

**TOWN OF BEDFORD  
HISTORIC DISTRICT COMMISSION MINUTES  
February 5, 2019**

A meeting of the Bedford Historic District Commission was held on Tuesday, February 5, 2019 at the Bedford Meeting Room, 10 Meetinghouse Road, Bedford, NH.

Present: Janet Tamulevich (Chair), Catherine Rombeau (Town Council liaison), Charles Fairman (Planning Board Liaison), Joe Vaccarello (alternate member), Theresa Walker (alternate member), William Granfield (alternate member), and Mark Connors (Assistant Planning Director, Staff liaison)

Absent: Judy Perry (Vice Chair), Phil Greazzo (Town Council Alternate), Rebecca Durrell (Regular Member)

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

Chairwoman Tamulevich called the meeting to order at 7:00 pm.

**II. Old Business:**

1. **Frank Robertson (Owner)** – Request for final architectural approval associated with the construction of a single-family residence and associated improvements on a vacant lot on Wallace Road (parcel is located between 316 and 328 Wallace Road), Lot 14-67-2, Zoned R&A. ***Tabled from January 8, 2019***  
Existing Zoning: “R&A” Residential & Agricultural  
Surrounding Uses: Open space, residential, and agricultural

**Background & Previously Discussed Information:**

**I. Project Description:**

*On December 4, 2018 and January 8, 2019, the applicant appeared before the Historic District Commission to construct a new single-family residence on a vacant parcel on Wallace Road. At both meetings, Commission members and abutting property owners expressed concerns regarding the proposed architectural style of the home. After the December 4, 2018 meeting, the applicant made reasonably modest changes to the architectural plan for the front façade including the removal of a third roof peak, removal of a faux stone façade on the front ‘bump-out’ façade, and the use of vinyl shakes on the front façade of the home.*

*At the January 8, 2019 meeting, the Commission expressed continued concerns with the architectural design and the applicant has returned with substantial changes to the architectural plan, including:*

- *The removal of the entire ‘bump-out’ on the front façade of the home and a roof overhang framing the front door;*
- *The reduction in the size of the center window over the front door so it is now the same as the other windows;*
- *A revised window design, including smaller ‘6 over 6’ size windows (reduced from ‘8 over 8’ and the removal of ornamentation on the first story windows;*
- *An increase in the pitch of the roofline from 8/12 to a 10/12 pitch that now mirrors the roofline pitch for the garage;*
- *Replacement of shakes on the front façade with vinyl clapboard style siding, and:*
- *Changes in the design of the driveway to reduce the turnaround area.*

*With the revised architectural design, staff believes that the applicant has largely addressed concerns that were expressed at the December and January HDC meetings. In staff’s view, the revised architectural design is much more representative of a Colonial style home and will blend in better with surrounding homes. The increase in the roof pitch, reduced window size, and the elimination of the front ‘bump-out’ portion of the home are substantial changes that have helped the home more closely resemble the Colonial style without significantly impacting the size or footprint of the residence. There are two minor outstanding issues that the Commission may wish to discuss with the applicant.*

***Shutters***

*Several speakers noted that the shutters in the previous design were very undersized for the windows and others expressed a preference for no shutters on the windows. With the reduction in the size of the windows, the shutters better align with the windows, but still appear slightly smaller than the windows. The applicant has indicated he does not have a strong preference on the issue. The Commission will want to discuss the issue with the applicant and indicate its preference (an optional condition is included in the draft motion to remove the shutters, depending on the HDC’s preference).*

***Front Door***

*The front door has undergone a substantial design change with the elimination of both the front ‘bump-out’ and an overhead roof overhang that framed the door in the previous design. The door now includes no ornamentation aside from two linear windows flanking both sides. Many Colonial homes feature front doors framed by pilasters or pediments. The Commission may want to discuss if they would prefer some additional framing for the front door (an optional condition has been included to revise the door design, depending on the HDC’s preference). Staff has also informed the applicant of the need to provide a detail for the style of front door desired to share with the Commission.*

***II. Staff Recommendation:***

*Staff believes that the architectural design has been modified substantially to better meet the HDC ordinance and regulations, and therefore supports a conditional approval of the application.*

