherty replied I did say that. I may have misspoken. Ms. Tefft asked is it a 10-foot diameter, 9 feet high? Mr. Doherty replied I think it depends on if you measure the cross section at the narrowest point, or the wider point. So, I think it may be 9. Ms. Tefft asked why don't I just use the 10 foot? Because I'm sure that's what the manufacturer charged your mom for. Mr. Doherty said sure. Ms. Tefft said OK, let me start over.

**MOTION: Ms. Tefft moved the Historic District Commission approve the request for a 9-foot high, 10-foot diameter gazebo, constructed as presented, at 76 Bedford Center Road, Lot 20-3, in accordance with the information presented by the applicant, subject to the following conditions:**

1. All work shall be completed by the applicant within two years of the date of the Historic District Commission approval.
2. The applicant shall apply for all necessary building permits.
3. The applicant shall select a location that meets the setback regulations or shall seek a variance if required.
4. The applicant shall submit photos of the completed work for the file.

**Ms. Tope duly seconded the motion. ALL IN FAVOR – unanimous. MOTION carries. The request is approved.**

Acting Chair Radke said thank you. Motion passes. Congratulations, you're all set. Mr. Doherty said alright. Thank you very much. I appreciate it. Acting Chair Radke said the Planning Staff will be in contact with you. Next, we have:

2. **Matthew and Debra McLaughlin (Owner & Applicant)** – Request to remove an existing portico and replace it with a 25'-long x 20'-depth carport at 12 Briar Road, Lot 20-91-5, Zoned R&A.

Ms. Radke said we do have Mr. McLaughlin here, so if you don't mind walking us through your application, and again, if the Committee won't mind holding off on questions until our applicant is complete, I'd appreciate that.

**Mr. Matt McLaughlin presents his application:** Well, thank you for having me tonight. Matt McLaughlin, 12 Briar Road. I'll walk through the application packet. This is my property down here on basically the southwest corner of the Historic District. Here is an aerial view of it. If we get a little more information as we go down. This is a side view of the construction. It's basically open on the front, side and back. It's 6 by 6 pressure treated posts with an open-framed roof on the underneath side and a metal roof above. This is the location on my property. It's, again, in the southwest corner of my backyard. It's close to the wetlands. There's New Hampshire Route 101 right behind me. So that's just information about the location. Probably the most important, the best information you get is from these two pictures here. Basically, what I want to do is remove the portico and make it bigger so that it covers my truck. So, in the winter months I will have a car underneath and the area to the left of the car will be open for walking and storing a snow blower/generator, any other winter equipment that you want to keep out of the snow. The orange buckets in these pictures have a rough representation of where the carport would end. And then there's one side view showing its view along the backside of my house. The portico stops at the chimney. The carport will go to the other end of the chimney. I think it'll be about 5 feet longer than the portico. The last picture is just showing the front yard. That was in there for the Conservation Commission, just to let them know that I did not have the ability to put the carport on the north side of my house because of landscaping and elevation. And I do have pictures of the roof. They would be separate from this packet, right? Ms. Ports said they should be, yes. Mr. McLaughlin asked should I just minimize this or, I am not a windows... Carport 5 and 7? Ms. Ports said no, now I'm wondering if I... Ms. Radke said well, that's a good picture, though. Mr. Clark said yes, that's better. That's the one that's in your packet. Mr. McLaughlin asked remember I sent them to you in that separate e-mail? Ms. Ports replied yes, and I shared them with the Committee, but I believe I forgot to put them on this drive. I apologize. Mr. McLaughlin said they were—my neighbor, who is my nephew, who is a carpenter, who's going to be doing the job with me, built his sun porch, which you guys approved. It is in the Historic District, and that's the same roof that is on his house. It's a black metal roof. There's not much else to say about it other than the only thing color wise and stuff like that, I do not want to paint the 6 by 6 posts. My sunroom, which you can see ever so slightly in this picture, is also standing on 6 by 6 pressure treated posts. So, I want to keep the same unfinished natural look as I wrap around the side of the house.

Acting Chair Radke said very good. Mr. McLaughlin said so that's it for me unless you... Acting Chair Radke said thank you. Do I have any questions from the Commission?

Mr. Clark said so, you're proposing a carport that will be open on three sides, butt up against the current structure. Mr. McLaughlin said correct. Almost identical to the portico now. Mr. Clark said OK, just bigger? Mr. McLaughlin agreed, just bigger. Just big enough to cover the truck and keep my snow blower underneath it. So, it'll look almost identical to what that is. It's just bigger. Mr. Clark asked is there an under-house garage as well? Mr. McLaughlin said yes, there is. Mr. Clark said OK, I saw just a little side of that. Mr. McLaughlin replied yes, I didn't get a square on picture of it, but yes there is. Mr. Clark asked and how many cars is that? Mr. McLaughlin replied two.

Acting Chair Radke asked are there any other questions?

Ms. Tope said and the roof, you said, was going to be black metal, and the current roof is black as well. And the roof of the home? Mr. McLaughlin replied gray architectural shingles. Ms. Tope said OK, I couldn't

really tell from looking at the picture. Is the black roof going to be a lot darker than the gray? Mr. McLaughlin said yes. And again, my house, just to give a little perspective on the Historic District, the back of my house abuts Route 101, but my address is Briar Road because when they put the traffic light in at Wallace Road and 101, they redid our driveway. So, I did the measurement today off the old driveway survey chart. It's 680 feet from Briar Road to my carport, so I don't think anyone on Briar Road will ever see my carport. If you're in the Walgreens parking lot and you, in the winter when the trees have a little less leaves, you might be able to see the back of my house. A lot of those trees are Evergreen, so it doesn't have much impact on the Historic District, what people can and cannot see. Very few people will ever see the back of my house. Is the point I'm trying to make.

Mr. Clark asked how old is the house? Mr. McLaughlin said in 1993, I built it. Mr. Clair said in '93, OK. So, it's not typically a historic structure. Mr. McLaughlin replied well put. I can't say that, but well put. Yes. Acting Chair Radke asked are there any other questions, Kelly? Elaine, your turn.

Ms. Tefft said I just have one question. It's kind of a curiosity thing more than anything. On the photograph where your truck is taller than the portico, what does that nice fence enclose that's in that photograph? It's sort of cream painted. Mr. McLaughlin replied my hot tub. Living large here. Ms. Tefft said I beg your pardon? Mr. McLaughlin repeated we're living large over here. Ms. Tefft replied I guess. Good for you.

Ms. Tope said and just out of curiosity on the black metal roof, did you consider making it gray to match the shingles, or what's the rationale for the change? Mr. McLaughlin replied the only rationale is I went to Lowe's, and they only had red and green. My nephew had black, and he said he got his at Lowe's. I could look for gray roof. I'm neutral on black or gray. If he can find gray, I'd gladly let him put on gray.

Acting Chair Radke said and your house is white, correct. Mr. McLaughlin replied the house is white, yes. Acting Chair Radke commented I think the black might—you have black shutters too, right? That's a nice combo. I wouldn't go gray, just for athletics, wise. Ms. Tope agreed, yeah. Mr. Clark said we'll heat sink. It would be a great place to put more panels. Mr. McLaughlin said except for the trees. That part of the roof wouldn't get any more sun. No, I do have one section of the roof left if I ever want to do more panels.

Acting Chair Radke asked Elaine, any other questions? I didn't want to cut you off, no? Ms. Tefft replied no. Acting Chair Radke continued and I forgot to ask last time so, at this time, does anybody in the audience have questions? I'm seeing none. So, with no other questions, I will entertain a motion if there is one.

**MOTION: Ms. Tefft moved the Historic District Commission approve the request for the conversion of an existing portico to a 25-foot length, 20-foot deep carport on the southeastern corner of the existing home as 12 Briar Road, Lot 20-91-5, in accordance with the information presented by the applicant, because the applicant has demonstrated consistency with the Historic District Regulations and Ordinance, subject to the following conditions:**

1. All work shall be completed by the applicant within two years of the date of the Historic District Commission approval.
2. The applicant shall seek a variance prior to construction of the carport.
3. The applicant shall apply for a building permit prior to construction.

4. The applicant shall install a metal roof that is black in color or gray in support of the existing home.
5. The posts shall remain as they are in their natural state.
6. The applicant shall submit photos of the completed work for the file as well as photos of the addition approved by the Historic District Commission in 2022.

**Mr. Clark duly seconded the motion.**

**DISCUSSION:** Mr. McLaughlin said can I make one more comment, and I don't think it affects the Historic District Commission at all, but it will be asphalt paved underneath. The Conservation Commission has been informed of that. I don't know, again, if it affects anything you decide, but I just threw it out there. Ms. Tope replied it doesn't for us. Mr. McLaughlin said I didn't think so, but I just wanted to make sure. Acting Chair Radke said thank you for sharing that one.

