

**Town of Bedford**  
**Historic District Commission Minutes**  
**November 13, 2023**

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

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

Chair Tope called the meeting to order at 7:00 p.m. She asked the Board members to introduce themselves. Ms. Ports reviewed the agenda. Chair Tope requested the Board to switch the order of new business to hear Item 2 before Item 1.

**MOTION: Mr. Clark moved to flip the order of the new business items and to accept the agenda as amended. Mr. Strand seconded the motion. ALL IN FAVOR – unanimous. MOTION carries. Amended Agenda is approved.**

**II. Old Business:** None

**III. New Business:**

- 1. Masooma Athar (Owner & Applicant)** – Request to replace ten pully windows on the front of the home (two - 8 over 1, eight - 6 over 1) with 1 over 1 windows and to replace eleven windows not otherwise visible from the street with 1 over 1 windows at 30 Bedford Center Road, Lot 13-57, Zoned R&A.

**Ms. Masooma Athar presents her application:** Good evening, everyone. My name is Masooma Athar. I am a resident at 30 Bedford Center Road. I have here with me my brother, Ali Athar, who lives with me at this location. We moved here in 2021 and we are loving living in the historic district. I really appreciate your time today. We're here because we would like approval to change the windows in our house. The main purpose of this is we've already tried to implement numerous energy saving measures. However, our biggest inefficiency is coming from the original windows, which aside from their design, they have an outdated pulley system, lots of hollow spaces that contribute to severe heat loss during winter and heat gain during summer. So hopefully by replacing these windows, we're going to fill those cavities with insulation and dramatically, I'm hoping, improve the thermal efficiency.

We've got Sean here with us from Universal Windows, if you have any questions for him. However, just a few things I wanted to bring up about the window replacements themselves.

There are 21 windows and 10 are front facing as you mentioned, we want to maintain the visual consistency across the property, and we're going to pull up the picture of the house from the front. We have two portions. Once the picture is up, I will show you. The one on the right is the newer portion that was updated back in 2016. It's above the garage. These are single pane windows, and they actually are pretty good. So we we're not worried about thermal inefficiency on that side, and those windows don't need to be changed. Those are single pane windows though, and so our goal is to change the windows in the rest of the house. As you can see on the left side. And we're hoping to maintain consistency across the house. Since the ones on the right are single pane, we want to maintain the same on the left. So the goal is, of course, to maintain the historic appearance of the house. The outer frame of those windows are wooden in nature, and we will retain those in place. However, we will replace the windows themselves. Our goal is to put in more heat efficient and cool efficient windows. And do we have this picture we can pull up? Mr. Athar said yeah, this is for example, the picture of the extension of the house. As you can see, there's no panes. This was the right side of the house that we were showing. So these ones don't have any panes on them. Ms. Athar said so these are the 2016 windows. This is from inside the house. As you can see these windows are different. They're an older pulley system. They do have the panes in them. This is the windows facing the back of the house. This is facing the side of the house. Again the back. This is from upstairs. So there's a lot of inconsistency with the windows from the portion of the house on the right versus the portion on the left. And if you need me to pause at any point, I know we're scrolling through these really quickly, please let me know. But I really wanted to show you guys what the new windows would look like. And they will retain their outer wooden frame.

Mr. Athar said yes, and then one thing I want to add before we get to that is this is kind of the trend of the build since we moved in. So this is the heating oil, as you can see, it changes based on the seasons, but it's quite hefty as you can see there. So that's the heating oil trend and that should be in the report you guys have in front of you. And then that's the electricity trend. So for example, if you look at the latest months, it can go up to \$1,600 as you can see there. And there's some things on Eversource and things like that, but these are what the new windows look like.

Ms. Athar said so this is a model of what the new window would look like, and it would have a surrounding wooden frame that would maintain the historic look of the windows themselves. There is no intention to change the color. We will retain the color and the design as it is. The only difference will be hopefully that these will be more energy efficient. When I say hopefully, I mean they are going to be more energy efficient, and they will maintain the same look as the rest of the house. Mr. Athar said yes, and in the brochure, you'll have details about what materials are going to be used for the windows. They are listed here, and this is kind of what the mockup will look like. So as she mentioned, the right side of the house will be untouched, right. They will retain the one-by-one format that we have there and then these are the front facing windows that will be changed. And then the other windows, the other 11 windows, are at the back of the house and the side of the house, which is not visible from the street. But our purpose is to replace them to improve the energy efficiency of the house in total. And one thing I would also mention is that we're trying to do a bulk change of the 21 windows. If we, for example, go with the partial with the front, with the panes, the challenge with that is not going to put us over budget so. That's kind of like an economical challenge for us. Then we'll have to go with lesser windows and kind of phase the project which we would like to prevent.

Ms. Athar said right. Because let me tell you, it is very expensive to change your windows. So we're hoping cost effective, energy preserving and yet maintain the aesthetic of the house and the look of the house to remain. Mr. Athar said and a downward trend on this graph, hopefully. Ms. Athar added yes, that is our biggest aim.

Chair Tope said OK. Thank you for that presentation. So next, I'm going to ask the Commission members if they have any questions. And then after the Commission is done with their questions, we'll ask members of the public if they have questions. So I'll start, would anyone on the Commission like to ask any questions or make any comments on this proposal?

Ms. Muskat asked are the windows themselves, the sashes, are they vinyl windows that are going inside the wooden exterior frame? Ms. Athar replied yes. Ms. Muskat continued and is your goal that the whole house is going to have the like 1 over 1 pattern? Ms. Athar replied yes. We want to maintain the consistency to be the same across. Ms. Muskat said well, thank you for keeping the wooden frame. Ms. Athar replied yes, yes. We want to keep the look of the house. It's beautiful. Ms. Muskat said thank you.

Ms. Tefft asked is there a price difference between the 6 over 1, 8 over 1, versus 1 over 1? Ms. Athar replied yes. We're going to be spending more than \$2,000. Ms. Tefft continued on the individual window, for instance, the 1 over 1 would cost how much versus the 8 over 1 or the 6 over 1? I'm just ballparking curious. Which one is more expensive, and which one is a better buy? Mr. Athar replied the 1 over 1 of course is the better buy. In terms of the 8 over 1 versus 6 over 1, Sean do you have a comment on that? Ms. Tefft said well, it's your money. But I just wondered if the money made a difference in your decision to want the 1 over 1. I think having them all the same is a good idea. Mr. Athar said yes, it did. Ms. Athar said oh, absolutely. Mr. Athar added so if we go with our current project scope, it would be about two grand over. Ms. Tefft asked are these just windows? Or are you going to have windows and storm windows on the outside also? You're just going to have the windows? Ms. Athar replied so the current windows on the left have storm panels or whatever they're called, the storm windows. Yes, the storm panes, thank you. The ones on the right do not. So, those are double paned windows on the right side of the house, whereas on the left side of the house, these are single paned with the storm pane outside. So those can be moved. Ms. Tefft asked are you going to have the storm panes outside all the windows? Is that what you're aiming for? Ms. Athar replied our aim is to get windows that are double pane so you don't have to worry about having storm windows on the side and what that will do is have the same types of windows on the right side of the house as the left side of the house. Does that make sense? Ms. Tefft replied a little. Ms. Athar said OK. So storm panes can be like open and... Ms. Tefft continued some of those narrow ones, I don't even know if they make those anymore. A couple of the pictures I wondered if you were going to be able to buy them, or if they would have to be custom made, which is prohibitive, pretty much. Ms. Athar said so with the new windows, we won't even need storm panes because they will have the benefit or the more improved technology of providing the... Ms. Tefft said they'll be airtight. Ms. Athar replied yes. Ms. Tefft said, and I noticed as you were rifling through, that you've got the window quilts, which is another way of saving on energy—both air conditioning and heat and it's a brilliant idea. Ms. Athar said we've tried, but we've not been successful. This is a huge project. We're hoping that we can undertake it this year and hopefully see a change in that trend. Ms. Tefft said that's all I have for questions.

Ms. Day asked on the newer section, the right section, as you face (house), those are the 1 over 1 right now. Ms. Athar said yes.

Mr. Clark said and so looking from Bedford Center Road, the top windows in the main part of the house, those are 6 over 1's? Mr. Athar said yes. I can show you a picture. Ms. Athar said it's very odd the way it is. They're all different. Mr. Athar said if you take a look at this one, in the pictures, I've kind of put in what the panes are in there. So these ones on the right, the one within the green circle, they're one by one, but these ones in the front, for example, the bottom ones are 6 panes, 6 panes and then the above ones are 8, 6, 8 is the orientation. Mr. Clark said yes, thank you for that. Do you have any pictures of the house from 20-30 years ago? Ms. Athar replied no. Mr. Athar said I think there is one from 2013 in the document. This is, I think, from 2013.