Frank Robertson and Ken Bernard met with the Historic District Commission on February 5, 2019 and discussed their application for the Colonial home they would like to build between 316 and 328 Wallace Road. They provided new designs based on conversation held during the last Historic District Commission meeting on January 8, 2019. These new designs address everything discussed during the last meeting and show:

- A change in the roof lines from being converted from 10-12 on one end to 12-12 on the top. Both are consistently the same at 12-12 pitches
- Windows are all the same size now (shrunk down)
- The portico/covered entryway has been dismissed
- The siding has been changed to white or grey siding (the owners are open to either color).
- There is also a revised driveway plan from the designer which will hopefully meet abutting neighbors and safety concerns. The hammerhead was removed to alleviate lights and busy traffic on the neighboring house.

Chairwoman Tamulevich opened the floor for any public comments. There were none.

Chairwoman Tamulevich opened the floor for Board questions and comments. Mr. Connors mentioned two emails sent by the abutter, designer Lisa Muskat, which each member of the Historic District Commission was provided copies of. Mr. Bernard discussed the Ms. Muskat's suggestions from the email:

- Mr. Bernard said at the last meeting we discussed the vinyl siding and it seemed like everyone was somewhat onboard with that material.
- The designer suggested 10" corner boards. Mr. Bernard said the corner boards are currently coming in at 8". They usually come in "fluted" or Colonial corners. We would love to do that, what [Ms. Muskat] suggested with the 10' corner boards.
- The designer recommends brick style molding on case of the windows. Mr. Bernard said we originally planned to do that anyway.
- The designer sent a drawing showing a flat end portico framing the front door with pillars on the side. Mr. Bernard said we actually like it. He asked for clarification on how that would be approved. Mr. Connors said there is a draft condition that you work with Planning Staff on a portico design for the front door. Mr. Bernard asked if that is approved, what if we decide not to do it later, do we have to do it? Mr. Connors said that if the Commission includes that condition, then yes, you have to do it. Mr. Bernard said we like her idea and we would like to do it, if the Commission likes it. We think it looks sharp.
- The designer suggested a brick chimney. The Owners do not want this because of the mechanics of the house. Everything is power vented nowadays, so they feel there would be no need for brick.

- The designer suggested large water tables. The water table is an architectural feature that consists of a projecting course that deflects water running down the face of a building away from lower courses or the foundation. He said we would love to do that. The Owners would like to do an azek water table.

Ms. Rombeau understood that the Owners were agreeable to all the above designer suggestions except for the brick chimney and asked if there was anything else they were opposed to. Mr. Bernard thought what the designer prepared looked sharp and was in agreeance with 90% of her design. He said we thought we addressed the siding material at the last meeting and he was unclear what the designer meant by rake trim on the gables, however. Ms. Rombeau thanked the applicants for their willingness to address the suggestions and Ms. Muskat for taking the time to formulate the list. She appreciates the collaborative approach.

Chairwoman Tamulevich opened the floor once more for public comment:

Kathleen Bemiss of Magazine Street, Bedford NH stated that in emails the designer, Ms. Muskat, was concerned with the shutters and use of vinyl siding. Ms. Bemis agrees with the use of non-vinyl siding because the proposed home is in the Historic District, and she does not feel vinyl siding is in keeping with the character of the neighborhood. If the Historic District Commission opens the use of vinyl siding for Robertson and Bernard's home, she questions whose to say that the Van Loan property won't also want vinyl siding and therefore not have to do any painting. She feels the links Ms. Muskat provided to non-vinyl siding are more characteristic of homes in the Historic District. She expressed her agreement to the changes to the windows and pitch lines.

Chairwoman Tamulevich wanted to make it clear that each project is reviewed on an individual basis, so if vinyl siding is approved for one house it does not mean it sets a precedent for all.

Ms. Rombeau wanted to understand the Owner's openness to using other non-vinyl materials for the siding provided in Ms. Muskat's links; however the applicants indicated that they did not have enough time to review those materials and were under the impression that the Commission was agreeable to the vinyl siding.

The majority of the Historic District Commission expressed comfort with the use of vinyl siding on this property. Mr. Fairman feels that Robertson & Bernard's home is far enough from the road that people couldn't tell whether it was painted or vinyl siding. The biggest advantage of vinyl is that it will not deteriorate or need painting; therefore, it alleviates the potential problem of the home not being maintained. There are other homes in the Historic District with vinyl siding so it wouldn't be totally unique to the Historic District.