**ALL IN FAVOR – 3 members vote in favor. Ms. Tefft abstains from the vote. MOTION carries. The request is approved.**

Ms. Radke said OK, motion passes. Thank you very much. Congratulations. Mr. McLaughlin said thank you very much. Acting Chair Radke said Number 3 on the Agenda is:

- 3. Deirdre Menard (Owner & Applicant)** – Request to remove approximately 16 trees and install a 32-foot long, 4-foot tall, cedar fence on the west side of the home at 69 Bedford Center Road, Lot 14-8, Zoned R&A.

Mr. Clark recused himself because the applicant is a neighbor and friend. Acting Chair Radke said I want to let the applicant know there will only be 3 voting. If you so choose, you can move forward. If not, you can wait until we get more members. I'll leave that up to the applicant. Ms. Menard replied no, that's fine with me. Acting Chair Radke confirmed you're OK. Ms. Menard said yes. Acting Chair Radke said with that said, we will move forward, and Mr. Clark will be recusing himself from this vote. Ms. Ports said excuse me, David, you should sit in the audience, please. Mr. Clark obliged. Acting Chair Radke said OK, very good. If you can go ahead and walk us through the application and then again, please refrain from asking questions until the applicant is finished.

**Ms. Deirdre Menard presents:** My name is Deirdre Menard. I live at 69 Bedford Center Road. I'm here tonight to ask you about a couple of things. First is trees on the property. This picture kind of shows them well. Can you see my cursor there? Right here, and then right here—these are cedars. These are hemlocks. And you can't tell from this picture, we've got others, but they're very tall. They're probably 75-80 feet tall. They're referred to here. The hemlocks are Number 1. The cedars are Number 2. So, underneath here you can see—some of it actually is brush that came from other stuff—but all down here under here are branches from the trees. Because whenever it's windy and rainy or just whenever, the trees are shedding limbs. You can see well from this picture that in the area that has the hemlocks in it, this tree, if you go to the top, you can see it's kind of dead. The one on the right, that's all part of this one system. And the ones that are still—I don't know what they're called when the hemlock is leafy—let's call them leafy. Those are leaning towards the house pretty significantly. This is what it looks like underneath them. That's the cedars.



With those two groves, I've had about four different tree services come out to look at them. They've all said the same thing. The one I put into the proposal was the one that offered the best price. But they all said the same thing. They all said these are really old. You're losing limbs left and right. They're leaning towards the house, and they need to come down before a winter storm brings them down on top of your house. And you know, at first I thought, well, tree guys like to cut down trees. Let me get some more opinions. And everybody said exactly the same thing. And you can really see it if you're there, that they're huge and leaning towards the house. So that's that section.

This area here, if you're looking at the property from Bedford Center Road, there's a barn to the back, right. And there are trees that are lying on top of the barn. So, the request is to be able to cut those down because they've already destroyed the roof and the roof needs to be replaced on the barn. And then the same thing is happening on this other building. This isn't the same building, this is one barn. And this is what's called the icehouse. It's an old icehouse. These trees are leaning against this building, too, and they've destroyed the roof pretty much. So, these are just a bunch of different views of these properties. You can see all the damage that's been done to the barn by these trees leaning on them. Other trees on the property have been included. The next is about the fence. So, are there any pictures you guys want to revisit or is there anything I can answer?

Acting Chair Radke said can I just ask a couple of questions? You're taking those down? Ms. Menard replied no, no, I'm not sure—I think Kathleen just opted to put these in here because they were significant trees on their property. Acting Chair Radke said OK. Can you bring it a little bit further down? Keep going. You're going the right way. Keep going down—Area 4, I believe, no Area 2. That's it. All of those? Ms. Menard replied all of those, yes. Acting Chair Radke asked is that up to 16, because you said you have 16 trees. Are those? Ms. Menard replied 16—I don't know where 16 really came... Ms. Ports said that's what's in the estimate. Ms. Menard said that's what's in the estimate. Yeah, I mean it's the grove of cedars. The hemlock is really just kind of one thing. The cedars grew up all these little baby cedars. A lot of them don't even like qualify for the requirement for 15 inches, but it would be that whole thing because it's going to be a mess if you try to pick and choose. But you can't, anyway, it's dead. It's just all dead. And you can't tell from the pictures, but they're very, very tall and they're very close to the house.

Acting Chair Radke said that building behind it—is that your building? Ms. Menard replied that's that barn that you're looking at that has the trees on top of it and the crisscrossing windows. Acting Chair Radke said OK. So that's on your property as well. Ms. Menard replied it is. Acting Chair Radke continued so if you take those trees down, it doesn't affect your neighbor then. Ms. Menard replied no. Acting Chair Radke said OK. So, any thoughts of planning anything out there once you take the trees? You're going to take the stumps out as well, I would assume? Ms. Menard said yes, take the stumps out as well, and I've already gotten an apple, a fringe tree and a Magnolia that sit in the driveway right now. And my plan is to plant those. They're never going to get taller than about 20 feet, 20-25 feet, so they won't pose the same problem down the line, and plant them a little bit towards the back of where these are now. Because there's just no point in something so big being so close to the house. Acting Chair Radke said so your plan is to replace. Not just take down and not replace. Ms. Menard replied that's exactly right. And the ones I have now are just what I've acquired and are just sitting there, right. But over time, definitely. I will miss having trees there, just not the stress of these trees because whenever it's windy, I'm waiting to hear a crack and have to run towards the far end of the house. It's not a good feeling. They're massive. Acting Chair Radke said yeah. They look a little straggly there.

Ms. Tope said yes, Area 2 looks very good. Area 1, though, can you go back to that? Ms. Menard said Area 1 is the one where one of the hemlocks is dead and the other one that's alive-ish is leaning towards

the house. You can see right there. That one's dead. And its partner is leaning significantly towards the house. Acting Chair Radke said so you'll be taking that one down as well. Are you planting anything there? Ms. Menard replied actually, the plan for that area, I'm working with a landscape designer, but the plan for that area might be to try to put in some kind of water feature. So that, at the end of the path, if you walk back there, there's something cool to walk over to.

Ms. Tope said so, on that one, the way it's written here in the project description, it says Area 1 behind the garage contains a large multi-stemmed hemlock. One stem is dead, the others are leaning toward the garage. All stems are proposed for removal. Ms. Menard said I didn't hear the last thing of it. Ms. Tope said oh, I'm sorry. Our documentation is written that all stems are proposed for removal, so it wasn't clear if the whole tree was or just some stems of it, the way it's written in our packet. Ms. Menard said the whole tree. Yeah. I don't know where it stems from the... Ms. Ports said well, it's a single tree with multiple stems. So, all three, it looks like maybe three—two or three stems. So, I believe all three are being—the whole tree, including all of its stems. Not just the dead piece. Ms. Menard said because that would leave it leaning towards the house. Ms. Tefft said you can't just remove the dead part. Ms. Ports said you could, probably. But the concern that the applicant has raised is that the remaining sections are leaning too much. Ms. Menard said yeah, and the reason they grow like that is to balance each other, as I understand it. So once this one's dead and this one's just doing this, you know, it's not a good situation. Especially, again, when they really are about 75 feet tall. So that could take out big part of the house.

Acting Chair Radke asked do you have any other questions, Kelly?

Ms. Tope asked can you go back to 3<sup>rd</sup>... I'm just I'm trying to figure out which—I drove by there the other day, and I was trying to figure out which 16 they were because some looked alive, some looked dead. And I'm trying to match the photos. I probably should have taken the photos with me, and I didn't when I drove through. So, I was trying, and we also said approximately 16. In the two most recent meetings, I think we've had a lot of discussion about trees, and we have, I think, something coming up on the agenda where we're looking at having more parameters about trees. So, I want to make sure that whatever precedent we set here, we're making sure we're doing all of our due diligence.

Ms. Menard said I know it's funny because in meetings leading up to this, it's been like, sure, sure, sure. And now I'm like the example tree person, and I've got these 80-foot trees that are leaning. Ms. Tope said well, we've had quite a bit of discussion, I think the last several meetings, about trees, quite frankly because people are cutting them down in large amounts. We have the requirement to go with the 15 inches and to go before. As I think you've been here before; we appreciate you're here before the fact. We've had a lot of people who are coming after the fact. And then once the trees are gone, they're gone. Ms. Menard replied yeah, no, absolutely. And if these trees were healthy and in good shape and not absolutely enormous and leaning towards the house, I wouldn't be here. If they weren't leaning on the barn, I wouldn't be here because I'm a big fan. You know, I'm doing everything I can to appropriately prune that big Beech tree that's in front. I'm taking care of the maples that are around the other parts of the house. They're saying they're not in good shape, but they're not coming down and I'm doing everything I can to take care of them. I'm asking if these can come down because they... Ms. Tope said so, the maples along the road stay? Ms. Menard replied oh yeah. Oh yeah. The maples along the road definitely stay. There are two big maples over by the granite columns where you could drive all the way back to my barn. Those stay. There's two maples on the road leading up to the driveway. And then there's a maple again on the left side of the driveway as you're facing the house. And then there's that beautiful Beech tree right out in the very front of the house. All of those—I've been working with three guys to—actually David's son, one other reason to recuse himself—to have those pared down and taken care of to keep

them healthy as long as we possibly can, because they're all pretty old. But again, these are strictly about the fact that multiple arborists have told me that they're too big, too dead to be leaning towards the house. The ones sitting on top of the barn structures have been on there since before I bought it, and they're just like of course they have to come down. You should never have trees that are within just a couple of feet of your structures. And they've destroyed the roofs, and that's going to be expensive. And that's a follow-on project. So yeah, I know these are really about the risk that they pose to the house. But the goal is definitely to replace them with nice trees that are appropriate in size so that they won't get too big given the proximity to the house.