Ms. Athar said we have a black and white picture that was left behind. Mr. Clark said hold that one there. So, the bottom windows looks to be 6 over 1 on that old picture. Mr. Athar said yes. Mr. Clark continued, and did you replace those windows? Mr. Athar said no. Ms. Athar said these windows currently are the original windows, and I don't know how far back they are, but they're at least more than 10 years old. They have holes in them. There are gaps. They're definitely more than 10 years old. Mr. Clark said my only concern, and I'm sure it's shared by several people here, is that the original house had the 6 over 6 and maybe the 6 over 6. I don't know if they had the grid that you can insert in there, the munnions or whatever they call it. Ms. Athar asked do you mean from the inside? Ms. Clark said yes, some of those windows you can put fake munnions. Is that what those are called? Grids. OK, grids. So, what you're doing is you're getting totally away from the original flavor of the windows, and that's my concern. We're trying to keep things the old-fashioned way. Ms. Athar said right. And I understand that. So the challenge is that on the right side of the house—the right side of the house was built in 2016. And I believe the folks that built that portion were part of the historic society. And when they built those windows, I'm not sure exactly what the discussion was, but whatever they had put in there, the munnions or whatever they're called, with changes in temperature, those pop out. So they are no longer there because they do not remain attached. Mr. Clark said I've got them in my house on our new construction and I haven't had them pop out. Ms. Athar asked how long have you had them? Mr. Clark replied we did that in 1986. Ms. Athar said oh wow. So you've had attachments inside the house since 1986? Mr. Clark added they had pegs that went in the windows. Ms. Athar said OK, so I don't know what type of attachments they had placed, but those, because of the weather, fell off or broke. We cannot afford to replace the windows on the right side of the house. That's just not going to be financially feasible for us. So what our goal is to maintain uniformity across the windows and as you saw in the earlier picture, there are windows that have 8 panes. There are ones that have 6 panes. There's no uniformity across the house which kind of bothers me when I look at it because aesthetically it's not pleasing at all. There's no way for us to replace the right side. So we're hoping that we maintain the aesthetic across the house. Having said that, you mentioned that you want to maintain the historic look, and that's our goal as well. When we got the house we knew that that's going to be our goal the entire time. We're going to be here to make sure that this represents the historic society, the district, and represents what the historic society stands for. The goal is to continue to keep the wooden frame off the windows so that the windows continue to look as part of... we basically want to keep the house looking like it continues to belong in the historic district, hopefully with the wooden frame, the appearance will be consistent across. Mr. Clark said I get it. It's sort of half of this and half of that, and you're trying to get some consistency, but I was

thinking maybe you do the grid in the front and that's from the road view. That's what people see. Ms. Athar said yeah, but it won't have consistency across the house and that will not have a pleasing appearance if there's inconsistencies across the house. Part of it will look different from the other part. Mr. Clark said I'm just throwing it out there. Ms. Athar said well, thank you. Yeah.

Ms. Tefft said I have one more question. It's a colonial revival in style, and I wondered, we talk about historic significance and that kind of thing, do you know of any historically significant occurrence that is that is connected to your property? Ms. Athar replied we don't. Like I said, we have this... Ms. Tefft said it was built in 1935, so it's relatively new. But no, I didn't, because some of the houses I know, one of the houses from one of the newer members has wonderful stories, and wonderful historic significance, and I didn't know if you could cite any historic significance for your particular... Ms. Athar replied no, but we just talked to Sean from Universal Windows and it turns out he knows not the previous owner because they were there only for a year, but the owners prior to that, and they were part of the historic society. So I was hoping that there was a way we could connect with them because it sounds like they lived there for a longer duration. And I don't know if, Kathleen, you were here during that timeframe or Becky, but I'm very curious to connect with them to see because... Ms. Tefft asked what's their name? Ms. Athar replied Richard Pease. So I'm very curious. Ms. Tefft said you could find information about them, probably at the Bedford Library. In the New Hampshire Room, they have several town histories, and I think the one from the most recent one, which was I think in the 60s, would have information about them and they do list the families and the people who lived in the various houses. And of course there was an 1850 and 1903 history and then the one in the 20th century. Ms. Athar said that's a great idea. I'm a little bit of a history buff, so that's going to be very interesting. Ms. Tefft said well I thought you might be. So that's why I volunteered... Ms. Athar replied thank you. Yeah, it was one of the reasons why we chose the historic district. And I know it doesn't relate to this meeting, but those folks left behind quite a bit of old books. So we have a lot of older books from their collection, which is great.

Mr. Strand said I have a couple of quick questions. One is just in your opinion, which I understand subjective but you're also the property owner; do you think there would be a noticeable aesthetic difference once these window changes are made? Ms. Athar replied I think it will look better, yeah, because currently the windows are, because they're so old, there are holes in them, and it does look a little dingy. Mr. Strand said another question probably for Kathleen or Becky. A request such as this regarding windows, is that one that has been granted in the past by the Historical Commission? Ms. Ports replied the ordinance does direct the Commission to review window changes and retaining an existing pattern, particularly if it's historic to the home or original to the home, is part of the guidance in your regulations. I don't know for sure if these are original. Mr. Strand said sure. I just wasn't sure how often this has come before the Commission. Chair Tope said I've been on here a few years now and it's come up a few times. Ms. Hebert added it depends on the structure and the historic significance of the window pattern to the structure. Mr. Strand said OK. So I guess that would be a question for you, Madam Chairwoman. Is that a request that has typically been granted, even though I know it's situational. Chair Tope replied yes, it's situationally specific. It has been. I've seen it granted and not granted in the past, and it's the totality of the look, the feel, the era, the effect, consistency, cost. I mean, those are all things that are considerations, and then after our questions here and such as well, if there's any property of abutters

in the audience, we also take into consideration neighbor feedback, community member feedback on that as well.

Ms. Tefft said I have a question for you or for Kathleen or for whoever wants to answer it. Is there such a thing as a handbook of the evolution of windows? I mean they have doors, mantels, wood... because windows have changed dramatically. Chair Tope replied they have, and I don't know if Kathleen has other guidance. What I looked up the very first time a window question came before me when I was on the Historic District Commission, I actually will admit I was sort of ignorant on when should be there in 8 over 1 or 1 over 1, and I googled and I found the Portsmouth, NH Historic District Commission had some good information about windows and typically which ones were used during which eras. And of course I mean it's subject to availability and it's not one hundred percent, but it was some guidance. Consistency also matters in terms of I think things we've looked at before is, were there already changes made? Are you changing the character now? Do you have a mismatch like you do now? Or are you changing from all of one to another? But I don't think there's any specific—those are all considerations and then applied to each situation without a hard and fast rule. Ms. Tefft said you're talking preservation too. You have to keep in mind preservation of the building, because if you don't keep up improving or correcting or replacing, than it does damage the building—the integrity, not just the design and the view of it. I don't know what they answered to that question. Chair Tope said this is just a quick aside, and we'll move on. I've seen this Commission generally move forward with trying to do its right and what makes sense and preserves the historic, but also doesn't handcuff our residents. And we've approved solar panels on historic homes that aren't visible from the front. So everything, again, like deciding whether it's period specific also matters. What you can see in common sense, and we don't force people to heat their homes with fireplaces. So we do take into consideration, I guess, the natural technology and evolution as well as trying to preserve the historic character.

Mr. Clark asked is the glass low E glass? So, will there be a reflective nature to it? Mr. Athar replied no. Mr. Clark said OK, it won't have a purple hue or anything like that?

Mr. Sean Dodge of Universal Windows Direct (window contractor) said when you're indoors, it's in an opening. If you were to see if I was to show you a sample of it, you might see a little.

Ms. Athar said we thought we may not have technical information that Sean would be able to help provide us. Chair Tope said OK. That's fine, and you can direct those questions to him. We just need to get him on the record for purposes of the meeting minutes.

Ms. Athar said I did have a question for Elaine. You mentioned earlier about the house and you mentioned the thought about having the original windows. Are you asking if these are the windows from 1935? Ms. Tefft said I don't think they are. Ms. Athar said they are not. Ms. Tefft said that wasn't the point of my question. Ms. Athar said oh I see. OK I just wanted to clarify. Ms. Tefft said I was trying to find out if you thought they were, because I didn't know a polite way to say, maybe not. Ms. Athar said we have a black and white picture, like I said. We have a brown picture where initially the house was just the portion on the left. So we have that. Ms. Tefft said well, they started small and added on whenever they needed something. Ms. Athar said correct.

Ms. Muskat asked what was the window pattern in that photo? Ms. Athar replied it wasn't this. I wish I'd taken a picture and brought that up, but it was different from this, and my concern is that these windows were placed more than 10 years ago. But at that time also the panes are divided with like wood as well, and that has chipped off also. Ms. Muskat said they've got to be more than 10 years old. Ms. Athar replied yes. Oh, for sure, for sure. People wouldn't have put in a pulley window unless they were matching something that was authentic. Ms. Athar said right. So if you look at the windows on the left side of the house and the middle of the house and the right side of the house, they're all different. And so I suspect that they upgraded as required and they never made the changes in the entirety of it, and that's where the inconsistencies have come in. So if you look at the pictures of the kitchen window and the back windows, those are different. Those are completely different from the ones in the front.

Ms. Hebert said your property sits back from the road quite a ways. Ms. Athar replied yes, it does. We have a circular driveway and there are trees. Ms. Day asked how far back from the road? Ms. Athar replied I don't know if I'd be able to give you the exact measurements, but... Ms. Ports suggested if you go to the aerial photo at the beginning, it will give you a sense of the distance.

Ms. Tope asked are there any other questions from the Commission? Are there any questions from the members of the public? Please approach the microphone and state your name, please.

**Ms. Susan Tufts Moore of 27 Bedford Center Road states:** We live right across the street from you. Just on the historic aspect, of course that house was built, I think, in 1935. Brick ends, which dates from about 1786, was restored in 1936, and our windows look exactly like your windows, except they're all 6 over 6. But the mullions, everything looks exactly the same. And I know that when the house was restored in 1936, the windows were all different in that house, so they did replace all the windows. Ours date from 1936, and I suspect the ones on the left side of your house also date from then.

Ms. Athar asked so were you aware of the windows being changed, or you're assuming that they were changed? Ms. Tufts Moore replied I've not been aware of your windows being changed at all. I'm really surprised, really, that they're 6 over 1, but it's possible that that's what they put in in 1936.