Chairwoman Tamulevich asked Robertson and Bernard if they were open to using clapboard. Mr. Bernard stated that they were open to using shakes or clapboard whatever the Commission recommends and approves. They were looking more toward vinyl for the ease of maintenance.

Mr. Connors asked if the owners had a preference about keeping the shutters or not. Mr. Bernard stated it depended on whether the use of vinyl was approved. If vinyl was approved, vinyl shutters would make more sense than wood shutters. If vinyl siding was approved, the Owners would prefer vinyl shutters for the ease of maintenance.

Mr. Connors referred to Ms. Muskat's email and her questions about the trim material. Would the applicants be open to vinyl clapboard siding and wood or Hardeeboard trim? Mr. Bernard stated that vinyl siding is usually wrapped in metal, but metal works the same as wood or plastic board. Hardie Board is still an artificial product just like vinyl siding – so it really comes down to preference. There are about 30 other properties in the historic district that have vinyl siding. The vinyl siding products are much better than in the past and made to last.

Chairwoman Tamulevich allowed Ms. Bemiss to make one last public comment. Ms. Bemiss feels that we seem to be using the term “vinyl siding” as a catch-all, but that Ms. Muskat's perspective was that they were thinking of vinyl siding as aluminum siding, and the next version was vinyl siding that looked just like aluminum siding; however, now we are talking about “synthetic” (not necessarily vinyl, but not wood either). They are manufactured and last a long time but have the appearance of a wood product. Members of the Historic District Commission explained that last month they had the chance to look and feel the proposed textured vinyl siding to be used. Mr. Fairman confirmed that textured vinyl siding looks like wood. It has nothing to do with aluminum and does not look like aluminum.

Before voting Mr. Connors stated the remaining conditions: The Historic District Commission needs to decide whether or not they want shutters, and the other condition is to work with the planning staff on trim for the front door. Mr. Granville stated that the sticking point with shutters doesn't seem to be the materials, but the size in relation to the window.

Mr. Bernard stated they will make the shutter proportional to the window size. The average window shutter is 12-14 inches wide, they will make it accommodating or custom order shutters to fit the window properly.

**MOTION by Ms. Walker that the Historic District Commission approve the architectural plan for a new single-family residence and associated site improvements on Wallace Road, Lot 14-67-2, as requested by the applicant, Frank Robertson, in accordance with the plans submitted, dated January 2019, because the applicant has provided evidence that demonstrates consistency with the HDC ordinance and regulations, subject to the following conditions:**

1. All conditions of the December 3, 2018 Historic District Commission shall remain in full effect.
2. All work shall be completed by the applicant within two years of the date of the Historic District Commission approval.
3. The applicant shall submit photos of the completed work for the file.
4. The applicant shall revise the architectural plan so that shutters are proportionate in size to the windows.

5. The applicant shall revise the architectural plan to include a pilaster and/or pediment treatment to frame the front door. The revised design shall be to the satisfaction of the staff.

**The motion was seconded by Mr. Granfield. Vote taken – all in favor. Motion carried.**

### **III. New Applications:**

1. **Gustave Hebert & Shelley Bialek (Owner)** – Request to remove several trees in the front and side yard of 28 Liberty Hill Road, Lot 13-8-1, Zoned “R&A” Residential and Agricultural, Historic district  
Surrounding Uses: Residential

*Background & Previously Discussed Information:*

***Project Description:***

*This application concerns a contemporary two-story residence constructed in 1988 and situated on a 3-acre parcel at 28 Liberty Hill Road. Although that stretch of the road is heavily wooded, the residence is elevated from the right-of-way and is visible from the roadway. Most of the surrounding parcels on Liberty Hill Road and Shaw Drive were built in 1950 or later, though a bungalow-style home immediately to the north does date to 1920.*

*There are three previous Historic District Commission applications on file for this parcel. The Historic District Commission approved construction of the residence in 1988. In 1994, the Commission approved tree-clearing and the construction of a shed at the property. In February 2017, the Commission approved the installation of ground-mounted solar arrays and tree removal in the backyard of the property. HDC approvals are active for two years, so that approval will expire this month.*