Acting Chair Radke said and the fact that you're working with a landscape architect, I'm sure that they know what they're doing, we would hope that. Ms. Menard said yeah, it's great. Thanks. Acting Chair Radke asked Elaine, do you have any questions? Ms. Tefft replied oh yeah. Ms. Radke said of course, go ahead.

Ms. Tefft said well, I've been writing. I've had the time to write several questions. First of all, I've looked at those photographs and a lot of them don't look as if they qualify. Do you know? And they're hemlock and cedar, and do hemlocks shed anything other than leaves? I'm curious. Ms. Menard said they don't even shed their leaves. They have a weird little kind of acorn things that come off. Ms. Tefft said because I've got a funny tree that sheds something that the squirrels love and has made my yard dangerous to walk on. I wondered if you had that issue, but apparently not. Ms. Menard said no, but you're right, Elaine, I think many of the trees within certain deciduous grouping are smaller than would be required for permission. But it just makes sense to sort of list... Ms. Tefft asked do you happen to know how many of the 16 are smaller? Because it doesn't look like you've got many big trees that you want to cut down. Ms. Menard replied no, and the big ones, of course, are the old ones. Ms. Tefft said yes, and not all trees are created equal, frankly. You know, there are maple trees and then there are other trees. Maple is obviously my favorite, and you're saving those. But I've got a couple of issues to raise. I think as an alleged agent for the Town of Bedford, which I think the Commission is. I think we have a responsibility to not create a hardship and to take a good look at the safety issues. And when the trees come down in a big storm, they usually fall on the roof or a car, creating an insurance claim, creating a difficulty. There are states where some insurance companies will not write insurance at all, and I'm talking about big companies, you know, and I don't know that we're protected just because we're in New Hampshire. And I would hate to see us get to the point where we create an issue and an inability for homeowners to get insurance, because if you can't get insurance and you have damage, you reduce the—and I apologize in advance for what I'm about to say—the ability to tax the property, you know. If we're going to use property tax to fund the Town and a lot of other things, I think we've got to be aware that it's your biggest investment, most likely, and you're not going to do anything to diminish the value. And one of the things I'm surprised you didn't tell us was—I can see your house from my house—and you've done an awful lot of landscaping and planting, and it looks great. Do you have a count of how much landscaping you've done and what, if any, trees you're going to be putting in once you get rid of the dying and half-dead trees? Do you have specific trees in mind? Ms. Menard replied yes, I do. Some of them are in the report, I think. They might be. There's what's called a fringe tree. It has these white things on it. It's really cool. Ms. Tefft said oh yeah, I call them smoke balls because they look like puffy smokes. Ms. Menard said and there's an apple there's an Empire apple tree that self-pollinates, so that'll be cool. I don't need to have a bunch to get apples out of it. Ms. Tefft asked so, you're putting in an apple tree? Ms. Menard said yes. Ms. Tefft said good cause I've got one, and then the bees can go back and forth and pollinate. Ms. Menard said yeah, there used to be an orchard headed that way towards the Haucks house. So, I'm kind of trying to bring a little of that back. Ms. Tefft said well, that's nice. Ms. Menard continued and then, what was the other? Oh, a magnolia. It's a star magnolia and it's a dwarf star magnolia so I think it only gets to be

about 20 feet. But it'll be enough to break up the view there and not have it just be a sea of grass. Ms. Tefft said and your landscaper knows which magnolia is going to be hardy in this area. Ms. Menard said yeah, it's known for it. Ms. Tefft said OK, well, I'm really pleased with what you've done, and I know that you'll continue to do a good job and sometimes you can't separate the skinny trees, but I didn't see trees that looked over 15 inches that were being cut down. Ms. Menard said some definitely are. Ms. Tefft said but certainly not the bulk of them. Ms. Menard said no, that's probably true. Ms. Tefft continued I think you've done a wonderful job on that property. Thank you. As a neighbor, it's nice to see a well-maintained, well-done property—and landscaped. Ms. Menard said thank you. I'm trying. The progress is too slow, but I appreciate that. Thank you. Ms. Tefft said and I don't have to recuse myself just to appreciate something that looks well done. Ms. Menard said thank you.

Acting Chair Radke asked are there any other questions? Ms. Tefft said oh, no. Ms. Tope said I just had one other. Can you scroll up to... OK. I just wanted to get an idea to make sure I know which ones we're approving. Area 2 looks different there than it does in the other photo, and that's what I was trying to reconcile. Ms. Menard said oh, so there's something important to point out about this actually, Kelly. This is—I know it looks really leafy and healthy here. You can't see the dead hemlock and you can't really see all that brush on the ground and stuff because they're so big. Look how big they are. They're so big that the brush on the ground looks like tiny twigs compared to these trees. But one thing to point out, I've asked the guys and I think it's in the estimate, this over here where my cursor is, that's a maple. And then there's another maple. This is, I think, maybe a regular maple, and then there's a Korean maple over around the side of the cedars. And I've asked them, if at all possible, to keep those. You know, if you're doing stuff to the roots and they get damaged and they can't be saved, that would be a shame. Or they say it looks like one of the trees grew only on one side because, you know, the trees are on the other side of it. And if it's too messed up looking, it will look worse, not better to keep it. So, I asked them to just check with me as they're doing it and we'd make a decision on the spot. But I told them that my preference was to keep those two maples that are within—they kind of spontaneously grew up within that. Well, I don't think the Korean maple grew up spontaneously. Anyway, they're part of that cedar grove, and so I've asked them to keep them if at all possible. But that's what makes it look so green and healthy over here. Because as you can see in the middle section, maybe your screen doesn't have the same kind of brown in there as mine does, but all this stuff is brown, brown, brown, brown, brown. And then over here, this green and leafy stuff is that nice maple. So, I'm hoping that it has a back to it so we can keep it there.

Ms. Tope said OK. And yeah, when you scroll two down and then Area 2 looks different in that other photo and that's what I was trying to reconcile between the two photos. Ms. Menard said yeah. Here I'll go back down. Acting Chair Radke said yes, see she showed just the bottom of it. Ms. Tope said OK. And that doesn't include the maple then where the other one does include the maple. Ms. Menard said no, see this trunk that I'm pointing to here. Ms. Radke asked that's the maple? Ms. Menard said yeah, that's probably the maple, and that's the reason they don't think they might be able to keep it. You can see how the bark is different, but it's leaning really far. The Korean maple turns like the brightest red ever in the fall. So, if there's anything at all I can do to keep it, I'd really like to keep it. I think the other one's going to look funky because it's half bald.

Ms. Radke said OK. And those are pretty much self-explanatory. You'll definitely want to clean those up and as your plan—I know this has nothing to do with the trees, but I'm curious about the icehouse. Is that in good condition? Ms. Menard said it is in good condition. It's in better condition since I went in and cleaned all the mice and bats and spiders out of it. No, it's in really good condition, actually. It's so cool, Lori. There's like a 2-foot thick, if not more, wall, all made out of stone and then really pretty windows. And it's got the board and batten siding. So really it just needs the roof to be repaired and the roof there

isn't even as bad as the big barn, unfortunately. But it's a really cool building. And right now, it's where I'm doing a potting shed. And yeah, it's like I wish you could see it. It's so pretty inside. It looks like you're in Ireland or something. Acting Chair Radke said wow, from the outside it looks pretty intriguing. Ms. Menard said yeah, thanks, but it was so terrifying up until two weekends ago. Because it was just like you had to go like this through this. Ms. Radke said oh wow. You can't see that from the road. I don't think I've ever seen it. Ms. Menard said no, but my goal is to just clear it, once those trees are gone, to clear all that stuff that was allowed to grow up there and then to plant deliberately around it—to not plant so high and cover the entire side of it, because it's such a cool structure, so that you can see it from the back of the house. Acting Chair Radke said very good. I look forward to seeing that. Very good. Any other questions? If there are no other questions, I will entertain a motion. Oh, I'm sorry. Is there anyone in the audience who would like to comment on it? Thank you for that reminder.