Ms. Athar said do you mind me asking how long you've lived at your house? Ms. Tufts Moore replied well, the family bought it in 1943. Ms. Athar asked and you've lived there for how long? Ms. Tufts Moore replied since 1979 full time, but I've visited all my life. I can tell you all sorts of former owners of that house. Ms. Athar said maybe Elaine, we may need to ask her if there's any historic stories. Ms. Tufts Moore said for one thing, of course, that house was built by the man who grew up in our house. He was born in our house and grew up in Brick Ends. Ms. Tefft said I think if she and I get together, we're going to be updating those stories and we might make people very nervous. Ms. Athar said right, so, having seen the original picture, these are not the original windows. And I'm unclear about when the windows were changed. I wish I had that information, but I really don't, sorry. Chair Tope said no problem. And just for the record, Lisa pointed out, it's in the application, the house is set back 125 feet from the road. Ms. Athar said thank you.

[There was no further public comment].

Chair Tope said since we are finished with the Commission comment and public comment, I will ask the Commission members if someone would like to make a motion.

**MOTION: Ms. Tefft moved the Historic District Commission approve the application to replace approximately 23 windows with 1/1 vinyl windows as presented, at 30 Bedford Center Road, Lot 13-57, in order to provide unity of design, 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. Muskat duly seconded the motion. Vote taken: 3 in favor, Mr. Clark voting against. MOTION carries. The request is approved.**

**Ms. Conant and Ms. Muskat recused themselves for the next agenda item.**

2. **Frank Robertson (Owner & Applicant)** – Request for an after-the-fact certificate of approval for vegetation removal and implementation of a planting plan within an area greater than 1,500 square feet at 324 Wallace Road, Lot 14-67-1, Zoned R&A.

**Mr. Robertson presents:** Hello, my name is Frank Robertson and I'm here tonight to seek approval for the trees that I cut down in the front of my property and the new plant things that I put in place along the stone wall and along my abutting neighbor to the north. This is an aerial photograph. Here's the front right here.

So the reason why I cut down the some of the trees in the front was you can see in this picture right here, from this angle, I have a lot of dead trees that were sprinkled throughout that part of the property. And every year that I was there, they were getting worse, and, in some cases, they were falling down across my driveway. This one right here was one that was taken down by Eversource. Actually there were two trees that were taken down by Eversource on the stone wall. They were growing over the power lines, and they were becoming diseased and rotted, and you can see that section of that tree right there was becoming a problem. And here's another aerial shot of the front. And then this is what's left now. I did have towards the stone wall, a cluster of pine saplings that we're growing in. I got rid of all that stuff and replaced it with 12 arborvitaes, green giants. And then here is my proposal from the tree company stating that my trees are compromised and are in danger of failure. I have multiple dead and/or dying ash trees. Other trees have not or have rot caused by bacteria, insects and fungus, and none of my trees were over 15 inches in diameter. The only two that were, were these trees here that were taken down by Eversource. You can't really tell here, but I do have some ash trees in the front by the stone wall that are—Kathleen, what are those holes that are in the ash trees? Ms. Ports replied the emerald ash borer insect. Mr. Robertson said yeah, some of those trees are showing signs of that, but the tree company didn't want to get too close to the power lines, so they left those trees. So I still have some trees that are probably going to be an issue down the road, but I decided to leave him at this point.

On this map right here, all the blue dots are what's existing on the front and the side of the property on the north side. And all the green is the new plantings from reestablishing my wetlands area. The red line is 12 green giant arborvitaes in the front. Twelve green arborvitaes on the north side. And then it was my purple, which is this smaller line right here, is five Maple trees to the north side of my driveway, and that's basically it at this point.

Chair Tope said just to add a little bit of clarification because I read the project description and background, the green in there, the new wetland trees and shrubs, just for clarification, are those there now? Or are those part of the agreement? Mr. Robertson said they are planted. Chair Tope said OK. Mr. Robertson said everything you see, well, besides the blue that's existing, is planted.

Chair Tope said all right, we'll move on to questions from the Commission if you're finished presenting. Mr. Robertson said yes, I did have a picture of a tree that had fallen over my driveway shortly after I moved in. I did have trees falling onto my neighbor's property on 320 Wallace Road to the south. So again, living there for a couple of years, as time went on, the storms came rolling in, the trees were getting worse, the vines were crawling up the trees and choking them out, and it was becoming a problem area.

Mr. Clark said yeah. When you start taking down trees, you get wind shear, which you have fewer trees, less mass. So it's going to create a problem with storms and trees that are compromised. We've been dealing with tree issues. This is sort of a side question. When you took these trees down, were you aware of the ordinance in the historic district...trees in a certain square footage, that you had to get approval on that? Mr. Robertson replied not in a square footage sense, no. I thought just under the impression that anything under 15 inches. Mr. Clark added because that's something we as a Commission are going to be working on because there are other people that have come to us after the fact, and it's too bad because there's been some mistakes made. But Ash vine borer—I lost a huge legacy tree to Ash vine, and it was it was awful. That was just a sidebar question.

Mr. Robertson said part of it was a was a sense of urgency for me. I have two young kids and within months of us moving into that house, I don't know what happened to the photo... Ms. Ports said I probably didn't include it. I'm sorry. Mr. Robertson continued it had come right out of the ground and leaned across my driveway, so I had some concerns. That played a partial role into why I had it taken care of.

Chair Tope said Kathleen, just a point of clarification for me: regarding the Town's requirement to create a restoration plan for the wetland area, that's just background information for us, but it's not related to what we're doing, just to be clear, right? Ms. Ports replied that's correct. It just reflects a partial replanting of the area that was cleared, so it was relevant in terms of what you're going to expect to see there now coming back. Chair Tope said OK. Thank you.

Ms. Tefft asked what makes you think you got rid of the bittersweet? Mr. Robertson replied that's a good question. There's plenty of it growing around the property still, but it was pretty bad in the front. I kept everything that I could. I ripped some of it off the trees. If you're looking at this picture

right here that shows what I had kept, this area right here had a pretty good cluster of trees that it was entangled quite a bit. It was a real problem area, especially there.

Ms. Tefft said it's taking down the fence in my backyard. Mr. Robertson said I have a growing over my stone wall where I abut the neighbor to the north. It's everywhere. Ms. Tefft said it's not my department. Mr. Robertson said and that's the thing I did, too. So once we cleared out some of the tree work in the front and I exposed a lot of the stones that had fallen off the wall, I had somebody come in, pick the stones back up and try to rebuild the walls and keep it as natural. Ms. Tefft asked are you trying to make it stable or build it up a little? Mr. Robertson replied not to build it up. I just stabilized it and made it a little more uniform because the rocks had—over time you could tell somebody had picked them up and threw them on there and they were just kind of all over the place. So I tried to clean it up a little bit and expose the stone wall. There was Poison Ivy all over the place, leaves that pack themselves into the wall, so I tried to clean all that out and expose it and make it look a little bit better.

Chair Tope said just as a point of clarification, it seems that the trees—most or all of them—were under 15 inches in diameter, except the ones that Eversource removed. Mr. Robertson said yes, that's correct. Chair Tope asked are there any other questions from the Commission before we move on to the public? Ms. Day asked are those Arborvitaes the ones that are going to get tall? Mr. Robertson replied yeah, I think the green giants get 15 to 25 feet in height, 5 to 10 feet wide.

Ms. Hebert asked did you work with a professional to kind of get an understanding of the contours of the land and were you able to restore the original contours of the land? Mr. Robertson replied I didn't do any grading of that. Ms. Hebert said you didn't do any grading, take any stumps out? Mr. Robertson replied no.

[There were no further questions from the Commission] Chair Tope opened to questions from the public.

**Mr. Pat MacMonagle:** My name is Pat MacMonagle. I'm at 320 Wallace Road. The Robertson property is directly to the north and the west of us. Behind us is also the Van Loan property. We got the notice from the Town since we are a direct abutter, and I'd just like to say I'm speaking for my wife, Gerry and I, that I can attest that he had a very nasty situation with the trees that were there, a very dangerous situation. And from what we've seen, and we've reviewed the plans before this, we support what he's trying to do to improve the area with the plantings. We think it's going to look very, very nice. From what we understand and so far, it's looking very nice. So we appreciate what he's doing and so we support it. Chair Tope said thank you.

**Ms. Lisa Muskat:** I'm Lisa Muskat. I live at 49 Church Road and I'm an abutter as well. I just have a question about how you came up with the plantings that you've replanted the disturbed areas with. Mr. Robertson replied I hired Earl Stanford, and he created a wetland design for me. Ms. Muskat replied OK. And would you be open to planting more of the maples that you already have in your plan along Wallace Road to help keep the definition that we have on so many of the other streets in the Town? Because Arborvitae just has a very different feel than losing some of the larger hardwood trees that are going to last for generations. So, I'd like to see the planting plan enhanced

with more of those types of trees. I don't know if it's in the jurisdiction of this Committee to request that, but if it's being put in front of you to comment on, I think probably it is.

Chair Tope said so I'll refer to Kathleen on the procedural issue because that's why I asked the question on clarification with the wetland restoration plan, because I did not believe we had authority to comment on that. Under the bylaws, the closest thing that we have is the trees and the 15 inch or less diameter and looking at the historical, architectural, cultural value of the building structure or landscaping and the relationship and contribution to the setting is the way our regulations read. So, Kathleen?

Ms. Ports said the Regulations just state that clear cutting 1,500 square feet or more shall not be allowed without Commission approval. So, I would interpret that that you do have the jurisdiction to discuss what you would like, whether it's appropriate to replace what was removed and what that might look like. The wetland area is within the greater area that was cleared, so I feel like you could also address additional plantings in that area as well. Chair Tope said OK.

