

**TOWN OF BEDFORD**  
**PLANNING BOARD MEETING MINUTES**  
**January 9, 2012**  
**BEDFORD MEETING ROOM**

A meeting of the Bedford Planning Board was held on Monday, January 9, 2012, at the Bedford Meeting Room, 10 Meetinghouse Road, Bedford, NH. Present were: Jon Levenstein (Vice Chairman), Bill Dermody (Town Council), Debbie Anne Sklar, Karen McGinley, Chris Riley, Chris Bandazian (Town Council Alternate), Philip Cote (Alternate), David Wall (Alternate), Rick Sawyer (Planning Director), and Colleen Mailloux (Planner II).

I. Call to Order and Roll Call

Vice Chairman Levenstein called the meeting to order at 7:00pm. Chairman Goldberg, Mr. Newberry and Mr. Stanford were absent. Mr. Cote and Mr. Wall were appointed to vote. Mr. Sawyer read the agenda.

II. Old Business:

A. Continued Hearings: None

III. New Business:

B. Application Acceptance and/or Public Hearings on Applications:

1. The Planning Board will hold the first public hearing on proposed zoning amendments submitted by the Planning Board. The full text of the amendments is available in the Town Clerk's office during normal business hours and on the Town website at [www.bedfordnh.org](http://www.bedfordnh.org)
2. ASC Realty, LLC, (Owner) – Request for final approval of a sign waiver to allow a larger than permitted monument sign for the Bedford Medical Park, Washington Place, South River Road & Park Drive, Lots 46-51-1, 46-47-12, & 46-47-14, Zoned PZ.

IV. Concept Proposals and Other Business: None

Mr. Sawyer stated the abutters for Item 2 have been noticed as required, and we do not consider that an item of regional impact.

**MOTION by Mr. Riley to accept the agenda as submitted. Seconded by Ms. McGinley. Vote taken – all in favor. Motion carries.**

- 1. The Planning Board will hold the first public hearing on proposed zoning amendments submitted by the Planning Board. The full text of the amendments is available in the Town Clerk's office during normal business hours and on the Town website at [www.bedfordnh.org](http://www.bedfordnh.org)**

A memo from Rick Sawyer, Planning Director, dated January 4, 2012 as follows:

*Amendment #1* was developed after the December Planning Board meeting to rename the U.S. Route 3 Corridor Performance Zoning District to simply be known as the Performance Zoning District to make it possible to use its criteria in other parts of town in the future (and amendment #8).

*Amendment #2* remains unchanged from the December meeting and would create a new Commercial-2 zone for the three lots that make up the commercial zone where Market Basket is proposed at the intersection of Route 114 and Donald Street Extension. The district would have all of the standards and requirements as the Commercial district with the exception of the 40,000 square foot building footprint limitation. As requested by the Board Amendments 7 & 8 provide alternatives to this amendment for rezoning a larger area to either Service Commercial or Performance Zoning.

*Amendment #3* would create a new River Corridor Smart Growth Overlay District as proposed in the Master Plan. Rick Chellman, P.E., Principal of Nelson Nygaard has been retained as an expert in smart growth development to work with the sub-committee and the Planning Board to address issues raised in the legal review by the town attorney and any concerns that may arise in the public hearing process. Mr. Chellman will be at the public hearing on the 9<sup>th</sup> and is currently working with Mrs. McGinley on a program to run on BCTV that will help further explain the proposed amendment.

*Amendment #4* remains unchanged from the December meeting and would create a projecting sign category and would allow most businesses to have up to an 8 square foot projecting sign. This amendment was developed as a result of the proposed architects building on Bedford Center Road which had proposed an aesthetically pleasing projecting sign that was preferred by the HDC and Planning Board over a standard building sign but it was not permitted.

*Amendment #5* would eliminate the need for below grade tanks to meet the structure setback requirements and has been modified since the December meeting to clarify that they still would not be allowed within the 50' wetland set back.

*Amendment #6* remains unchanged from the December meeting and would remove the Commercial District along Route 101 from the Historic District. As you know the Town Council had appointed an Ad Hoc Historic District Review Committee to make recommendations regarding changes to the District. On December 14<sup>th</sup> the Committee reported to the Council that it could not reach consensus on any changes to the district boundaries or its ordinance.