#### **PUBLIC COMMENT:**

**M. David Clark commented:** Hi, Dave Clark, 62 Bedford Center Road. These guys are my neighbors. That's why I recused myself. I know the property really well. I'll start with the barn way out back that is really in danger of having that tree come down. That needs to be craned out of there. So that tree needs to be coming out. The icehouse is definitely getting strangled by trees. I don't know if there are trees that should stay there because that's right bordering on what is Kelly Martin's property. So, I'll get to my point in a second. The clump of hemlock, I definitely concur that those should be removed. The cedar, the brown stuff on the cedar—cedar is not like hemlock—cedar, at this time of year will, the tendrils will become brown, and it looks like it's dying. That's just the natural process. It's a conifer. And just like deciduous trees that turn red when they lose the sun, the same thing happens with the cedar. I definitely agree on Area 2 that some of those should come out, but I'll say that the Korean Pine, the Korean maple, which is beautiful, sits in front of those trees. What do you think? 10, 12 feet or something like that? Ms. Menard said I don't think it's that much, David. I think it's more like 5 or 6 feet. Mr. Clark said OK, well, if they're using a crane, they can be pretty precise on that. That maple is a beautiful tree. I mean, you're right. It's like the most incredible tree I've ever seen. On Area 2, I'm not in total agreement that all those trees are threatening the house. I am not in total agreement that all those trees are. I think there was an e-mail that was flying around that I think somebody had said we're a neighbor and those have been dying since we moved into our house in 1998. They're definitely not dead. What I would recommend, if we're talking approximately 16 trees, I would recommend that those trees get blazed taped so that we have an accurate picture of which trees are proposed to be taken down. We've had experience with a neighbor that said they were going to take down X number of trees and they took down a lot more. And I know these guys wouldn't do that, but I would just like to get a good census on the trees that are... Ms. Menard said I can already tell you, though, it's all the cedars. It's all the cedars in that section. Mr. Clark said OK.

Ms. Menard said one thing I would ask, David, though, is you remember that I know you're saying they turn brown and whatever, but there was an entire limb about this wide around that came out of the tree. Mr. Clark said right. The ice storm. Remember, I cut that up. Ms. Menard said you cut it up for me so, it sort of sounds like you're saying, well, they turn brown anyway and it doesn't mean they're dead. But you do know because you caught one of them up for me, that one that was really big in diameter dropped into the tree. And the fact that those are all leaning towards the car, the garage. Mr. Clark said but they're not. Not all of them, Deidre, are leaning towards the garage. Ms. Menard said yeah, but it would look crazy if I just left a couple of twigs here and there. I'd much rather get rid of 80 foot tall, scraggly, dying dead trees that an arborist told me, are dead and/or dying, and put-up things that will be healthy and not too tall to be next to the structure.

Acting Chair Radke said OK. So let, let's just try to get back on track here. So, your comments, David, you just had some. Mr. Clark said my comment is that they should band all the trees that need to come down and that I'm recusing myself. I think that this committee should do a walk around. Ms. Radke said that's a recommendation that we can consider. Mr. Clark said that's all. Thank you.

Acting Chair Radke said Thank you. Very good. Thank you. So, hearing some of those comments, anyone else from the audience. There were no other questions or comments from the audience.

Ms. Tefft said I'd like to make a motion. Ms. Tope asked can we discuss those comments? Ms. Radke said I don't see why not. Do you mind holding up on the motion? We did have a resident come up and he had some concerns about the trees and Kelly would like to... Ms. Tefft said well, he tried to talk to me about his concern about the trees, too, outside of the meeting. So, I know pretty much what it is, but I think that fall is coming. The weather is changing, and I think they've made plans to put in new—they've complied, as far as I'm concerned, they've complied with the regulations in the Historic District, and I think that they should be allowed to move forward. I don't think they're going to take down anything that should not be taken down. Everything I've seen would negate that.

Ms. Radke said and I believe you were trying to save that maple, correct? [crosstalk] Ms. Tefft said and I'm sure if there's a 5-foot rare maple, it's going to be safe because it adds to the value. And no homeowner wants to... Acting Chair Radke said right. So, you are going to do everything you can to try to save that one. Ms. Menard said yeah, of course. Yeah, this is really about being told repeatedly that they're dead. They're too tall. They're not healthy, and they should be gotten out of there, so they don't do damage to the car, the barn, the garage, the house. Acting Chair Radke said exactly. I understand. Kelly, did you have another comment? You said you wanted to...

Ms. Tope said yeah, I mean, I just wanted to discuss—I don't think then anyone wants to do a walk through. You already know where it is. Are we considering then in the motion adding anything about keeping the maples? Ms. Tefft said no, I think she has agreed. I trust her. If, in fact, it can be saved, I'm sure she's going to save it. I'm planning to move her application as submitted because as far as I'm concerned, she has been responsible. She has consulted people. She's she hasn't just gone in with a chain saw and wildly targeted trees. I know, I know. Ms. Radke said OK. But we can also add an amendment to that. Ms. Tope said right. So, my consideration is for precedent. Ms. Tefft asked what kind of an amendment are you looking for? Acting Chair Radke said so, I tell you what, let's make a motion first. We've got the fence installation. Let's just deal with the trees first, and then we'll go into the fence. But let's just take care... Ms. Tefft said fine. Well, OK. Well, I'm not planning to defend it. I don't think she needs a defense. Quite frankly, I think she's done her job. But I would like to make a motion. And if somebody wants to make an amendment, that's fine. We vote on the amendment, and then we vote on the motion. Ms. Radke said very good. Ms. Tefft said so let me know when you want a motion. Acting Chair Radke said right now. Go ahead.

**MOTION: Ms. Tefft moved the Historic District Commission approve the application for removal of 16 trees as presented at 69 Bedford Center Road, Lot 14-8, because the applicant has demonstrated the trees are a hazard and their removal is consistent with the Historic District Commission Ordinance and Regulations, subject to the following conditions:**

1. All work, including planting of replacement trees in Area 2, shall be completed by the applicant within two years of the date of the Historic District Commission approval.

2. The applicant shall submit photos of the completed work for the file.

**Acting Chair Radke duly seconded the motion.**

**DISCUSSION:** Ms. Tope stated, my only concern was while I don't have any doubts that this applicant isn't going to take down additional trees. It's setting the precedent that if we just say we trust her not to take down more than 16 or the maple trees, then when we have another resident in front of us, are we going to change the rules on them and add the amendments to them and make it appear that we're trusting some people and not others. Acting Chair Radke asked would you like to add a condition? Ms. Tope said well, you seconded it, so I don't think it makes a difference. Ms. Radke said I seconded the motion. You could amend it by adding an amendment to it and then we would vote on the amendment, and then we would vote on the actual motion. So, if you want to amend the motion as stated by Elaine, you could add something to, I would assume the conditions, that you're addressing. We would vote on that amendment. Then vote on the motion. Ms. Tope said OK. I would just add the amendment that we keep the Korean maple tree.

Ms. Menard said well, we don't know that we can. Might I put in the application, voluntarily? Acting Chair Radke said we're in the middle of—can you just hold off? Ms. Menard said oh, I'm sorry. Ms. Radke said that's OK. Let's finish this. Ms. Tope asked so then would we just approve it subject to the condition if they needed to remove those, come back on the maple trees? Ms. Menard said I wouldn't be able to because the tree guys wouldn't be there. Ms. Tope said OK. That's what I was kind of getting at because we're saying approximately and we talked about the other property owner who took down additional trees. And like I said, not that I believe she will, but if we're starting to look at these more closely and we want an exact number that people take down, which I think is where we're headed, I'm trying to treat future applicants equally.

Ms. Tefft said I know what you're saying, but I think the presumption that everybody is going to try to game the system and is going to go crazy with a—I don't think you can paint somebody with that brush. I don't think you can assume that everybody is going to—and I'm trying to come up with a socially acceptable expression, and I don't have many of them. Ms. Tope said I'm not trying to assume; I'm just trying to narrow the request. But I think if you guys are fine with it the way it is... Acting Chair Radke said maybe add something to the effect that the applicant will do their best to... [crosstalk] Ms. Tefft asked well, when did she put in that tree? Is that something she put in since she has moved in? Or was it something that was there when you bought the property? Ms. Menard asked is it OK to answer? Ms. Radke said go ahead, answer the question. Ms. Menard said no, I didn't put the tree in. Ms. Tefft said it was there when you bought? Ms. Menard said it was there, but it's really deeply within the grove. So, I stipulated... Ms. Tefft said so, it has no sun and no nothing. Ms. Menard said it looks pretty nice, but it's part of the whole grove. It's embedded within the roots and everything, so I said I love these trees. I'd like to keep them if at all possible. It's kind of the opposite of what you're worried about. I said please, please try to keep these, if it's possible. But they're within the cedar grove. So, the cedar grove, it's clear that should all go. The hemlock grove is clear that should all go. And so, counting numbers of trees is tricky. But those two groves are clear. Within those two groves, there are two maple trees. I voluntarily stipulated that I would like to preserve them, if at all possible, but it's not necessarily possible and I won't know that until they're in there doing the work. So that's why it can't be like come back later because that would cost me another \$5,000 for them to remobilize with all their stuff, right? Ms. Tope said OK. Acting Chair Radke said so maybe that's—to clarify, to add the amendment, is that the applicant do everything possible to save the two maples. Would that be amenable? That the applicant would do everything in their power to save the two maples.