Ms. Hebert said the original approval included preserving a buffer along the roadway.

Ms. Muskat said and I also just think David brought up a really good question about plantings per square foot. Was that your?

Mr. Clark said well, it was anything over X number of square feet, yeah. Ms. Muskat asked in terms of density? Ms. Ports said no. Mr. Clark said well, it was in terms of, I think, there were 10,000 square feet that were worsted or disturbed—whether the tree was 15 inches or more, 10,000 is... Chair Tope said yeah, you're getting to the larger clearing. Mr. Clark continued you're talking 1,500 to need approval for, and it was 10,000. So that's why we're sitting here. I think that's the big reason.

Mr. Strand said can I ask a hypothetical question? If this, I guess, retroactive approval is not granted, what happens? Chair Tope replied that's one of the things that's under consideration, part of our planning and rules. I think our options are—obviously you can't go put the trees back, right, which is why I think interpreting it as if you consider this to be clear cutting, what we would like to see is a remediation. So the after the fact approval could come with conditions regarding replanting, I think, is the way we're looking at it. And, in the future, we're taking it up as a Rules Committee to try to get a better approach and that's why Mr. Clark has asked if he was aware he was cutting down the trees and needed approval. We found that Town residents sometimes don't know and people in the historic district move in, they get the flyer, they get busy, they do other things. It appears that not everyone knows, so we've looked at outreach options to let people know, remind them of the rules, and then we're also going to look at a rules change to maybe fortify those a little bit. Mr. Strand said I understand, and I think that's what I was curious and hypothetically the gentleman gets fined or there's an ordinance or something if he's not given after the fact approval.

Ms. Ports said I think there will be some natural regeneration within that area as well. I can't say exactly what species. Ash is not going to survive, even if it comes back. Chair Tope said OK. On to the gentleman in the middle.

**Mr. James Dumont:** Can I approach to hand out the copies of my first statement just so you have them. [The Commission already has copies] Oh, you got a copy of it. Perfect. OK, while my video is loading and preparing, I got that queued up to start in about 30 seconds. Madam Chairwoman, Commissioners, good evening. My name is James Dumont. My wife, Minn and I recently purchased the house at 316 Wallace, previously known or commonly referred to as the Van Loan house. It is two doors down from the proposed activities that occurred. I'd like to start off by apologizing to the Commission and to those in attendance and watching online. This is my first interaction with many of you. I wish the circumstances of our meeting was a bit different. Thank you for providing this opportunity to learn about and provide feedback on Mr. Robertson's proposal, which has already been implemented. Honestly, if his cumulative actions at 320 and 324 Wallace Road, totality is a word I heard earlier used tonight, all pursuant to the 2011 subdivision plan, weren't adversely impacting our property, I very wouldn't likely care about his yard and what his trees look like.

Before I continue, I'd like to show a brief video to give you all an understanding of the basis of our concern. This was taken in June, shortly after we moved in. I don't know if I can make any larger, but this is from our carriage house, which is on the western side of our property. This is actually the most historic portion of our home. But as you can see there is stormwater flow coming through our carriage house coming under the oldest portions of our house and creating a river on our driveway. This occurred every storm this summer in which we received probably more than an inch of rain per hour, and it will continue to accrue. We're losing the use of our property. We're experiencing damage to our historic structure and foundations and rock walls throughout the property.

Now you've seen this, you can see how significant and substantial this was. This was before we took any remediate action on our side of the property line to try to channel the flow and mitigate the damages accruing to our property at significant expense and time of our own labor. Back to my first statement. This level of water flow occurred multiple times this past summer. It did not occur prior to Mr. Robertson's development activities at 320 and 324 Wallace Road, and can be directly traced to the culvert, which was constructed in deviation from the approved designs, including Historic District Commission permits. This meeting provides an opportunity for the Historic District Commission to establish its authority to support reasonable enforcement of state and local laws, regulations and codes. This includes determining the Commission's role in enforcing the newly developed stormwater and land disturbance management regulations to ensure historic properties are protected from adverse impacts of new development. Thus, I'm here this evening to request the Commission exercise its authority to protect our home and its 240-year-old structures in history. The staff report states on page two, quote there is not an apparent adverse effect to the contribution of the landscape to the value of the district. I question how that statement can be deemed true in light of the information in the videos we have submitted to the Town. And given regarding the ongoing accrual of damages, including this video taken tonight. As you can see, we still had expensive equipment and furniture in our garage waiting to be moved inside, and we lost use. That was damaged, and we're going to have to go to court over this unfortunately and it's not what I wanted to do as a new member of this community or a neighbor.

The culvert at issue is on the corner of where the wetland at 320 and 324 historically was, not where it was designed and approved to be constructed per the 2011 subdivision plan. As Mr. Sanford noted—Mr. Sanford, being the water resources engineer who has been hired by Mr. Robertson—as he noted to the Conservation Commission on September 24, 2019, quote they put in a huge quote culvert end quote at 320 Wallace Road that would catch stormwater flow across both properties and directed at our house. Yet both before and since that meeting, Mr. Robertson and his agents have graded and impounded a substantially larger area than was contemplated in the 2011 subdivision plan and any associated stormwater management plans I've seen. The staff report also notes a certificate of approval should be requested from this Commission for grading and excavation under section 285-21. I'm curious why that has not been requested, despite having occurred this summer, including within the wetland area. Indeed, although Mr. Robertson claims to have not done any grading or excavating this summer, I have videographic and photographic evidence to prove the contrary. I realize there is not... Sorry back to the other ones. While staff recommends historic zoning ordinance review Criteria A is most applicable, I would argue each criteria should be considered and, in this instance, particularly Criteria B: compatibility, D other factors, E project impact, again to the video, G historical preservation, and M preservation of archaeological resources. I didn't include this in the letter, but that building that was being flooded under includes a three-seater historic outhouse. How many other three-seater outhouses exist in the Historic District? You've got one? Ms. Tefft said I have one! Mr. Dumont asked is it two and a kids? Ms. Tefft replied yes. Mr. Dumont said sweet. That's awesome. Ms. Tefft continued, and I have a high-class one because my barn is connected to the kitchen. You didn't have to go outside to get to the three-seater—through the kitchen and out into the barn, and there you go.

Mr. Dumont said I want to go to read the historic volumes with you to find out why the builders of your house were able to do that and ours didn't. Ms. Tefft kidded well, when you know people... Mr. Dumont said excellent. So with Town staff recommending the creation and implementation of a wetland redevelopment plan, I asked that the Commission first take further steps to protect our historic property by forcing an update to the subdivision stormwater and land disturbance management plan. Due to the fact Mr. Robertson constructed the quote huge culvert and deviation from the Historic District Commission permit and the 2011 subdivision plan. I realize there is not much experience with the recent storm water and land disturbance management regulations, but they appear to be designed to prevent the exact issues and damages that are accruing due to the development of the subdivision being out of compliance with the Historic District Commission permits and the 2011 subdivision plan. Therefore, I'm asking this Commission to take this opportunity to establish a policy for enforcing these modern regulations to protect all properties, historic and otherwise, from the adverse impacts of future development.

Lastly, the Historic District Zoning Ordinance, Section 275-53, Certificate of Approval, Part B, Modifications of Approval of Application states that 1.) any deviation from the approved application and the actual construction, renovation or change in a building or site shall render such application null and void. Thus, I request that the Commission and the Town investigate whether the zoning ordinance requires prompt actions to revoke all approvals originating from the 2011 subdivision plan due to the deviation in the construction of the culvert, which is resulting in adverse impacts to our property, including loss of use. Again, the culvert was constructed in the wetland and the cumulative development has increased storm water flows to it through our home and carriage house, which is a violation of a condition of the original permit. There was supposed to

be no increased stormwater flows as a condition of the 2011 subdivision plan. So that concludes my statement. I thank you very much for your time, consideration and assistance with our prayer for relief. I hope you will vote this evening to reject the proposed permit pending substantial investigation and remediation of these issues you are all aware of now. Thank you very much for your time.

Chair Tope said thank you. I want to ask really quickly to Kathleen first two questions: Regarding the 2011 subdivision plan, who is in charge of that? It's not us, correct? Ms. Ports replied that's correct. So this Commission was charged with reviewing the house designs and plans for consistency with the Historic District. Chair Tope said OK, so that's the HDC Permit that was issued? Ms. Ports replied yes. Chair Tope continued, asking and do we have access to that? Ms. Ports said yes. Ms. Hebert said it was issued in 2019 and then modified. Ms. Ports said it's in your staff report there, 2021, the house plans and design.

Chair Tope said I was just curious what the deviations were compared to the actual plan. [inaudible comments from a member of the public].

Ms. Tefft said I have some questions for Mr. Dumont, if you don't mind. Could you come up and take the microphone? Have you filed litigation yet? Mr. Dumont replied we attempted to avoid litigation for multiple months by offering to waive all liability for any accrued damages and future damages should the culvert be amended before this winter. Unfortunately, the offer was declined, so we hired an attorney and paid a retainer last week. They are working on drafting an injunction. We've just recently engaged the attorney. So they are working on drafting injunction. We expect it to be filed by the end of this year. A statement of demand has effectively been segmented before. Ms. Tefft asked why didn't you put the video portion where you say you have them on video grading the property? Why wasn't that part of your video? Mr. Dumont replied I wasn't expecting that to be a part of the testimony tonight. I thought it was just a part of the letter described that there was a requirement as part of the staff report requirement. I can provide that after the fact, if you'd like.