*In early January a resident contacted the Planning Department to report tree removal occurring along the front of the property. Staff visited the property and observed several trees that had been removed near the Liberty Hill Road frontage on the front of the lot. Because the 2017 approval was for tree removal on the rear of the property, staff determined that the work was not authorized and that a new approval was necessary. The owners and the work crews were notified of the need to cease work and file an HDC application. The owners indicated there was a miscommunication and that the work crew removed trees they were not authorized to remove. Work stopped on the property and the owners immediately filed the proper application materials.*

*The applicants are before the HDC seeking two approvals:*

- *A request for ‘after-the-fact’ approval of the tree removal that has already occurred along the front of the property, and;*
- *Approval for the removal of additional mature trees on the property.*

### *After the fact Approval*

*The applicants are requesting after-the-fact approval for the tree removal that has already occurred along the front of the property. The owners have indicated they have a long-term vision for the landscaping of the property and are amenable to planting new trees. The trees that were removed are large mature White Pine trees, so it will not be possible to fully replace the trees. At the time of writing this report, no landscape mitigation plan had yet been provided by the applicant. Because abutters have expressed concern regarding the loss of trees on the property and because this request is for 'after-the-fact' approval, staff would recommend that the Commission table action on this item to provide the applicants time to prepare a landscape mitigation plan. This will also provide the Commission an opportunity to provide input on what they would like to see for mitigation. If approval is ultimately granted for the after-the-fact approval, it should be conditional on the successful implementation of a mitigation plan by this Spring.*

### *Additional tree removal*

*The applicants are requesting HDC approval to remove approximately 15 additional trees from the property. The owners have provided a PowerPoint explaining the tree removal is necessary to ensure enough sunlight reaches their solar arrays during winter months. This information is helpful to understanding why the applicants are pursuing the application and the Commission is free to consider the information. However, as always, all HDC decisions must be based on the HDC criteria, which do not directly address renewable energy.*

*The applicants have provided images of the general areas where trees are proposed for removal. However, due to the large number of trees on the property, it is difficult to pinpoint exactly which trees will be removed and which ones will stay. The applicants have indicated that they have marked off the trees they would like to remove.*

*The HDC review criteria, while largely oriented toward architectural design, do require that Project Impact (E) and Compatible Use (F), be considered when reviewing applications. Compatible use requires "every reasonable effort shall be made to provide a compatible use for a property which requires minimal alteration of the building, structure, site and its environment." This portion of Liberty Hill Road is largely characterized today by the prominence of mature trees hugging the roadway, however in earlier decades the area had an agricultural nature.*

*Under the HDC Regulations, Removal of larger trees requires review and approval by the Historic District Commission (Art. IV, Section 285-26). However, nothing in the regulations expressly prohibits tree removal, and there is no guidance regarding preferred planting types.*

*The applicants have invited the Commission to conduct a site walk of the property so that members can get a better understanding of the property and see both the trees proposed*

*for removal and how the changes would impact the property. If members would like to schedule a site walk, staff will work with the applicants to schedule it. In any case, staff would recommend tabling action on this request to consider it in conjunction with the request for after-the-fact approval.*

Applicants Gustave Hebert & Shelley Bialek of 28 Liberty Hill Road met with the Historic District Commission on February 5, 2019 and shared a slide presentation. Last time they met with the Historic District Commission on February 14, 2017 they presented a plan that has been executed up to date including:

- Solar panel installation in the back yard
- Removal of trees to reduce shading and get more sunlight to their solar panels, and to expand the yard for their children to play and to provide space for gardening
- Planting of 4 fruit trees and more bird and pollinator-friendly trees be planted (such as dogwood, whitebeam, fruit trees, shrubs and flowers) once invasive species are eliminated
- Mini splits were installed to heat/cool the house which is primarily on electricity and then runs off solar panels – reducing dependency on oil and wood.

Hebert & Bialek's original goal was to decrease dependence on oil and wood and create a green environment. A couple years ago when they engaged the first solar panel company (whom they later fired for not first coming to the Historic District Commission) some tree removal was done on the North side of the back yard to provide space for solar panels, and then a second solar panel company was hired to do the installation and analysis. In the interim Hebert began removing 3 additional trees on the East and South side before they worked with a contractor who knew what they were doing with tree removal. Hebert & Bialek's current request is for the removal of an additional 15-20 trees on the East and South side of our property. They marked the trees with orange tape and Mr. Connors visited to see the trees in question.