Ms. Ports said another option or thought I had was to provide photographic documentation if they had to be removed to sort of substantiate the fact that they needed to come down. That's another option, I guess. Acting Chair Radke added that they would submit to the Planning Department. Ms. Tefft said no, she didn't say submit to the Planning Department. Ms. Radke said I'm asking that question. Those pictures would go? Ms. Ports said to the Commission. Ms. Radke said to the Commission. OK, I didn't know where those pictures would go. That's why I was asking that. But after the fact, though. Ms. Ports said it would be after the fact. Ms. Tope said so, there's not a point. Ms. Radke said exactly. Ms. Tope said OK, yeah, there's no point. Ms. Menard said no, but I will personally promise to you that I want to keep them. I want to save them, and if it is at all possible, this is not a situation where I'm sneakily—I just would have asked to have those cut down too, if that's what I wanted, right? But it's not.

Acting Chair Radke said so, I'll leave that up to you, Kelly. What do you want to do? Ms. Tefft asked are we having an amendment? Ms. Radke said OK, no amendment. Ms. Tefft said so, we're voting on my motion. Ms. Radke said we have a motion on the floor. I second it. Ms. Ports said I just had a thought. I think the number—I don't want the number of trees to become an issue. So, is it better to say within Area 1 and Area 2 and then say more specifically what's happening with the icehouse? Because I'm wondering if the number 16 is one tree—some trees have two stems so... Ms. Radke said that's two trees. Ms. Ports said no, it's not. We don't actually know how the contractor counted trees. So that's why I'm concerned about a number. Ms. Menard said he wrote 16, so I don't think this is... Ms. Tefft said what you could do is take pictures of the logs down, and when you hit sixteen, stop cutting. Acting Chair Radke said yeah, because he does quote for 16. Ms. Menard said I know. And he went home and he looked at his pictures and he thought that looks like about 16. But it's, again, it's the cedar grove. It's the hemlock grove. It's the ones that are leaning against the icehouse and there are two trees that lie on top of the barn. And that's really my goal. It's not to raze my land and become a sharecropper.

Acting Chair Radke said so, your concern is the number. If we take the number out and then amend it to say the removal of the trees presented in Area 1, 2... Ms. Tefft asked can we put up to 16 trees? Ms. Tope said well, I think what she's saying too, it could be more than 16, right? Ms. Menard said the point is also what's a tree. When you look at it from above that two trees. when you look at it from below, it's one. Ms. Radke said so, what we're doing by taking the number out, we're not holding the applicant to a certain number of trees by putting in an area. We're now looking... Ms. Tefft said well, if there are only 15 that need to be taken down, don't go looking for another tree unless you come to my house. Ms. Menard said this is a very fraught application now that that other thing happened. Ms. Radke said so, wow. OK, so you had a great suggestion, Kathleen. Do we want to amend it to say instead of 16 trees, removal of trees as presented in Area 1? Ms. Tefft said no, I don't. I think you're making a mountain out of a mole hill. Ms. Radke said OK. It's your motion. Ms. Tefft said yeah, I don't want to amend it. I don't want to change it. I've made the motion. It's been seconded. I think we need to vote on it. We can amend the motion and vote on the amendment. But unless I withdraw the motion and you withdraw your second and let's see how complicated we can make this. You know, I'm as big a tree hugger as anybody in this room, but enough is enough for God sakes. Trees grow again. Ms. Radke asked are you OK with this? Ms. Tope said I don't know what the objection is to defining the Areas 1 and 2. Ms. Tefft said because it is now ten after eight. This is the longest we've been since I've been on this Commission and we're making... Acting Chair Radke said well, we want to make it right, Elaine. We want to make sure. Ms. Tefft said yes, I understand, but I think it is right as it is frankly, or I wouldn't have made the motion. Ms. Radke said I think the number may be an issue. Ms. Tefft said well, it's not an issue with me. That's why I made the motion. Ms. Tope said what if they want to remove 18? Or they remove 14? Ms. Tefft said if somebody wants to take it out, they can make an amendment. Ms. Tope said we were making it more



favorable, actually. Ms. Radke said exactly, is what we're doing, and that was a great point. Ms. Tefft said so, you weren't going to vote for my motion? Ms. Tope said she seconded it. Ms. Radke said no, by taking the number out, Elaine, and just by putting in Area 1, 2, 3, 4, it gives... Ms. Tefft said go right ahead, but I'm not changing my motion. You'll have to do the amendment. I'm not going to start looking at the pictures and trying to see how many trees there are. Acting Chair Radke said no, we're trying not to count. Ms. Menard said so I think, can I? Ms. Radke said if you think it will help, go ahead. Ms. Menard said yeah. No, definitely. OK. So, I think the idea was that it can only hurt me because if there are 18 total in the hemlocks and the cedars, and someone comes along and counts the stumps and they say that's 18. That's problematic. Ms. Tefft said first of all, nobody can go on your property without a search warrant. Ms. Menard said you know what I'm saying, though. So, I think the point was OK, let's... Ms. Tefft said and you know what I'm saying. Because I couldn't go on the property next door to you, even before we voted, to see what it looked like. I do. I know. You know I know that. But I think this actually is a good thing to take that number out. So, if we could do that, I'd really appreciate it because I think it is like... Ms. Tefft said fine. If somebody makes a motion to take out number 16, I'll second that motion. Acting Chair Radke said oh, how about a better idea? Why don't you withdraw your motion? I'll withdraw the second, and we'll start from scratch. Ms. Tefft said I don't want to do that. Ms. Radke said OK, well then I think I'll make the amendment. Ms. Ports said you can vote on it. Ms. Tefft said you can vote on it or you can amend it. Ms. Radke said OK. OK, very good. OK, let's leave it as is and let's take a vote. Ms. Tefft said and somebody else can make a motion and she's and then you can figure out what's going to happen the next storm, and then you'll know who to thank.

Acting Chair Radke said OK, so here we go. Here we go. Yeah, my big storm here. I'm one chair [unintelligible] but anyway, we have a motion on the floor. I have a second. I want to call for a vote.

**ALL IN FAVOR – 3 members vote NAY. 1 member voted AYE. MOTION fails.**

Ms. Radke said the motion fails. Ms. Tefft said absolutely. Ms. Radke said now I will entertain another motion, if there is one. If not, the applicant does not get these trees down. Do I hear another? Ms. Tope asked are you going to make a motion? Acting Chair Radke said give me a moment here. OK, so now I'm going to make a motion, if that's OK.

**MOTION: Acting Chair Radke moved the Historic District Commission approve the application for removal of trees as presented in Area 1, 2, 3 and 4, at 69 Bedford Center Road, Lot 14-8, because the applicant has demonstrated the trees are a hazard and their removal is consistent with the Historic District Commission Ordinance and Regulations, subject to the following conditions:**

1. All work, including planting of replacement trees in Area 2, shall be completed by the applicant within two years of the date of the Historic District Commission approval.
2. The applicant shall submit photos of the completed work for the file.

**Ms. Tefft duly seconded the motion.**

**ALL IN FAVOR – unanimous. MOTION carries. The request is approved.**

Acting Chair Radke said OK, go ahead and walk us through the fence. Ms. Menard said so let's see, when the heating system failed, they put in a heat pump and then they put in pipes and things like that. And so,

the nice pretty back side of the house, if you're facing the house from the library side, the true front of the house, if you go around the building to the left, now there's a condenser and there's what looks like a submarine telescope and all kinds of stuff sticking off the back. So, what I want to do is enclose that so that when the garden is built out in the back, you're not looking at a condenser and pipes and stuff like that. So, the fence that I've selected will be done in cedar. And I chose a style from a company that creates historical fences. It's a material and a style that's consistent with the age of the house, and I am not going to paint it white because my experience with that with natural wood is that it flakes off within a year and looks really lousy. So, Nantucket style, we're going to let this thing age out and turn silvery and pretty. And that's about it. So, when you're at the house, the fence would be about 7 feet off either end of that side of the house, and then it would span the 32 feet that makes up that side of the house. So, I'll just come out from there and go straight across. And I think, yeah, this picture shows what that is. So, where the number 44 is in this picture, that's the front door to the house, and this is the fence coming off the side of the house. It's not really to scale, obviously. Ms. Ports said and by front door you mean across from the library? Ms. Menard said that's right. Ms. Menard said this picture says Bedford Center Road, but that's actually, I think not. Bedford Center is over here, where the number 34 is on the side of the house. Acting Chair Radke said thank you for that one. Are there any questions from the Commission on the fence? Ms. Menard added oh, and it doesn't say it here, Lori, sorry, but it's 4 feet tall. Ms. Radke said OK. Four feet tall, 32 feet by 7 feet by 4 feet. OK. And just to clarify, that's to enclose some... Ms. Menard said ugly stuff. Ms. Radke said ugly stuff, OK, so that's a good thing. Ms. Menard said yeah, it's pretty ugly. And then I'm going to put plants in front of it, and you'll never see any of it. Ms. Radke asked is there a gate on the fence? Ms. Menard replied there is a gate on the fence. Yeah, because they'll need to service the condenser and stuff like that. Ms. Radke said right, you have to have that. Ms. Menard continued I think it's 3 feet wide. Acting Chair Radke said and the gate will be on the 7—not the 32, but on the 7-foot part? Ms. Menard answered I think it will be in the back.