Ms. Tefft asked when did you move into the Jack McKelvey house or Van Loan house? Mr. Dumont replied we closed on May 31st, and we moved in about the second week of June of this year. Ms. Tefft said oh, so five... Mr. Dumont said five months, yeah. Ms. Tefft said oh, you've only been there five months? Mr. Dumont said correct. Ms. Tefft said so you have no way of knowing what, if any, flooding occurred at the at the property before you. Mr. Dumont replied I do. I've done substantial research in the Town building department and found references back to permits, historic record, including staff reports by the Town, which states in which Mr. Van Loan is quoted by a representative Eric C. Mitchell and Associates who designed the original 2011 subdivision plan, that the historic water flow from the wetland area uphill used to go and get caught by a slight stream channel and a rock wall.

Ms. Tefft asked what is the date of those records? Mr. Dumont answered 2011. The records state that there are no historic flows into the house or against the structures. It would move past the far-right side of the house, it said. Ms. Tefft said it makes sense, frankly. What bothers me is that nobody's had flooding. We've had an unusual, first of all, we've got global warming. Second of all, we've had an incredibly wet, and it might comfort you to know you're not the only one who's got

water where it shouldn't be. Not because other people can be blamed, but just because we've had a ton of rain. So, the permits from 2019 and 2021, those are the permits that you think he's violating? Mr. Dumont replied no, it's actually the permit for 320 Wallace Road. So, 14-67-2 is the Lot number. Ms. Tefft said you're talking way too fast. Mr. Dumont said Lot #14-67-2, which would be for 320 Wallace Road, is where the culvert that is at issue was installed in deviation. Ms. Tefft asked is that your property? Mr. Dumont said no, it's Mr. and Mrs. MacMonagle's. Although Mr. Robertson did construct and owned and lived, I believe lived in briefly, in that property. Mr. Robertson said I've never lived there.

Ms. Tefft asked where's the water coming from? Mr. Dumont said OK, where's the water coming from? It is a subdivided piece of land which, the wetland spans both 324 and 320, and the catchment basin, the impoundment basin effectively originates across 324 and 320 Wallace Road to impound additional water than the pre-construction activities would have. Ms. Tefft said I don't think water engineering is in my purview. Mr. Dumont answered no, the Conservation Commission has that, unfortunately. I feel like that's maybe one reason why this was missed when Mr. Vaccarella was on the Commission. Ms. Tefft said OK, this is the Van Loan house.

Ms. Hebert said and just for historical reference, the Van Loan house was the mother lot for the two lots that were created to the north, if you're not aware of the history. Ms. Tefft asked how many running feet of water is that? Mr. Dumont replied we did not measure it, but it appeared to be multiple gallons per minute. Ms. Tefft said well, I'm talking about distance ... Mr. Dumont said oh, distance? Ms. Tefft said because there's him, there's him and you. Mr. Robertson said I also have another neighbor north of me and the rest of Wallace Road that goes like this.

Ms. Tefft said I don't have any other any other questions. Thank you.

Mr. Strand said sorry, Becky, you were saying something?

Ms. Hebert said I was just saying that the Van Loan home owned all of the land to the north and the Van Loan family subdivided the two lots with frontage on Wallace Road to the north, and that happened in 2011. The homes were later constructed in 2019. Mr. Robertson asked for 320? Ms. Hebert said yes. Mr. Robertson agreed, yes, sometime around there, and then 2021 on my house.

Ms. Day said I wanted to go back to the trees. I was wondering if we couldn't recommend planting some fast-growing hardwoods. Would you have any objection to planting some nice hardwoods? Because I think was Lisa, your comment about creating that lovely... trees are fabulous and... Mr. Robertson said that that's why I left as many as I could. There's quite a few in front of the property. Am I opposed to planting anymore? No. But at the same time, I don't want to stuff those woods full again to create more issues again down the road. The longer I'm there, the bigger they get, the more issues I'll have again. It was inundated with Poison Ivy and vines and...

Ms. Hebert asked are you maintaining the 90- to 100-foot-wide vegetative buffer along the stone wall with this plan? Mr. Robertson said ask that question again? Ms. Hebert said the Historic District Commission, when they approved your house design, put a requirement for a vegetative buffer along the roadway. Mr. Robertson said from the roadway in? Ms. Hebert said from the stone wall towards your house, there was a requirement to maintain 90 to 100 feet of natural

vegetation. Does this? Mr. Robertson said I think that's what I'm trying to do. Ms. Hebert continued so the plan reflects that restoration? Mr. Robertson said I think if I didn't clean up the front of that property, more trees would have been choked out. And as the years go on, it would have gotten worse and worse not maintaining the vegetation. Now those trees, well the ones that are healthy, I think, can grow bigger and stay healthy. They'll get more sunlight. There's no vines growing up on them. I mean, I think it's only going to be better. And as far as the grading, I did not grade the wetlands. I stayed out of the wetlands. Kathleen, you said I could plant the trees on the stone wall, and I could put loam down out of the wetlands area, and that's exactly what I did. I already have ground vegetation that's been reestablished, and the trees and the other bushes that I've planted in its place, per the wetland design. And I've stayed out of there since. Ms. Day asked the vegetation you planned, was that the morning light maiden grass? Mr. Robertson answered I would assume so. It just naturally grew back. I don't know the name of it, I'm sorry.

Ms. Ports said I think Claire's asking on the planting plan from Earl. Mr. Robertson replied oh, I see what you're saying. No, those I planted. Ms. Day said that's just a... I'm not familiar with it. It's just an ornamental grass? Mr. Robertson replied yes—that grows well in a wet environment. Mr. Clark said well, when those two houses were built, and I assume you built them, I mean I was really aghast at how much was cleared. I mean, it really changed that appearance and that is an area that always has had a... Kathleen and I sat in on a preservation meeting this past week, and they call it a corridor of older trees. And it's not just what's going on in your property, it's what is occurring up and down Wallace Road, which is an historic avenue. So, that's part of what we as a Historic District Commission have to weigh and the fact that you cleared so much land, I think, that Claire's question is not outlined as to would you be up to planning more maples? Maples grow fast and because that property really did get altered—both the properties got really changed. Mr. Robertson replied it did, but it was approved by the Town for two buildable lots. I mean, so it's going to happen to some degree. Again, I tried to keep everything that wasn't diseased, dying, falling over, vines, I kept. I mean, otherwise if it wasn't in the wetlands I could have, without talking to you first, I mean I could have cut everything down and then, I guess, but I didn't. I left everything that I possibly could.

Mr. Clark said I'm just wondering how much of this de-vegetation has altered the hydrology of the property, which is obviously problematic. Mr. Robertson said yeah, we're getting into an area that I'm I don't want to discuss for obvious reasons. I won't comment on that.

Mr. Strand said that was going to be along the lines of my question. Notwithstanding that, it's not the purview of this body to determine drainage issues or stormwater ordinance compliance, are there any opportunities to include additional planted vegetation from a good faith neighbor standpoint that potentially could mitigate future runoff? Mr. Robertson said I would consider it. Mr. Strand added and I'm not an environmental scientist. I don't know the answer to that.

Chair Tope said so, I'm happy to continue the discussion. How I'm feeling on this right now is that, and you're free anyone on the Board to make a motion and vote. I don't know that there's an urgency to act either way, because it's an after-the-fact. It's already been done. There's ongoing or potential ongoing litigation. There's the issue that we, even in Mr. Dumont's motion that ask us to look more at compliance with the 2019 Historic District Commission decision, I'm not sure I have a good answer on that, and I would hate to make a ruling that indicates any liability or fact finding

either way. I see the water in that, do I know that it caused it? I don't. I don't know either way. I'm hesitant to say plant more vegetation and act like that's going to fix the problem. And so, I think pending further outcome, can we Table this for further discussion, look at the 2019 HDC approval? I mean, at this point there's bigger issues going on than after-the-fact approval from this Board.

Mr. Clark asked Becky, who's in charge of water and drainage? Ms. Hebert said stormwater, sure. Well, the stormwater ordinance is overseen by the Town Council through our Department of Public Works and our DPW Director. The subdivision approval process takes into consideration stormwater, but that's through the Planning Board's review of the subdivision and the dividing of the property, so it doesn't continue and follow through with the development of single-family lots. I don't know if that makes sense.

Mr. Clark said I'm just wondering what the Town could do, or what the Town's involvement would be to help mitigate this. In other words, is there a culvert that can lead the water off to where it was going before we had this problem? I don't know. I don't know the property and the slope and everything else that well. Ms. Hebert replied sure. We generally look at issues like this as civil matters between two property owners because we do not require a comprehensive stormwater review when landowners go out and do landscaping or build a pool or a patio or alter their driveway. Those things all happen all the time in Bedford without any type of comprehensive stormwater... Mr. Clark said I had to cope with something like that about 15 years ago and somebody altered the land next door to me, and it created huge issues. Ms. Hebert asked, should our regulations cover that? Possibly, but they don't today, and they did not back in 2011 or 2019 when these applications were under review. Mr. Clark said OK. Well, thank you for highlighting that.

Mr. Strand said short of any direct actionable opinion or guidance on this, I mean I think if nothing else could it create an opportunity to look at how the compartmentalization of these different approvals may not be talking to each other all the time just by nature of the way Town government is built. So, it could be something to think about or learn from a Town standpoint at least. But I also would hesitate to jump the gun and build in some sort of additional perfunctory approval process and add to what is already a pretty robust process for anybody to change anything.

Ms. Hebert said we have to apply the regulations equitably as they as they are written, and we can't make exceptions for the property owners that are taking issue with their neighbor at any one particular time. So we do need to look at the regulations and the situation. Certainly the video shows a difficult drainage situation, but we don't have all the information.