Ms. Bialek explained that during the winter when the sun tracks lower their solar panels are not receiving sun light even on a sunny day. When the sun tracks higher in the summer they run completely on solar energy and they are feeding electricity into the grid, so neighbors are getting some benefit. In winter the sun is essentially behind all the trees from November – January and they are seeing a huge decrease in power creation from their solar panels and have had to spend about \$600/month on oil so far. They feel they are not able to take advantage of the energy efficiency they could have if they did just a few things.

During the Summer the sun tracks over the trees and they receive really good solar access, but in the winter the sun is lower and directly behind the trees. In summer they can create about 88% of total capacity with the solar panels, and in winter approximately 16% of total capacity and they are not getting the efficiency they are looking for.

Hebert and Bialek hired Revision Energy to do a Solar Access and Shade Report which states:



- Removing the trees to the south will help to improve annual solar access by 7%. There are 11-14 trees in this area.
- This should equate to about 1,100 kWh in additional production per year.
- Removing one tree in the East will help to improve annual Solar capacity by 1% which is actually pretty significant over the course of a year. Hebert & Bialek would also like to remove it so the garden they planted will receive sunlight and they can provide food for their family. Removal will help improve food production.

Next, Ms. Bialek discussed shade report from the back panel and indicated that the same trees were being targeted. In summary, the total Solar production to date in summer has been very beneficial, but they are unable to cover power production the full year. By using solar they have generated 18.87 MWh – which has saved the equivalent of 657 trees being planted.

The applicants are currently facing unforeseen hardship due to not only having to pay for their investment in solar panels /mini splits but to purchase oil to heat their home due to the lack of solar production during the coldest winter months. They seek to get off oil completely or reduce it significantly and are requesting the removal of approximately 15-20 large pine trees which are in the yard near the home (and not near the road as advised by Mr. Connors). They have always wanted to plant more trees further down the hill, and to plant trees that do not block their solar panels. They request that Historic Commission representatives come to their property to assist with marking trees to be removed (Mark Connors came on 2/4); and request to leave open the option to cut down about 5 more trees and if they do not see at least 1,500 kWh in their solar production come November 2019 through January 2020 year over year.

Mr. Fairman asked about the trees that had been removed already near Liberty Hill Road. Ms. Bialek explained that there is a service road that runs from their property down to Liberty Hill Road and a tree company had previously removed 6 unauthorized trees to the right and left of the service road. The tree company had only been authorized to remove trees in the middle of their yard. Ms. Bialek has a proposal to mitigate this which she will discuss during her presentation this evening. The downed trees that Mr. Fairman sees when he drives down Liberty Hill Road have remained there because Hebert and Bialek told the tree company to cease and desist work.

Ms. Bialek discussed oriental bittersweet, a very aggressive deciduous vine reaching heights of 40-60 feet and climbs up over trees and smothers them. In the process of tree and dirt removal they discovered that there is a lot of oriental bittersweet & poison ivy in the shaded area of their yard. The oriental bittersweet is choking some of the trees – some of which that are healthy, and some that are not. Some of the trees they removed were covered in oriental bittersweet. Before they plant any more trees, they would like to mitigate the oriental bittersweet in the yard and give healthy trees a chance to grow when planted.

Mr. Hebert shared a picture of one of their apple trees. The apple tree in their yard became covered in oriental bittersweet which had been growing for 30 years and overtook the apple tree and choked and rendered it dead. He has been trying to tear down the bittersweet and deal with it. They want to make sure the trees they plant will be healthy for a long time, that is why they would first like to take out the oriental bittersweet. Two of the pine trees that were taken down

by the side of the road were not healthy trees and were covered in bittersweet vines that wrapped around them and choked them out. An arborist told them that smaller hardwoods like red maples are being compromised and choked out by the oriental bittersweet and will eventually die too. They plan to replant healthy trees where the other trees were removed. The goal is not just to remove trees, but to create healthy trees and pollinators. If the Commission wants them to replace the pines, they will - - but the same thing will happen. They will be taken over by the oriental bittersweet.

Hebert discussed the service road on their property and shared a photo showing where the trees are that they would like to remove.