Ms. Tope said and by the way our screens aren't on today, so I keep pulling up the photos on my phone. Ms. Ports said I'm sorry, yeah. Ms. Tope said because normally we have them on our little monitor, so we either have to turn back there or we've got an e-mail that I was... You know, you probably wondered why our backs are always to you or we're looking down at something else. She's got her computer. I've got my phone, and we're... Ms. Menard said I did always wonder that actually it was a yeah... Ms. Tope said I'm looking at the application and the photographs are all just—and they're normally on our screens. Ms. Radke said we choose to get them electronically. Did you have an opportunity to look at that, Kelly. Do you have any questions? Ms. Tope said you know, I don't think I have any. We had on this application just to note for the record, I think we had the comment from Marion and Frank Hauck, the abutters on the trees. I don't think we have any comments on the fence. Ms. Menard said no, she didn't make a comment about the fence but she doesn't really see that side of the house from her property. Her property is sort of facing where it says #30 at the back of the garage. Do you see that? She's on that side of the house. Ms. Tope said OK. Ms. Menard said it's the Martins who are off to that side, and I checked in with the Martins and said is everything clear on the application? I want to make sure you don't think I'm fencing like along our property line, but it's on the house itself. And they said yeah, got it. Acting Chair Radke said all right, very good. Any questions, Elaine, on the fence? Ms. Tefft said no. Ms. Radke said no questions on the fence. Hearing no questions, if anybody from the audience would like to speak regarding the fence? Oh, go ahead, Mr. Clark, all yours.

Mr. Clark said I know what they're trying to cover up and I think it's a really wise choice.

Acting Chair Radke said OK. Just for the record, I don't know if you said your name and address for the first one. Mr. Clark said David Clark, 62 Bedford Center Road. Ms. Radke said for our note taker. They need that information. Very good. Thank you. I will entertain a motion if there is one.

**MOTION: Ms. Tope moved the Historic District Commission approve the application for an installation of a 32-foot by 4-foot-tall cedar fence on the west side of the home, as presented, at 69 Bedford Center Road, Lot 14-8, because the applicant has demonstrated consistency with the Historic District Regulations and Ordinance, subject to the following conditions:**

1. All work shall be completed by the applicant within two years of the date of the Historic District Commission approval.
2. The applicant shall submit photos of the completed work for the file.

**Acting Chair Radke duly seconded the motion. ALL IN FAVOR – unanimous. MOTION carries. The request is approved.**

Acting Chair Radke said motion passes. Congratulations. Very good. I think Mr. Clark is going to join us again. So, moving into other business, I think we're going to be electing officers for the next year.

#### **IV. Other Business:**

##### **1. Election of Officers**

So, it says here the Historic District Commission is required to annually elect its officers, including a chair and vice chair. The HDC Commission chair oversees all meetings of the Commission and coordinates with HDC staff liaison. The vice chair carries out those duties in the absence of the chair. As we all know, Mr. Vaccarello, Joe, who previously served as our chair, has moved out of Town and is no longer on the Commission. Therefore, the Commission shall organize for the election of both chair and vice chair for the next year. And this will happen again. We'll do it again, in April. So, this has to be done again in April and May of next year, right? Ms. Ports answered yes. Ms. Radke said just to make sure that we're on target with that. With that said, are there any nominations for chair?

Acting Chair Radke said I'd like to nominate probably our longest standing person we have had on the Board, and we have a very young Board, Miss Kelly. I think you have been on the Board the longest, so I would like to make a motion for you to take over chair. I don't know if there's a second. Mr. Clark said I would second that. Ms. Radke asked are there any other nominations for chair? There are none. Nominations are closed. All those in favor of appointing Kelly as the next chair indicate by saying aye. Ms. Tefft said I abstain. I don't know Kelly at all, or what her abilities are so I'm going to abstain.

**VOTE TAKEN: Ms. Tope, Ms. Radke and Mr. Clark all vote AYE. Ms. Tefft abstains. Ms. Tope is voted as Chair of the Commission.**

Ms. Radke said we now have to nominate someone for vice chair. Ms. Tope said I'll nominate you for vice chair. Ms. Radke said OK. Thank you. Ms. Tope said Lori has the most experience, I think, on this Commission as well. Ms. Radke said and as a counselor, I think I can. Can I? Board agrees, yes. Ms. Radke asked are there any other nominations for vice chair? Hearing none, nominations are closed. All those in

favor indicate by saying aye. Ms. Tefft said I'm going to abstain. Ms. Radke said you're going to abstain. OK. Ms. Tefft said I think you know why. Ms. Radke said clearly we know each other, so it can't be that. Ms. Tefft said well, you're of the opinion that I am prejudiced, slanted, et cetera. Ms. Radke said that's not true. Ms. Tefft said you said that to me within 24 hours, over the parking lot for the library, which has nothing to do with anything. Ms. Radke said it has nothing to do with the nomination. Ms. Tefft said but I assume that your judgment was sincere, and so were your accusations on my inability to be fair and impartial, so I can't vote for you for anything. Ms. Radke said that's not true, Elaine, but thank you very much. We can certainly talk more about that offline if you'd like. I'd be happy to do that. Ms. Tefft said oh, why offline? Ms. Radke said very good. OK. Moving forward. Thank you very much. So, I think, should I continue with this agenda, or should we move and have the Chair do it or? Ms. Tope said I think you should continue on.

**VOTE TAKEN: Ms. Tope, Ms. Radke and Mr. Clark all vote AYE. Ms. Tefft abstains. Ms. Radke is voted as Vice Chair of the Commission.**

## 2. Protocol for Tree Removal

Vice Chair Radke said protocol for tree removal is next on the agenda, Kathleen. Ms. Ports said so I guess, basically, I just wanted to do a quick update. I've been reviewing the minutes of some of the past meetings just to kind of get familiar with the Commission and some germane topics. And so, I think that it sounds like there's interest in having potentially a process for tree removal. And I'm thinking that there's a couple of different ways to approach that. I did a little bit of research, and I can spend another... until the next meeting, potentially doing some more research on what other commissions do. If anybody is interested in helping me make some phone calls to other commissions, that would be helpful. It's not always in their ordinance very clearly. So, I think having some phone calls might help understand what the processes are in other communities. But one thing we could also do pretty easily is change our application and just request some additional information. And I believe the Commission could even require an arborist to certify that the trees are recommended for removal versus being pruned or just maybe allow the application to flush out a little bit more information about what the applicant considered before they went forward with removal.

Ms. Tefft asked do you know what an arborist costs? Thousands—to express an opinion. That's not fair to the resident who's just trying to pay the mortgage, taxes and grocery bills. Ms. Ports said that's a fair point. I'm not suggesting that we implement that right away. I'm just putting it out there as an option.

Chair Tope said yes, I would like to see other protocols from surrounding communities if we could see what others are doing. We've identified it as a problem here. I don't know what the solution is, and if we consider—I get the point on an arborist would be expensive. We know what we're doing, or some of us on the Board believe what we're doing, isn't necessarily working because we're getting a lot of after-the-fact applicants and we're getting people tearing them down to build things they want. It would just be helpful for comparison purposes to see what similarly situated communities do, and we could take a look at those and decide if we want to adopt those in part, kind of use them to patch together our own framework. And maybe we don't get to the arborist unless the Commission goes out and does a site visit and doesn't agree. And then maybe there's some second level, because in the alternative they're going to get denied, right. And that would be more like sort of something helpful for them. But I think it would help to see what other communities do and what a fair process might look like.

Ms. Tefft said yes, I think absolutely it would, if any, I don't know that communities are going to have a cutting down tree protocol. But I think one of the problems is that people don't realize that if their tree is more than 15 inches in diameter that they need to get permission if they're in the Historic District. Some people don't even know they're in the Historic District. It's not something that the real estate agents promote because of all the rigamarole you have to go through in the Historic District.

Mr. Clark said but we had talked before you came to join us. We had talked about publishing a bit of a pamphlet that would welcome new buyers into the center of the Bedford Historic District Commission. But also have something on the trees and have something on you can't paint your house purple and have something on what kinds of improvements have to go before the Planning Board. And the tree thing really is important because as Kelly has mentioned, people cut down trees and then they come in and they beg for forgiveness as opposed to permission. And we want to believe the best of everybody, but I think that if somebody wants to come and make an application to cut trees down, I think that they have to put blaze tape around the trees that they want to cut down and that we as a Board have to do a walk around.