Mr. Robertson said David, can I ask you a question? So you said you had an issue that arose on your property. What did you do to fix it? Mr. Clark replied the person tore his house down and there's now a rainwater runoff pond. Mr. Robertson said OK, never mind. Sorry I asked. Mr. Clark said I could go on, but it was, yeah. Mr. Robertson said OK.

Ms. Ports said just two quick procedural statements, sorry. You could appoint Claire as a voting member for the purposes of this particular agenda item, because there's only four members up here. So, before you take a vote or anything, that's just... also in terms of the trees, I think what you're doing is looking at it from the perspective of what was on the plans when you reviewed them and

approved the house design back in 2019. And does the plan that is being shown now address whatever buffer you feel was required at that time? And so any additional plantings would address that issue. But again, you can also choose to Table the decision.

Chair Tope said I'll appoint Claire as a voting member.

Mr. Dumont said I would like to add that you mentioned you would like to investigate the 2011 subdivision plan and the permits that were issued to date. I would also like to request that the Town investigate the applicability of Historic District Zoning Ordinance Section 275-53, Part B, Section I, which covers rights and remedies for a deviation from an approved permit pursuant to the culvert installed at 320 Wallace Road, which 14-67-2, is the parcel number.

Mr. Strand said Becky, jump in and correct me if this is not an appropriate statement, but multiple requests were made, Mr. Dumont, would you mind submitting that in writing to the Town Manager or to Becky? Ms. Ports said it's in the letter.

Chair Tope said as to the 2011 subdivision plan, I think that's the Town, not us. Yeah, as to what the Historic District Commission approved, we could review that.

Ms. Tefft said I've got a couple of problems. Number one, there is no pending litigation. We all know pending litigation is a two- or three-year job, generally speaking by the time you go. Chair Tope said I think it's a potential litigation. Ms. Tefft said well, you can hire a lawyer. The lawyer doesn't have to say yes you have a case, but if nothing has been filed, it doesn't exist until the court has the document in hand and you have paid the money for them to accept it. I think water engineering isn't our department. What is our department is that we apply our own regulations in a fair and timely manner. And frankly, the staff, after reviewing it, after reviewing the request and reviewing, thought that it complied with everything that we are entitled to judge it by. We can't control zoning ordinances. That's the ZBA, that's the Planning Board. That has nothing to do with us. What has to do with us, is that he's restored it. He did what he was supposed to do. And now having nothing that I don't think it's going to be provable from an engineering point of view, it's not his department. It's not our department, and I don't think we should have him pay after he followed all the rules and regulations by stalling it. Certainly nothing's going to be done before the end of the year, maybe not even until spring. So I think what I'm going to do is I'm going to make a motion. Somebody can second it, and then you can vote it up or down. If nobody seconds it, it'll just lay on the table.

Mr. Robertson asked can I just say one thing real quick? The wetlands plan was overlooked by two wetland scientists, so it wasn't like I just hired one guy and we just came up with something. Two different professionals in that field looked at it, came up with it, and gave it to me to submit it to the Town. So, I do feel like I did what was asked of me.

Mr. Dumont said Mr. Sanford's approved and submitted designs include no mention or reference in the drawings to the culvert that drains the majority of the wetland area onto our property. You will notice there is conveniently missing from his designs the culvert, the catchment basin and culvert that was installed at the exact corner southernmost corner of the wetland. And I think that is done intentionally, perhaps, and that's something I'll intend to prove in court. But more so, you'll

see when you get the approved, the as-built designs from the Department of Public Works or the Building Department and compare that against the 2011 subdivision plan. It's very apparent from a basic inspection that the catchment basin was installed in the incorrect location, which violated the Historic District Commission permits as you will soon find out.

Chair Tope asked so is it your opinion, just out of curiosity, trying to get the fact, the 2019 approval and the basin in the wetland, all of that, is that a different issue than what's being before us now, which is the removal of the trees and the excavation? Or how are those two items related?

Mr. Dumont replied absent a comprehensive stormwater management plan for the subdivision as it was constructed and the culvert was designed, and the stormwater catchment was designed, there is no scientific basis established yet or engineering basis established yet to determine how to prevent the continuing water flow like in this video, and no efforts are being made to date by any of the parties involved, as far as I can tell, to try to mitigate or reduce the amount of stormwater flow coming through the culvert and onto our property. So I believe that any work that is done in the wetland area, including tree removal, changing to vegetation which may have a slowing factor on the flow of water, again, I'm not a hydrological engineer or a water resources engineer, but I've done my Google research. So any activities in the wetland area without investigating what the impact of the culvert truly is and what that deviation is causing, I think, is inappropriate and to issue any approvals, absent that is probably premature and only going to cause further difficulty and damage to our home. And may cause further delay in trying to get this issue resolved. That's unfair to us. We are a victim here. I recognize you don't want to put the cost on other folks. We bought a home looking to invest in it and repair it. We did our due diligence. We had expert professionals come in and inspect it. There are no disclosure requirements in New Hampshire relating to stormwater or water flows across the property. So we did our due diligence. We had no way to know that we would lose use of our property within the first month of ownership, and having to spend my time investigating this to get to the bottom of where it went wrong. I know the original 2011 subdivision. North was pointed this way was pointed almost to the 2:00, but the reality is I would much rather be spending my time, my energy, putting our efforts into beautifying the house, bringing it up to code, making it a shining beacon of the Historic Districts properties which it has the potential to continue being. But I'm not able to do that. Instead I'm having to pay attorneys. It sounds like I'm going to have to pay thousands of dollars for a hydraulic engineer because it's on my burden of proof, apparently, to show that the standard designs are not in compliance, they're in deviation. That's easy to see. But for some reason, the burden of proof is all being put on me when there's the video. And you can look at the 2011 subdivision plan approved and the as-built plans and see the deviation, which is reasonably likely to be contributing to this issue.

Chair Tope said well, that's what I was asking. Are they two separate issues because you were bringing up compliance with the 2011 subdivision plan, which isn't us and the prior Historic District Commission approval, which we could look at whether there's compliance with that. That doesn't appear to have included what appears to be an issue today, which is the clearing of the trees and essentially clearing of the land, they call it clear cutting at 1,500 square feet or more. That's what I'm trying to get at with. Whatever ruling we make, and I understand your arguments and see the presentation that you've made, but as to what we do today, whether it further harms you, we can't put the trees back up. So what this Commission can do, I don't see how it could further

harm you because you're asking for after-the-fact approval. It's already been done. We're either going to grant after-the-fact approval as to the clearing of the trees, and that's pretty much the extent of it. We're not making any sort of decision on compliance with the 2011 subdivision plan. We're looking at the 2019 application. The current application, right, is limited to the trees that were cut down. So, I think there's a lot of issues. [crosstalk] Mr. Dumont said the scope of the activities they perform this summer and after-the-fact permit, [inaudible]. So, where was I going with that? The issue is that the after-the-fact permit that was submitted for approval does not encapsulate or capture the totality of activities that have happened this summer around the wetland area and within the wetland area, which included some grading and soil disturbance in addition to clear cutting.

Mr. Robertson replied I did not do any grading in the wetlands, again.

Ms. Muskat said so I think James brought up a really good point and so did David in that what I believe the Historic Committee approved in terms of the wetlands buffer and the trees that weren't supposed to be removed, if it was clear cut, it was in excess of what this committee had given prior approval for. So then the refurbishment plan that's in place doesn't represent the clear cutting. It represents what was supposed to have been done. So, I don't see how you can approve a current plan that doesn't really represent the reality of what was clear cut. So in my opinion, I don't think there is enough information, and I think those two factors are completely tied together whether the wetlands, because I believe the roots were removed as well for the plants, that does affect water flow and watershed.

Ms. Tefft said what we're considering and what our purview is, is the clear cutting, the trees, not the duck, the pits, the whatever the runoff that he claims is running onto his property. That's not our department. What we are considering is the clear cutting, and frankly, I think we need to vote on that. And I'd like to make a motion because I think he's entitled to a decision. It has nothing to do with—it's not going to hurt his lawsuit because, frankly, global warming and runoff is a different problem than just cutting down some trees, even though that was 1,500 square feet.

Mr. Clark said before making a motion, this is obviously a neighbor thing. I'm just thinking out loud here. Would it be worth instead of moneying up lawyers, getting together and trying to—maybe having a mediator—but getting together as neighbors, because you're going to be neighbors for who knows how long, and taking that money you'd spend on attorney's fees and trying to correct the hydrology issue? And I'm speaking to both of you. I'm not just talking to you. Mr. Strand said yeah. That's a good point, and possibly talk to DPW together. Could be an opportunity. Mr. Clark said yes, because there are resources.

Mr. Robertson said James reached out to me, but at the end of every communication, it's he's going to sue me. So I don't want to talk to a neighbor who just moves into Town and says, hey, how are you doing? I've got a problem. I'm going to sue you. So, I have nothing to say to him. I don't want to deal with that.

Mr. Dumont said the reality is, upon finding discovering the stormwater flows, we instantly notified the MacMonagle's here and sent them a video, I believe this very same video, of the stormwater flows and also approached them at the property border up the hill on our property and

let them know, hey, we're having some issues. They shrugged and walked away effectively. So I started doing my research. I reached out to Eric C. Mitchell and Associates and was in constant communication trying to get a discussion with them. And to all three parties, including to Mr. Frank Robertson, my offer was this: if you will address the culvert issue so as to prevent any further accrual of damage across my property by this winter, so I don't have to spend all winter wondering what the snow melts are going to do to further damage the property I just bought, then I will waive all liability. I will sign a legal document that waives all future liability and meaning that if they would have just amended the culvert without me having to hire attorneys and take them to court, then I would have gotten an attorney to file a document that would waive all their future liability. But instead of Mr. Robertson accepting or returning my calls, which in totality there were five- over a one-week period, two text messages asking to see if he was available to return my calls, and one email, what he went and did was hire an attorney who accused me of criminal harassment, grossly misstated the law, said that this was far beyond the statute of limitations and all these other things. So, I was not the first one to try to lawyer up. Mr. Frank Robertson avoided my attempts to avoid mitigation.