Chairwoman Tamulevich opened the floor for public comment.

Norm and Pat Turcotte have lived at 25 Shaw Drive for 43 years and are abutters to the Hebert/Bialek property. Mr. Turcotte is keenly familiar with bittersweet and they have tall towering pines because they worked hard to removed bittersweet but did not remove the trees. If the trees were gone, he anticipates his home would drop in value by 20%. A couple of years ago they attended a Historic District Commission meeting and Hebert and Bialek hired a contractor that said he would get the necessary permits and abide by town ordinances but did not. Shame on him. Mr. Hebert and Ms. Bialek apologized profusely and the Turcottes & the Historic District Commission were less than enthusiastic but understanding. A few weeks ago, the chainsaws started up again, and trees began falling again. Mr. Turcotte feels trees are being removed on a grand scale and the town ordinances must be abided by. Two years ago it was understandable that the new owners didn't understand the ordinances of Bedford, but today it is more difficult to comprehend. When the Turcottes look out their window they are dismayed at the changes that have occurred. It looks significantly different than when they moved in 43 years ago. They understand Bedford is changing and growing, and there are some changes they can't stand in the way with, but there are others that can be preserved. He is certain the Historic District will handle this appropriately.

Richard Pepin direct neighbor to the East Side asked if you are allowed to cut trees on your own property. Mr. Connors replied if not in the Historic District it is allowable, but if in Historic District you must get approval depending on the size of the tree. Anything below 15" you are allowed to cut. For trees that are 15" or over approval must be received before cutting. Mr. Pepin stated the trees in the area are not very healthy. An arborist that came through his land stated that the oriental bittersweet has done a terrible job and taken nutrients out of the ground. Mr. Pepin also feels that pine trees are dirty trees. He could cut down all his pine trees on his property and he wouldn't even miss them. Deciduous trees would work much better because in the winter the leaves are gone, and his neighbors would get better solar. He is not opposed to them cutting down trees and doesn't feel that it affects anyone. He thinks Hebert and Bialek's property is about 300 feet from the Turcotte's property and doesn't see the house value going down at all and thinks it would increase value. He is not against the cutting down of the trees.

Chairwoman Tamulevich began the comments and questions from the Board stating that normal payback for solar is 8 ½ years. She understands that Hebert and Bialek are looking for a faster results than normal, because it usually takes 8 ½ years to see payback. In November-December-January the angle of the sun is lower and solar is less. This occurs no matter what. Even if trees are cut down you will have lower energy level during those winter months. The way to alleviate this is to have solar panels on the roof because they are situated high, or if you have ground panels you install the ones that track and move with the sun. Mr. Hebert and Ms. Bialek do not have the ground panels that track, and Chairwoman Tamulevich doesn't know that they will get what they are looking for even if they cut down the trees. Mr. Hebert said the second solar company advised them against tracking panels because it works best in a situation when you have the most sunshine on a hill, and that tracking panels tend to break down. The second solar company specifically advised that tracking panels would not be helpful in their situation.

Chairwoman Tamulevich asked about the trees cut down along Liberty Hill Road and asked how the confusion and misunderstanding occurred. Mr. Hebert explained that he hired a company to take down the trees for free (which they do so they can take away the logs) which is what they could afford. He marked the trees at the top of the hill, but the company came while he was at work and took down trees that were not marked for removal. He simply didn't know what was going on while he was texting with them from his work until Ms. Bialek facetedimed him from the yard to show him what was going on. He apologized and said it was not intentional. The goal was to finish the work by their deadline of Valentines' Day (next week) and that is why he began cutting trees again in the East and he hired that tree company because they were able to come in within the deadline time. Ms. Walker asked if Mr. Hebert or the logging company filed an "intent to cut" with the town. Mr. Hebert said they did not file one because he didn't know it was required. Ms. Bialek stated they had approval from the Historic District Commission from two years ago to cut in the vicinity of the East and just a bit of the South side. Ms. Walker said the normal procedure was to file an "intent to cut" and once the operation is complete the tree company would file a report of what was removed. Mr. Connors stated it is not a Town requirement, but it is a State requirement based on the number of trees proposed to be taken down. Ms. Walker asked if logging company started at the bottom of the service road so that they would have proper access. Mr. Hebert was unaware of their intentions. Ms. Walker asked when the trees were cut, and Ms. Bialek informed her it was in January. Moving forward they would plan to have someone stay home from work and guide the tree company as to which trees should be removed, and they plan to replant other trees in the area where oriental bittersweet trees are removed. It hurts Ms. Bialek that solar panels could be providing more energy to a greater degree during the winter months and their proposal is that they would like to remove the oriental bittersweet in the area where the trees came down and maintain it going forward because it hadn't been done on this property for years. In the area near the road where trees have been removed, they would like instead to replant birch, oak and other trees native to New Hampshire, and not introduce any foreign trees.