Ms. Tefft asked on somebody else's property? Mr. Clark said yes. Well, you say it's private and well, guess what? If they want to cut trees down, we as a Board have the right to request to do a walk around, and that way we can memorialize the trees that they want to cut down. And then we don't have to play this guessing game. Ms. Tefft said then we'd better have some insurance, because if we get hurt on somebody else's property on a walk around, we don't want to nail their insurance coverage. Chair Tope said well, I think we can check with the Town if we're covered. Vice Chair Radke said we have a liability, under Primex, I'm sure we're covered. Ms. Tefft said it's not just, there's... Mr. Clark said I'm not worried about that at all. Ms. Tefft said well, and not to just generally disagree, but you know you can't say you can't have a purple house because it's entirely possible that a Victorian house, purple would be the appropriate color. So, either you want to be historically correct or you don't. You don't want to be arbitrary and deny something before you've done the research. Chair Tope said I don't think we're at that point yet where we're—I think we're just looking for ideas. Mr. Clark said we're looking at putting a formula together that will work for everybody going forward. And by the way when we talk about how many trees they wanted to cut down, they're called stems. So, that one tree in the back had three stems. So, it had one base and three stems. And as an arborist, my son's a certified, International, blah blah blah arborist, and I know about this stuff just through him. The tree company coming to take those trees, he's going to charge them for three stems on that. It's the number of stems. It's not the number of trees. And I think it is important that we have them let us know how many stems they're going to be taking down, because you can have multiple, multiple trees with multiple stems. That being said, we were going to have a workshop. I think it's... Vice Chair Radke said I was just going to say we talked about getting together at one of the meetings and go over our regulations, and that would be a good place to add that they should be...

Chair Tope said I just did a quick Google search and the Historic Districts in Gilford, New Hampshire, Deering, New Hampshire, Amherst, all have some things online. I'm sure some we could call and find others. But even those three neighboring ones have information about when you can cut trees down and when you can't. Mr. Clark said Amherst is right next door. Vice Chair Radke said this is certainly some discussion we can have in a workshop to go over our regulations to address all of our concerns to make sure that they're all addressed.

Mr. Clark said the gentleman wanted a metal roof and he had asphalt shingles. Where do we stand on something like that? And it's not visible from the road, but it still within the contiguous. Ms. Tefft said it's a 1990 building, and it's appropriate to have metal or asphalt on those. Mr. Clark said I'm just saying

I think we were sort of, I mean, Kelly, you were sort of hemming on that because we didn't really know. Vice Chair Radke said and I don't know if everything will be covered in our regulations. That's why we have discussions, and every application that comes in is treated a little differently. It's not going to fit. I don't think every one will fit in one particular, structured box. This is why we have these conversations. Chair Tope said I was just reading the more detailed one in Gilford, New Hampshire and then they have an exemption in there that the Historic District Commission can waive some of the requirements if it would prevent or if it would cause undue financial hardship on the applicant. Because there were requirements about landscaping and replanting and what you do with the when the trees are cut down. So, there's always going to be that subjectivity, because I think the ones that are well written also have that ability to provide guidelines, but then flexibility for discussions like this.

Mr. Clark asked how often does the Historic District Commission follow up on these applications two years later to see if they've all been completed? Ms. Ports said so we keep a spreadsheet of approved projects and then projects are required to submit photographs when they're completed and then we document that we've received the photographs. One of the things I need to do is sort of catch up and see what's outstanding. Ms. Tefft said two years is a long time. I know you give them two years, but it's a long time. It must be a heck of a spreadsheet. Ms. Ports said oh, it's not that big, honestly.

Chair Tope said I think we have seen some people come early to the meetings if they're really wanting to make sure they do everything compliantly and then there's been, with COVID, delays in building materials and such where people were finishing things a lot later than planned. Ms. Ports said and the applicant has the option, I believe, of... Ms. Tefft said and you can get an extension, I'm sure, if you run into problems. Ms. Ports said you can ask for an extension. Ms. Tefft said under a hardship or something. Ms. Ports said yes, I don't know the exact procedure, but I believe an applicant could come in, have a discussion before they submit an application. So that might be something we recommend for anyone who's thinking about tree cutting.

### 3. HDC Residential Mailing

Ms. Ports said and like you were saying, David, and I guess everyone else, hand-in-hand with that is this whole how do we raise awareness? And we do send a letter when a new resident buys a house in the Historic District. Maybe what we need is... Mr. Clark said we do? Ms. Ports said yes, we do. I do. [crosstalk] Mr. Clark said OK, I didn't know that. Vice Chair Radke said yes, you put it in the packet, the letter that went out. Ms. Ports said maybe what we need is something a little bit more catchy that stands out? So, I think like a pamphlet or something that they keep and put in their little, what the hours of the Transportation... Mr. Clark added refrigerator magnet—don't cut down any trees without calling. Chair Tope said you weren't here when we had the discussion before, but the number of homes is very manageable, if you'd like to do another mailing or a pamphlet within the district. Ms. Ports said yes, I agree. Chair Tope continued because when people move in, it's a chaotic time and they're buying their house and they get a lot of information. So, yeah, the refresher might be good. Ms. Tefft said we don't have the Welcome Wagon anymore. Otherwise, they could do it. Vice Chair Radke said Elaine came up with a good—I was just thinking, we're on the same wavelength here. Perhaps someone from our Commission, if we knew who was moving in, maybe someone from our Commission would be willing to go to the house and introduce themselves. We're on the Commission. Welcome. Ms. Ports said make a phone call or... Vice Chair Radke continued here's some of information that you might want to keep. Mr. Clark said a phone call might be a little less invasive if they're new. Vice Chair Radke said a phone call or something just to let them know or put a name to a face or just so that they have someone that they can talk to. Mr. Clark said and what's your e-mail? I want to send you a little brochure that's online. Vice

Chair Radke said yeah, just kind of a personal contact, I think. Chair Tope said when I moved in a couple years ago... [crosstalk] Ms. Tefft said, I think your suggestion, and it pains me to say this, is a really good idea rather than a phone call. Everybody gets a million phone calls, and if you if they don't recognize the name, you're not answering. That's it. Vice Chair Radke said I'm with you, Elaine. Knock on the door. Ms. Tefft said if you're going to do anything, do it right. Vice Chair Radke said I remember the Welcome Wagon when I moved to Town. I thought it was awesome. Ms. Tefft said I did too. Vice Chair Radke said I learned about the Town. I thought it was really awesome. Ms. Tefft said as a matter of fact, I still have the jar opener from the bank! Ms. Ports said that's hysterical. I've talked to Greet Bedford about their welcome basket, and they would be willing to include materials. Greet Bedford Magazine is a publication that goes to all the houses. Ms. Tefft said I know who they are. They're just here to make money. Ms. Ports said OK. Chair Tope said they contacted me when I moved in a couple of years ago.

Mr. Clark said why not have Zimmerman interview our new Chair? Ms. Ports said we could do a public service announcement through BCTV. Ms. Tefft said I think that's a good idea. Ms. Ports continued there's a lot of different things we can do, and we'll have to kind of renew those efforts all the time because some people it'll stick to them one way and another person, it'll stick to them another way. The website updates, doing a little bit more. I've been kind of thinking about, we get calls in Planning about tree cutting and so maybe we need a fact sheet about tree cutting that says are you in the Historic District? Are you— kind of walks people through the steps. So that might help raise awareness as well. Mr. Clark added are you on a wetland, Are you .... ? Ms. Ports said yep.

Chair Tope said just out of curiosity in thinking people pay their property taxes. In the tax assessment, or even I know some people like me paid it online. Is there any way we could, if they're in the Historic District, like put anything on their e-mail renewal or their mail renewal reminding them they're in the Historic District? Ms. Ports replied I don't know. I feel like we've had this conversation and I don't know the answer, so I can revisit. Chair Tope said that's something people read and open. But I didn't know if we could do that or not. Vice Chair Radke said to put something on the tax bill, you have to get approval. It's not as easy as you might think. You have to get.... Chair Tope said that's what I was worried about. Vice Chair Radke said the Department of Revenue Administration is very keen on what can and cannot go on a tax.

Ms. Ports said we could do twice-a-year postcard reminders. Chair Tope said anything might be better than nothing, and postcards would be pretty cheap. And we could see what it does. Ms. Ports said exactly, yes. Vice Chair Radke asked how many houses we talking in the Historic District? There can't be that many. Ms. Ports said I want to say it's either 120 or 160. Chair Tope said it was around that cause she pulled the number for his predecessor, yeah. Ms. Ports said yeah, that might include Town parcels and it's not necessarily... Ms. Tefft said yeah, the Town doesn't have to comply with the rules and regs. How come? People might be more interested in compliance if it applied to the Town. Chair Tope said I want to say when we discussed it, it was more like 85 actual people. Mr. Clark said so Lori, the thing with the trees is, I mean, I'll help you in any way I can, because I know about trees and it's very close to my heart. I had a neighbor that had a real estate office on 101 that backed up to my property and one Easter, he decided to have his son cut down about 40 real big legacy trees. So, I've got a beautiful view of 101, and nobody stopped him. Ms. Ports said right, Yep. Mr. Clark continued nobody stopped him, and it was a very hard.... Ms. Tefft asked was it on his land or your land? Mr. Clark said well, he was cutting trees on my land, too, which was timber trespass. But I won't talk about that right now. Vice Chair Radke said thank you.

Mr. Clark said Lori, one thing I was going to ask is how do we attract more members onto this Board? Vice Chair Radke said I was just going to bring that up as well. As you well know, we are very thin, and we would like to get some...