Chair Tope said I think at this point... [crosstalk between member of public and the applicant]  
Chair Tope said I think at this point, I don't think any further public discussion is needed.  
[continued crosstalk between the applicant and the member of the public].

Mr. Strand said forgive me being new with this, but has anybody, with regard to this specific motion, hydrology not included, I'm assuming the property has been looked at to see that compliance happened in terms of setbacks from the stone wall, and the original terms of this, correct? Ms. Hebert replied yes, the house received a certificate of occupancy. I believe the Town engineer has been out and met with the landowners to review the drainage concerns. Mr. Strand said OK. Just given everything that's happening, I just want to make sure eyes were actually put on all of this. Ms. Ports said if you're talking about the planting plan in front of you, I have not done a visual, a site inspection. Ms. Hebert said oh, compliance with the plan, no. Ms. Ports added not yet. Mr. Strand said OK. So, I feel like that might be relevant here. Ms. Hebert said well, they're not going to inspect the plan until it's approved, because you may want to add trees. You may want to make changes, and then you're not the only group looking at this plan. The Conservation Commission will review it, and the New Hampshire Department of Environmental Services needs to review it as well, because it impacted a jurisdictional wetland area. Mr. Strand said OK. And I also worry, in tandem with that not to bring it back, but I am concerned that there could be unintended consequences that could result in liability for any parties that we don't know about by doing anything with this at this point—especially if there's outside civil litigation that's unresolved.

Chair Tope said all right. Elaine, would you like to make your motion? Ms. Tefft said sure. Yes, I would, and we are talking about clearing land, 1,500 square feet without prior approval, I think is what we're talking about. We're not talking culverts here.

**MOTION: Ms. Tefft moved that the Historic District Commission approve the after-the-fact request for a certificate of approval to clear more than 1,500 s.f. and implement a restoration plan at 324 Wallace Road, Lot 14-67-1, as requested by the applicant and in accordance with the information submitted. The planting plan**

**applicant demonstrates consistency with the Historic District ordinance and regulations. The approval is subject to the following conditions:**

1. All work including all plantings shown on the applicant's marked-up plan received by the Planning Office on October 30, 2023 shall be completed by the applicant within two years of the date of the Historic District Commission approval.
2. Upon acceptance by the NH DES, the applicant shall implement the wetland restoration plan dated 10-12-2023 and prepared by Sandford Surveying and Engineering within one year of the date of the plan.
3. The applicant shall endeavor to manage new infestations of invasive plants in an aggressive and timely manner.
4. The applicant shall submit photos of the completed work for the file, including plantings in the restoration area as well as the remainder of the property.

**Motion is not seconded. MOTION fails.**

**Mr. Strand moves the Historic District Commission Table this matter to the January meeting whenever that will occur, with the purpose of allowing the Town time to do any additional fact finding necessary and allow the Historic District Commission to make any amendments or suggestions to go forward. Ms. Day duly seconded the motion.**

**Vote taken: 3 in favor, Ms. Tefft voting against. The application is Tabled.**

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

##### **1. HDC Residential Mailing**

Ms. Ports said I drafted a postcard. I'm sending it around now. It's actually a postcard, not a full-page. We could send this anytime, but we might want to do a specific spring postcard, that's a little bit more targeted to hey, it's spring and people are getting ready to do things and before you do make sure you've done XYZ kind of thing. So maybe a little less of the top text and more of the bottom stuff. So we could wait and just do a spring mailing unless you guys feel like we need one sooner than that.

Mr. Clark said I don't know if you saw my e-mail about providing us with a map of the Historic District. Ms. Ports replied yes, we have new binders in front of you which we'll review later tonight. At the back of section 6, there is a zoning map, and the Historic District is outlined in the black dashed line. Mr. Clari said you don't miss a beat. That's great. Ms. Day asked can you put a little map on the mailing? Ms. Ports answered I don't know if there'd be any value on a postcard, but yeah, we could. We do send letters to new residents that move into the district, usually twice a year. I'd have to look. I don't know if we've sent one this year because with the transition and staffing. So that is still something that can get done this year. And the measuring tape for the trees.

Mr. Clark said I think the sooner the better because we don't want to be having some guy clearing a bunch of land. Winter is a time when people do that kind of work because the ground is frozen. So the ignorance of the law is no excuse. Ms. Ports said that's true. Chair Tope said if it's not a budgetary concern, I would agree, why not send both? Because we've had so many after-the-fact applications. Mr. Strand said that was going to be my thought. Ms. Conant asked do you have a sense of how many new people have moved in since your last mailing? Ms. Ports replied I don't. It's not many. It's less than a dozen, I believe. Mr. Strand said I tend to think as an objective outsider here, that if you can do it twice and the issue is people aren't getting it and you could even really be reductive before you dig, before you build, do you live here? Don't use that. Ms. Ports said so yeah, if anybody has a catchier idea, layout. We can use this one for now and then if someone wants to sketch something... Chair Tope said I'm just curious, I'm sure between Kathleen and Becky and Elaine, one of you guys know, there's the difference on this map of the Bedford Historic District National Register boundary and then the local historic district boundary and the local boundary cuts like the cemetery in half, as well as some of those abutting properties, as well as it happens in the corner up with 27 as well—just out of curiosity. Ms. Ports said you should have a second map, though. Ms. Tefft said over the years, that border has changed. They've added and subtracted because the Historic District was founded when, in '69 and '70? Ms. Hebert said it doesn't follow property lines, which is a little confusing. Chair Tope said OK. It doesn't follow property lines. Ms. Hebert confirmed yes, it does not follow property lines. Chair Tope said I just wondered if half the cemetery was actually historic, and half wasn't or something the way it looks on the map. Ms. Hebert said I don't know. Chair Tope said OK. It's not really relevant to the record. I would say thanks for putting this together. I think it communicates the information. I like the picture. Ms. Hebert said we could add a QR code so people could scan it and go right to the HDC website. Ms. Ports said that's a great idea. Mr. Clark said when people buy, do they know that they are in the Historic District now? Ms. Tefft said no. Ms. Ports said I think it depends on the realtor and the person and what their specific interests are, honestly. Mr. Clark said and probably endemic on us to... Ms. Ports said you'd be surprised. A lot of people have no idea what they're buying, whether it's in the HDC or not.

Chair Tope said I think a lot of the ones just in my experience being here, people who have come. if we believed that they truly didn't know about it, they had bought more recently. They weren't people with us there for 20, 30, 40 years. Ms. Ports said the rate of turnover is dropped. Mr. Clark said, well, Kathleen and I have been going back and forth on creating some protocol on the tree issue, which is very dear to my heart. So I think that's something maybe, we might have to have a special meeting on, but we've already kind of roughed out a protocol that I think makes a lot of sense. That is just basically if somebody applies to cut trees, two of us get permission to walk the property. And that's they blaze orange the trees that they plan to cut down. We do a bit of a census on the trees. Because what happens here is it says anything over 1,500 square feet and that doesn't employ the 15-inch diameter tree that is clear cutting more than 1,500 square feet. We have to kind of come to grips with that. If it's a historic property and somebody wants to do 10,000 square feet and some of the trees are under 15" in diameter, that that sets up some... Ms. Ports said I think there's two things; you're looking at the totality of the area in that situation, not necessarily the size of the trees and how that change will affect the character of the property. So in terms of its view or people's view of it or that kind of thing. Mr. Clark said because if somebody cuts an acre of 12-inch trees, that's going to alter dynamically that lot. And I love the idea that we heard of that corridor of trees, that it's not just subjecting one property owner, hey, that's not fair. But

you go down Bedford Center Road and there's some legacy Maples there that are, it's pretty. You go down there in the fall, and it's gorgeous. Chair Tope said I think that sounds like a good idea. and it's balancing the interests of other things we've heard about. And obviously, we'll take it up as a full rule change later, but we talked about our people put out the idea of requiring an arborist and then that would be expensive. We wouldn't want the homeowner to do that. So that gets that off the table and it solves a little bit of our problem where we're essentially doing it ourselves for free, or at least taking a look if we have members who are qualified, because we've seen a lot of after-the-fact, applications within a landscaper who was paid to do it. Or even some of the before-the-fact applications where the landscaper has the financial incentive to say, yeah, these are bad. They need to go. And it seems like the landscapers always say they're all bad. Ms. Muskat said they do, and although we try to consider financial impact to the homeowners, it's also not our job to always choose the most economical solution, right? We're trying to preserve a character and a feel, and then sometimes very real structures. Mr. Clark said windows. Mr. Strand asked are there any other departments or Boards that have to look at tree removal? Just historic? Because besides visually there are a lot of other impacts. Ms. Ports said unless the trees are in a restrictive buffer, or in a conservation easement area or something, in general. Ms. Hebert said for residential properties. For Commercial, site plan reviews, [crosstalk] our DPW looks at trees in the right of way. Ms. Tefft said there's one thing that everybody is not even taking into consideration. If you really care about the Historic District in the middle of Town and how it should look, I think we should make an effort to have town buildings, town property comply with not taking down trees, not taking down stone walls. I think they should have to comply with planting. I think they should have to comply with the same rules people in the Historic District do. They haven't. And the middle of Town looks dreadful. It didn't use to, but it does now. So you're whistling in the wind. You're picking on the average guy who doesn't have a \$100 million budget like the Town does. And you're sort of making them jump through hoops. Chair Tope said I don't think anyone's saying we're picking on them or anything. I think David was saying he's been working with Kathleen on a way to start evaluating the tree removal that may work, and it doesn't add any cost to them to have a [crosstalk]. Ms. Tefft said I understand but I'll tell you right now, when you go on somebody's property, you either go with their permission or you go with a search warrant. If you're on somebody else's property, their insurance coverage, if anything, should happen to you., their insurance company is going to pick up the tab. You're concerned about litigation, well... Chair Tope said I don't think we're concerned. If you have something to add to the trees or I don't know if you're making a proposal. Ms. Tefft said well, I'm concerned about it. I just think you need to broaden the scope. I just think you're narrowing the scope too much and I think if you're serious about preserving the character of a nice little Town, you have to include the Town and the Town property. Mr. Strand said I think, Elaine, to your point, I think you're making a valid point. I will say that, right. Chair Tope said I agree. Mr. Strand said I don't think anyone would argue that potentially the Town should have to follow the same rules that citizens do. But I think what you're referring to are the easements that happened and potentially that the Town will aggressively take trees if they're in an easement where they're allowed to do so, but I don't think the two need to be mutually inclusive or exclusive either. I think we can look at one end and both depending on... Chair Tope said I would [inaudible] I mean, it has to go... [crosstalk] I have a question regarding Eversource or any other electric company. So, when you're considering what you're going to put together, are we exempting if the power company removes them on their own? Mr. Strand said I think they do whatever they want. [crosstalk] Ms. Muskat said actually, they knocked on my door and asked if it was OK and I said no thank you and they went away. Chair Tope said I did have a