*Amendment #7* was developed after the December meeting at the request of the Planning Board to provide alternatives to Amendment #2 and would rezone all of the Service Industrial Zone (SI) and the Commercial Zone (CO) that abuts the SI zone into a new district to be known as Service Commercial (SC). The Use Table is proposed to show that any use currently allowed in either SI or CO would be permitted within the new district so no property would become non-conforming in terms of use. It is possible that property assessments may increase for those lots currently within the SI zone when they are reclassified. The existing non-conforming residential

*properties within the SI zone will remain non-conforming in the new district. (A listing of the various uses allowed and not allowed by district are attached at the end of this report.) The SC zone is proposed to have the same dimensional regulations as the CO zone which would allow for a smaller lot size and set backs than currently allowed in the SI zone. No limitation on building footprint size has been included to be consistent with the current SI zone. The signage area currently allowed in the SI zone is 50 square feet so there is a potential that some of the signs within the proposed SC zone may become non-conforming as 32 square feet would be allowed.*

*Amendment #8 was developed after the December meeting at the request of the Planning Board to provide alternatives to Amendment #2 and would rezone all of the Service Industrial Zone (SI) and the Commercial Zone (CO) that abuts the SI zone to be Performance Zoning (PZ). The uses and dimensional requirements would be the same as the current PZ. It would appear that all of the current uses within the proposed district would be allowed uses within the PZ with the exception of the residential properties which would remain non-conforming. It is possible that property assessments may increase for those lots currently within the SI zone when they are reclassified. (A listing of the various uses allowed and not allowed by district are attached at the end of this report.)*

**MOTION by Councilor Dermody to open the public hearing. Seconded by Mr. Riley. Vote taken - all in favor. Motion carries.**

Mr. Sawyer stated we will go through these as quickly as possible. Obviously there are a lot of people in the audience so you can take them all at once or you can take testimony on each amendment as we go. That is up to you. Vice Chairman Levenstein stated I think we'll do each amendment as we go along.

Amendment No. 1

Are you in favor of the adoption of Amendment No. 1 as proposed by the Planning Board for the Bedford Zoning Ordinance to amend Article 275-7 District Names, Article 275-8 Location of Districts and the Zoning Map, Article VIII U.S. Route 3 Corridor Performance Zoning District, Article 275-73 Signs, Article 275-74 District Regulations for Signage and Attachment 1 – Table 1 Table of Dimensional Regulations to modify 27 varied references to U.S. Route 3 Corridor Performance Zoning District to all read Performance Zoning District.

Mr. Sawyer stated this is really a clerical change here to essentially eliminate U.S. Route 3 from that description and just call it Performance Zoning District.

Vice Chairman Levenstein asked for comments or questions from the audience.

Amendment No. 2

Are you in favor of the adoption of Amendment No. 2 as proposed by the Planning Board for the Bedford Zoning Ordinance to amend Article 275-7 District Names, Article 275-8 Location of Districts and the Zoning Map, Article 275-21 Use Regulations, Article 275-22 Dimensional Regulations, Article 275-73 Signs, and Article 275-74 District Regulations for Signage summarized as follows:

**To create a new Commercial-2 zoning district and to rezone Lots 1-24-1, 1-24-2 and 10-2 located at the intersection of Route 114 and Donald Street Extension to be Commercial-2. The Commercial-2 district will allow for buildings with footprints in excess of 40,000 square feet.**

Vice Chairman Levenstein stated there are three zoning amendments which are being discussed all dealing with that particular area of Town. I don't know whether we want to discuss all three together. I would assume it makes sense because they are all dealing with the same thing. We will go to Amendment No. 7 and Amendment No. 8, and then we can ask for comment when we're done with those. Mr. Sawyer stated I think I can dispense with maybe reading the introduction part because it's the same as what we just read on the last amendment. I will read what is in bold.

Amendment No. 7

**To create a new Service Commercial zoning district and to rezone all of the lots currently shown as Service Industrial, Lots 1-24-1 shown as a mix of Commercial, Service Industrial and General Residential and lots 1-24-2 and 10-2 shown as Commercial located along Route 114, Donald Street Extension, Bellmore Drive, Cote Lane, Rundlett Hill Road and Plummer Hill Road to be Service Commercial. The Service Commercial district will allow for buildings with footprints in excess of 40,000 square feet and allow all the uses currently permitted in the Commercial and Service Industrial Districts.**

Amendment No. 8

Are you in favor of the adoption of Amendment No. 8 as proposed by the Planning Board for the Bedford Zoning Ordinance to amend Article 275-8 Location of Districts, Article 275-59 Boundaries of Performance Zoning Districts and the Zoning Map summarized as follows:

**To rezone all of the lots currently shown as Service Industrial, Lots 1-24-1 shown as a mix of Commercial, Service Industrial and General Residential and Lots 1-24-2 and 10-2 shown as Commercial located along Route 114, Donald Street Extension, Bellmore Drive, Cote Lane, Rundlett Hill Road and Plummer Hill Road to be Performance Zoning District.**

Vice Chairman Levenstein stated that these are various attempts and various possibilities of rezoning these particular lots in this particular area of Town. Obviously all of these things cannot be voted on at once, it would just be a mess. What we decided after our last meeting was to just open these possibilities up, see what it entails and to get public comment on all of these three different things. Not all of these will be on the ballot. I presume we're only going to have one of these on the ballot, which we'll decide after we have both public hearings. Afterward the Planning Board gets to vote on what amendments we're going to be presenting to the public in final form. That's why there are three different things, which are all obviously dealing with the same thing but are all different. Does anyone on the Board have anything to say or have any comments before I open it up to the public?