Mr. Vaccarello is concerned that it looks like a lot of trees need to be removed in order to get to the point where the sun can be seen clearly. Mr. Hebert said it would be about 14 trees. Mr.

Connors stated that he walked the property with the residents to view the trees they were planning to remove and shared photos with the Historic District Commission. He doesn't object to them taking down a tree there that is completely affected by the oriental bittersweet. About 100 feet into the property looking West there are about 3 trees proposed to be removed and there are 2 fairly large trees near Liberty Hill Road marked for removal. The neighbor across the street is close to the road and expressed concern about losing some of the trees along the road, so if the trees are taken down Mr. Connors would like to see some trees replanted in his opinion.

Mr. Fairman wished Hebert and Bialek good luck in battling the oriental bittersweet. He has been fighting it himself for years. Mr. Fairman is disappointed that they didn't investigate this enough before installing and investing in the solar panels. In addition, in the presentation it was stated that if the trees are removed they would get a 7% increase in power, and it seems to him like it is an awful lot of trees (15-20 trees) removed for a small 7% return in energy. If the Board approves this, he requests that it be with the condition that the residents come back to the staff with a landscaping plan for what they would like to do to the property after removal of the trees in order to get staff approval. Ms. Walker agreed that she was trying to balance in her head their desire for permanent removal of that amount of trees for a small gain in solar output for 3 months of the year; and we can all appreciate the fact that they are attempting to use a cleaner and renewable source, but there is a heavy cost to that aesthetically and with air quality, and she is trying to balance this.

Chairwoman Tamulevich asked how many other trees out of the path of the sun are covered with oriental bittersweet. Mr. Hebert said nearly all their hardwoods have been completely destroyed by the oriental bittersweet and he is trying to manage cutting it himself where it is reachable but is finding it difficult on the tall trees. The way the yard looks now with the unsightly bittersweet vines does not add anything to the aesthetic beauty, and he in fact finds that people have already been using it as a dumping ground for car batteries and Dunkin Donuts. What will add to the aesthetic beauty is when the yard is cleaned up, excavated, and all the vines are torn down. He would like rolling hills along the street and eventually a fence and nice clean trees that aren't suffering from decay. In answer to Mr. Fairman's point about the 7% energy return Mr. Hebert stated that it is 7% for the whole year. That 7% is in megawatts, and for the whole year it translates to 1500 – 2000 kWh that could be used and allow them to step away from using oil.

Mr. Granville asked if Hebert & Bialek knew the history of their property. Hebert stated upon doing work around the property, he found farm equipment, so he knows it was once a farm and was told there was once a husky hill there, and an apple orchard at one time. Mr. Granville feels it is safe to assume looking at the Van Loan property and other historic properties were erected in town that their property was probably also a farm and there were no trees there. He thinks it is a second growth pine grove there of fairly newer trees that grew randomly as pine cones fell. He doesn't believe any of it is old growth. Mr. Granville thinks they can strike a balance between cutting down what they want for the energy they want, but at the same time there is an aesthetic value to planting something back (pollinators in particular). He asked that they come back to the Board with a plan that shows what they would replant and what it would look like after. Mr.

Vaccarello would also like to know the timeframe for executing the plan. Mr. Hebert said the excavation company could not tell them that until they knew what trees were okayed for removal. There are many sugar maples on the property that could be moved into the sun along with the other trees that they would like to plant that would thrive in the sun and last.

Ms. Rombeau says that before cutting down any more trees, Mr. Hebert and Ms. Bialek should come back with a plan (as comprehensive as possible) for the commission's view of what is to be removed, and replanted so the Commission can have a better sense when they come for the site visit.