Ms. Tefft asked are we going to do the approval of minutes? Ms. Ports said we haven't gotten there yet. Ms. Tefft said oh, we're still under HDC mailing, residential mailing. Vice Chair Radke said right. But he had asked a question about trying to recruit some more members for the Commission. Mr. Clark said I'd like to become a member as opposed to an alternate. Vice Chair Radke said I'll tell you what, the way that works, we can put a—I think the Council will approve that. So, at our next meeting you want to... Ms. Ports said I'll contact, yeah. Mr. Clark said I haven't missed a meeting. Chair Tope said I started as an alternate, also, and then when a vacancy, yeah. So, this is the same. You just have to go sign the new paperwork. Vice Chair Radke said Kathleen will work with Dawn. Ms. Ports said it's on actually on my To Do List to ask you if you wanted to become a member. Mr. Clark said OK, great. Vice Chair Radke said then I think it goes in front of the Council, and the Council will support that. But, to add to that, we need Members. Ms. Ports agreed, we do. Vice Chair Radke said we need to fill these chairs. So please, if you know anybody, anybody out there watching, if you want to be on this wonderful committee, please let us know. Let Kathleen know, and we'd love to have you. So, we do need more folks. Mr. Clark said and then people that have not attended, and I don't know, is there a ruling on if you've missed X number of meetings? Vice Chair Radke said I don't believe there's an actual ruling, but that's something the Council can take that under consideration when they do appointments. If their appointment is up, they'll review that. I think we've done that in the past. Mr. Clark said OK. I look at some of the people that have come before us to ask permission for this and that. We can look through the archives and see who's come and presented well. Vice Chair Radke said it's next nice to get a mix—people who live in the Historic District and people who do not. It would be nice to get a little mix. Mr. Clark said so you don't have to live in the... Chair Tope said I'm right next to it, but I'm not in the Historic District. Vice Chair Radke said no, there's no requirement. Mr. Clark said OK. Vice Chair Radke continued but it's nice to have folks who do live in it. It is nice to have that. That's just my two cents. But we'll take care of your question. Moving on, is that it for Old Business or whatever that was, Other Business? Good.

Mr. Clark said if we have people that might make good people, should we talk to Kelly? Vice Chair Radke said have them fill out an application online. They'll send it to Dawn. Dawn will then send it to the chair of the Council, and then we'll interview them. They interview everybody that's new. And then the Board will make a decision. Ms. Ports said you can also send them to me if they have questions and just want to talk about it first, or another member. Mr. Clark said it would be good to have somebody with building experience, like a builder in construction, to have some of that practical experience about. Vice Chair Radke said it would be nice to have an arborist. Ms. Ports agreed, it would. Mr. Clark said my son lives in Vermont, but I've worked with him enough that I do understand a lot about it.

#### **V. Approval of Minutes from Previous Meeting (May 2, 2023)**

Vice Chair Radke said now we'll go on to approval of minutes from the previous meeting, May 2nd. Do I have a motion to approve? Ms. Tefft said I have a couple of corrections. Vice Chair said good. Go ahead.

Ms. Tefft said on Page 4 of 10, when I made the motion regarding Alan MacLellan, I did not include the phrase 'because the applicant has demonstrated consistency with the Historic District Regulations and Ordinance'. I stopped at applicant and then picked up where Miss Tope—and I made a note of that because I didn't think it added anything, and I just thought it was too amorphous and unenforceable. I didn't include it in the motion, so that needs to be removed. And if you listen to the recordings, you'll see



that that is true. I did not include that, and I didn't include it in some of them I did tonight, too. Ms. Ports said I noted that tonight. Ms. Tefft continued because I think we're apparently getting fierce with some people and not other people. And I think at some point we're going to be challenged, and I think consistency, clarity and specificity is critical. So, I don't want to... and then, on Page 7 of 10. My question is, did the three conditions on that motion, was that part of the motion? Because when I questioned what the motion said, I was told it was only those four lines and did not include the three conditions. And I think if you make a motion, and you have conditions, it has to be part of the motion. So those, in fact, those conditions don't apply to that, if that's true to that particular motion. And the vote is ineffective and inaccurate if it does. See my problem? Ms. Ports said I think I do, but I can... Ms. Tefft said yeah, because I specifically asked to read the motion back and I was told it's written on our paper. And Ms. Radke wanted to know if I wanted to hear it again. And I said not if that's all it is, those four lines. And I was told by Ms. Tope, yes, it's just those four lines. Well, it wasn't. There were three conditions added. Ms. Ports said oh, I see, OK. Ms. Tefft said so something is wrong with those minutes. That part of the minutes is very confusing and not accurate. Ms. Ports said OK. I'll check the tape and see what it says. Ms. Tefft said yeah. Well, I'm assuming that this was done from the tape, so that needs to be taken care of.

Chair Tope said I think on that one we ended up going with it just the way it was written in our, with the three conditions of: the two years, the building permit, and the photos. We didn't add an amendment about the shingles. Ms. Tefft said I'm sure you did, but the motion... the statement was made by you that the motion was only those four lines. If that's true, then those three conditions are not added. Ms. Tope said no, I didn't mean that. It was with the lines, and it was as written in this. It wasn't... we didn't add it and amend anything on the fly when we made the motion. Ms. Tefft said I'm not making myself clear, apparently. Ms. Ports said no, you are. I think that there's some confusion. Ms. Tefft said well, Kelly doesn't seem to understand what I'm saying. This is going to come as a surprise, but these people are becoming increasingly litigious, and you have to make sure that you're accurate. And when you assert that the motion consists only of four lines, to wit the dark printing stuff, that excludes the three conditions from the motion. [crosstalk] So, if the three conditions are not part of the motion... Chair Tope said it doesn't. It was as it was written, and I do know about technicalities, I am a lawyer. Ms. Tefft said well, let me finish. Let me finish. You're talking over me, so no wonder you don't know what I'm saying. Chair Tope said well because you just keep repeating the same thing. You're talking about the four lines written on the motion. It was those plus the three conditions as written in our paper, which is clear to everybody else, except you. Ms. Tefft said well, then you shouldn't have said that, should you? Chair Tope said I did. I said it accurately. You did not interpret it correctly. [crosstalk] Thank you. As written on the paper. [crosstalk] Ms. Tefft said because you can't keep doing that, and I very carefully included the conditions when I made a motion and not just—otherwise it doesn't count. Vice Chair Radke said let's listen to the tape. I'll tell you what, Kathleen, why don't you double check the tape. OK, OK, we'll listen to it and then so what we'll do is we want to hold off amending these, approving these. Mr. Clark said yeah, that's fine. I don't think we need to. Vice Chair Radke said OK, so let's Table this. Is there a motion to Table for the next meeting for the minutes?

**MOTION: Chair Tope moved to Table the approval of Meeting Minutes of May 2, 2023. Mr. Clark seconded the motion. ALL IN FAVOR – unanimous. MOTION carries. The Minutes have been Tabled.**

Vice Chair Radke said OK, we'll review these. We'll take these up again at the next meeting.

## VI. Communications

Ms. Ports said the only communication, and I apologize I don't actually know what the purpose of that section of the agenda is for, but I would like to share a communication that you should have received an e-mail from the Planning Director about a meeting on September 20th at 6:00 p.m., where all of the land use boards and commissions and the Town Council will meet to discuss the Planning Board's Housing Opportunities Planning Project. I encourage you, if you can be there, to attend. It's in the McAllaster Room at the Public Library from 6 to 8, September 20<sup>th</sup>. Vice Chair Radke said that's a Wednesday, explaining we hired a group to help the Town of Bedford look at our housing options, and now they're looking for input from the residents so they can move forward with their report. So, if you have any interest in our housing options, this might be an opportunity for you to go and listen to what they have to say and voice your concerns or voice your comments. So yes, it's a great thing.

Ms. Ports said I did also share some trainings that are available. They're all virtual. I just found them today, and I signed up for myself and I thought you guys might be interested. It's a lunch-time thing. Ms. Tefft asked where are these held? Ms. Ports replied they're on the computer. But we could set you up. Ms. Tefft said well, no. They're a Zoom thing? Ms. Ports said yes. Ms. Tefft said yeah, I don't do that. Ms. Ports said well, you can come and sit with me. Ms. Tefft reiterated I don't do that—not, not sitting with you. It's just I don't like computer screens. It damages your eyes and promotes cataracts. Ms. Ports said trust me. I'm aware. Thank you. Ms. Tefft said so I avoid it if at all possible. Vice Chair Radke asked these are just Zoom? They're not in person at all? Ms. Ports said you'd have to double check, but I think it's just Zoom. Vice Chair Radke said OK. Chair Tope said thank you for finding those. Those look good. Ms. Ports said I did also find some other resources, so I'm going to look at maybe changing up the member packet just to kind of help address some of the questions that we have about how do you apply this, how do you apply that? There are some guidelines out there, so I'm working on that too. Vice Chair Radke said thank you. All right. Are there any other comments? Hearing none, a motion to adjourn.

## VIII. Adjournment

**MOTION to adjourn was made by Ms. Tefft at 8:50 pm. Chair Tope duly seconded the motion. ALL IN FAVOR – unanimous. MOTION CARRIES.**

The next meeting of the Bedford Historic District Commission is scheduled for October 3, 2023.

Respectfully submitted by Sue Forcier