tree fall during those ice storms last year, and then they cut down another one. I have tons of trees, but they [crosstalk] Ms. Tefft said they are entitled to trim trees that interfere with their wiring. Chair Tope asked so are we just accounting for that in what you're proposing?

Mr. Clark said so what happens is Eversource will send each person whose trees they want to trim near the high wires a note, and if you have an issue with it, you can say I have an issue with it. I want to meet with, as I have on two different occasions, the Eversource arborist and he will come out and you can discuss what needs to be done. They only care about the high wires; they don't care about all the Xfinity wires and all that. So if you want to save a tree, you can save a tree and you can direct them on how much to take. Chair Tope said well, the reason it came up because in Robertson's proposal, he said Eversource took two of the trees. I didn't think we could approve or not approve what Eversource did, and that's what I was wondering then, in your future consideration. Mr. Clark said yeah, we can. It might be something to throw in there. Chair Tope said if Eversource asks I can tell you on my property and I don't live in the Historic District, I'm right next to it. I'm on Hitching Post. When we had that ice storm, and we did have trees that fell into the wire, they also cut some others because of the potential that they were going to fall and they did not ask, they just did it. Mr. Clark said well, they're supposed to gain permission.

Ms. Ports said I think that we could spend maybe February, have a workshop and talk about some of these regulation clarifications that we want to make. So if you guys want to start thinking about what those might be, or what's confusing or what warrants clarification or better procedure, and let me know, then I can do that research in preparation for that workshop when we can talk about some options. Chair Tope said yeah, I would just be curious how we would treat that. Ms. Ports said I don't know that we can control Eversource, especially not in an emergency situation. Chair Tope said yeah. If someone comes before us and wants us to approve something Eversource did after the fact... Mr. Clark said you're not going to fight that one. Chair Tope said OK, that's what I meant. Mr. Clark said one thing I like, something that Lisa has brought up, and that is just because with the window just as a as an example, the window treatment, it's kind of not our problem that it's going to cost another \$2,000. That, to me, I don't think is the strongest argument for putting 1 over 1 windows in. So that's why I didn't vote in favor of it. Chair Tope said yeah, that one I saw kind of both ways because the fact that half of the house and the other part were already 1 over 1 and then the other ones were 8 over 1, 6 over 1. It was a mismatch, so making them all 1 over 1 actually seemed a little bit better than what they have now. Mr. Clark said yeah, sympathetic to the to the financial aspect of it. Chair Tope said but also because I mean just from a consistency standpoint, if you said maintain them the way they are, then you would even if you put new windows in, you would have that mismatched look. Right now it looks mismatch. So it seemed like it was better to all be the same then I think I would have felt differently if they were all 8 over 1 or all 6 over 1, and they were just making the change because it was cheaper because they wanted to. Mr. Clark said but that's just something I picked up on I thought was very relevant to what we do because a lot, I'd say half of our issues that we're dealing with are window related. Chair Tope said yes, that's why I've done the research before on which ones, because they do come over quite a bit. Mr. Clark said I mean 22 windows or 21 windows is a big project. Ms. Muskat said I voted for consistency because I'd rather see them do their complete project. The fear was that if we didn't approve it, they would do a selection of windows and would be as mismatched as it is now.

## 2. HDC Application Changes

Ms. Ports said OK so I'm new to this Commission as well, so partly for my own benefit and hopefully for yours as well, I've completely overhauled the binders. In doing so, I really did try to find some guidance materials for you. Clearly, I didn't find everything. So if you guys find a resource out there that's really useful, especially on another website, we can either add it to an online library on our Google Drive that's accessible to everyone, or I can print it and you can add it to your binders. But I just want to plead with you to please, I really put a lot of thought into what's in here. It's about functioning as a Board. It's about what do we want this Commission to do. What's its purpose? How do we want to work on improving our relationship with the public in the district, and what can we look at for guidance. It's not an easy role that you guys have here. And so any other guidance that you find, or think would be useful, please let me know.

Chair Tope said thank you for taking the time to do this. Ms. Ports said the only other thing I want to mention is that I am working on some potential changes to our application. It's much more specific about the information that we want. To go with that, I'm also working on... Ms. Tefft asked what section is that? Ms. Ports answered the application is in Section 8, I believe. Behind that, there's a place marker. I'm going to work on an application review checklist. So what I've done is taken the criteria from the ordinance and the regulations and put it into a spreadsheet so that when we're looking at windows, OK, what does it specifically say in the ordinance, and you can kind of keep notes on what you're looking at and what decision you're making and helping to justify that decision. And then if you want to include that in the motion, you can. But it just gives us a little bit more of a framework for consistency moving forward. So I'll share that with you guys at a future date to kind of review and refine. Mr. Clark said thank you so much. Ms. Ports said yes, so some new application changes and then we can do a workshop in February on any accompanying regulation changes that we need to do. Any zoning amendments would have to wait for next year. Ms. Hebert said and your workshops are not televised. They're open to the public, but it's a nice time for the Commission to have an informal discussion about things that you want to work on, and goals for your upcoming year. Ms. Ports said the CLG application comes due in April, so February would be a good time to talk about whether or not we want to pursue a grant this year and what our goals might be in doing that. Ms. Tefft added and what do you want the money for. Where did you get the money from? The state or from the Town? Ms. Ports replied it's from the state. Ms. Tefft said Andy Sanborn can get money from the state to buy sports cars. We should be able to get a sports car or two! Ms. Ports said I agree. Mr. Clark said it's amazing the amount of money that is available, and a lot of Towns don't have a Historic District Commission, so they're not up for funding. We do, and so there are funds that are set aside for Historic District Commission only. Ms. Ports said right. Ms. Tefft said I vote we send out for pizza. Ms. Ports said we can do that.

Chair Tope said one quick point, I guess, before we go on this, did you send the Historic District Commission training options from nhpreservation.org to the new members? Ms. Ports replied I did. Chair Tope said OK, because there is one tomorrow. Just wanted to put that out there. Ms. Ports said also, in the beginning tab, there are links to useful resources. There are also trainings online that you can watch. Those links are included as well. So, for example, the Preservation 101, which is I think the one we saw last week, you can go and watch that online separately, if you missed it.

#### **IV. Approval of Minutes from Previous Meeting (September 5, 2023)**

**MOTION: Mr. Clark moved to accept the Meeting Minutes September 5, 2023 as written. Chair Tope seconded the motion. Vote Taken: Mr. Clark and Chair Tope voted in favor; Ms. Tefft voted against. Ms. Day, Mr. Strand, Ms. Muskat abstained. MOTION carries.**

#### **V. Communications of the Commission**

Ms. Hebert said I have one announcement. The Planning Board and the Planning Board's Housing Working Group is hosting a public forum tomorrow night at 6:00. We've been sending notices out to all of you and all of our land use board members. This is going to be a great event. It's a public event to talk more about housing and to review all of the data and analysis that's been done to date by our consultant team. So I'd encourage you all to attend. Housing is an important topic across the country, in New Hampshire and in Bedford, and the study is looking at very Bedford specific data and this will be the first time that that information is unveiled and talked about publicly. It's an interactive event. So it'll be a short presentation and then there are a series of tables and posters with a lot of data and information. The idea is for people to visit each of the tables and talk with the consultants. There's a brief questionnaire you can fill out. If you miss the in-person event, this activity is also going to be available online, and so you can look at the information online and fill out a brief questionnaire online. So I'll be sharing that with everybody after the forum tomorrow night. It's at the Bedford High School cafeteria at 6:00. Thank you.

#### **VI. Commission Member Comments and Concerns**

Mr. Clark said one question, you were going to send this mailing out to the Bedford Historic District? Ms. Ports said yes. Mr. Clark said thank you.

#### **VIII. Adjournment**

**MOTION to adjourn was made by Ms. Tefft at 9:14 pm. Mr. Strand duly seconded the motion. ALL IN FAVOR – unanimous. MOTION CARRIES.**

The next meeting of the Bedford Historic District Commission is scheduled for December 5, 2023.

Respectfully submitted by Sue Forcier