Chairwoman Tamulevich stated that she needs to see something more solid before she can make a decision. She appreciates what the Mr. Hebert and Ms. Bialek have a long-term plan, but they are within the Historic District and there are ordinances that must be abided by. She would like to see Hebert and Bialek in control rather than the excavators in control.

Mr. Granville reminded that any permit approved by the Historic District Commission has to be completed in 2 years. He feels a landscaper's advice may serve them well in their report to the Commission. Ms. Bialek thinks it may be aggressive to complete the landscaping plan within 2 years from a financial perspective, so they might have to request an extension, or come back to the Historic District Commission again to revisit the plan. She stated they have already started to do some fruit tree replanting but are not in the position to do more replanting until the oriental bittersweet is mitigated.

Chairwoman Tamulevich allowed Mr. Pepin to make another public comment. Mr. Pepin clarified that the entire area was apple orchards and fields from the 1930's to the 1950's. Hebert and Bialek bought their house from a good friend of his, Steve Marr, and his mother lived right next door and at that time it was all apple orchards and fields. That's why the area is known as Orchard Hill Circle. The pine trees are not historical, they have all grown in. Historically this area was apple orchards and fields. He doesn't understand the big fuss over the trees. He lives next door and his land was a ski slope back in the 1950's, so it was all field.

Chairwoman Tamulevich allowed Pat Turcotte one more question. Ms. Turcotte revisited the hearing 2 years ago and asked if the parameters set up and agreed to by the applicants were met in a timely fashion. Chairwoman Tamulevich stated they have until Valentine's Day this year to finish them. Ms. Bialek spoke to the parameters that were set and said that they have installed solar panels and mini splits installed, and they removed some of the trees, but were prevented from removing more for the reasons discussed today. They started replanting trees, but the oriental bittersweet is preventing more of the replanting. Chairwoman Tamulevich says the bittersweet problem will be a continuing problem that will not go away. Mr. Hebert says their intent is to better keep up with bittersweet and not let it take control. He understands that in her letter, his neighbor Denise states she would like the shade to remain, but if the trees are unhealthy and fall on her house that is no good. She also keeps repeating in her letter that the

trees are healthy, but the trees are not healthy. He hopes the Historic District Commission understands why they would like to cut down trees to reach their ultimate goal.

**MOTION by Ms. Rombeau that the Historic District Commission table the application by Shelley Bialek and Gustave Hebert for after effect approval of removal of several trees and to remove 17 additional trees pending a proposed site walk by the Historic District Commission and some admissible landscape mitigation plan. The motion was seconded by Mr. Vaccarello. Vote taken – all in favor. Motion carried.**

So, this will be tabled until next month, and a site walk will be scheduled in the next 2 weeks for a site walk during day light (or not too late in the evening) and it will be tabled until the Historic District Commission meets again the first Tuesday in March.

Ms. Bialek thinks a site walk would be great, and they can get recommendations from a landscaper, but she would also welcome ideas from the Historic District Commission when they are on site on the types of trees or other good input they may be able to offer based on other properties they've looked at. Ms. Rombeau suggests a landscaper be invited to the site walk to comment on that.

Ms. Walker asked if Mr. Hebert and Ms. Bialek have a copy of Historic District Commission's ordinance to read through. They stated they did. Ms. Walker said it may give an idea of the plantings that are appropriate.

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

Mr. Connors had one announcement. At the last meeting there was discussion about Amendment #7 to rezone some properties. The Planning Board held its second public hearing on that on January 28<sup>th</sup>. It was controversial, but it was a split vote 4 to 3 – but they decided to support the amendment which really doesn't change how it will appear on the ballot. It will merely have a little note on the bottom indicating the Planning Board supports it.

#### **V. Approval of Minutes – January 8, 2019**

**MOTION by Mr. Granfield to accept the minutes of January 8, 2019. The motion was seconded by Mr. Vaccarello. Vote taken – all in favor. Motion carried.**

#### **VI. Communications:**

None.

#### **VII. Members Comments and Concerns:**

None.

**VIII. Adjournment:**

**MOTION by Ms. Rombeau to adjourn meeting at 8:28 pm. The motion was seconded by Mr. Vaccarello. Vote taken – all in favor. Meeting adjourned.**

Respectfully submitted,  
Tiffany Lewis