Ms. McGinley stated may I ask this of the Chairman to describe to the public what these three different options are for the same area, which is really what we're talking about. Vice Chairman

Levenstein stated two options are creating entirely new zones. One would be called Commercial-2. The exact allowed uses and everything that would be in that zone are contained within the amendment. It is basically the same uses but allowing different size buildings in it. Is that correct? We're not adding any uses to Commercial-2? Mr. Sawyer replied it would separate size from use. The uses that are currently allowed in the Service Industrial Zone are all in this part and the uses currently allowed in the Commercial Zone would be allowed in the entire outlined area on the map that is posted. So just combining the uses currently allowed in either district to be allowed. That would be the Service Commercial Zone. Vice Chairman Levenstein stated but for Commercial-2 we would have just the uses that are currently allowed in the Commercial Zone, but the sizes would be expanded. Mr. Sawyer replied that's correct. That is Amendment No. 2, which just deals with essentially the Market Basket parcel and the one commercial condominium office building that sits beside it at the corner of Cote Lane and Donald Street Extension. Vice Chairman Levenstein stated the third alternative would be to put all of those parcels that are shown on the map into the Performance Zone, which is what exists over along Route 3 in that area, which is a more broad zone allowing for various different uses and allowing for the Planning Board to create different waivers to allow for what the Board thinks is the best use of the property.

Alan Peterson, 64 No. Amherst Road, stated I live at Riddle Brook Farm, my wife's farm. I'm having trouble understanding where the Historic District ends there. Vice Chairman Levenstein stated there is nothing in the Historic District. This is all up by Donald Street. This is a different amendment. Mr. Peterson stated my concern is how it does affect the Historic District. Vice Chairman Levenstein stated this doesn't affect it at all. Mr. Peterson responded it may in some ways. I'm in the commercial window business and I travel all over the United States because I'm doing specialty work. One of them is historical, and I've been doing it now since the 1970's so I think I have some experience as to how we address just the whole Town itself. I have seen where the Planning Boards have just let things go and affected the historic districts in some cities and towns. Recently I was in Atlanta, in a historical section, and they just built up industrial areas all around it. There wasn't any care for who moved in or anything, well to a certain extent, I'm sure. But it was not appreciated by the people there. That's my thought on the whole thing is to be careful about how you will affect the whole Town by allowing too much commercial or industrial businesses moving into the area.

Kathy Shartzter, 7 Roblin Road, stated I did send a letter with my concerns to the Board so I hope you all got it. I actually have a question. It's my understanding that none of the property owners requested an amendment. Residents can submit information to have an amendment put on to change the zoning. None of the property owners did that, other than the request of Market Basket. I'm talking about the Service Industrial area. Mr. Sawyer stated that's correct. Ms. Shartzter stated so this isn't coming from the property owners of the Service Industrial area. My concern is just the speed that you're rezoning this. I don't know if you know that the article in the *Bedford Journal* that was in last week, it only lists what I think of the five original amendments, and I know you're not responsible for bad information put out in the newspaper, but I think that speaks to the speed that these amendments were changed during that December 19<sup>th</sup> meeting. I believe that whether you create a Commercial-2 Zone or a Service Commercial Zone, based on the last Master Plan we are to encourage sidewalks and pedestrian walkways. This is your first opportunity to create new zoning and I don't see it in there at all. I think

because of the speed you took regulations from industrial and regulations from commercial and just kind of mixed them all together and said okay we've got a new district. I really think if we're going to stand behind our Master Plan, the first time you rezone, and I'm not sure how you do it, this is not my field of expertise, but I think within those regulations you should encourage sidewalks. I know that Market Basket is already incorporating them, but if you widen this to this whole area, it should be in there in writing so that people know if they're going to plan to develop this that's going to be something that the Planning Board is looking for. Honestly I really feel if you go to any of these property owners, the difference from Service Industrial to Service Commercial by my count 21 more permitted uses, those property owners will have. They can put in retail, which they couldn't put in before. They could put in a restaurant there they couldn't put in before. I don't think it's too much to actually look at this part of Town and say what do we really want in this part of Town. My pet thing is sidewalks. But I don't know if all of the setbacks and the lighting requirements, I don't know if all if those are appropriate and I don't know if you folks know because it was done so fast. On Amendment No. 8 I like a lot of what's being done in the Performance Zone, I like a lot of the new traditional neighborhood things that are being thought about for the Performance Zone. I cannot get past Amendment No. 8; my understanding that adult entertainment becomes a permitted use. I think if you were to let residents of Bedford know that if we rezone this as Performance Zone, an adult entertainment establishment can come in there, I don't think the residents will want that. That's hard to find. I guess that's my point. This process and Mr. Sawyer was very helpful to me when I called him, and the fact that you don't have paper copies of all of the full text available, that you have to go to the website. What if a resident doesn't have Internet. I know that's maybe a small percentage, but this is the public hearing and you don't have the amendments in full in writing. Mr. Sawyer responded absolutely they do, and they have been posted at the Town Office the Library and this building. It is right outside in the hall. Ms. Shartzter stated they are difficult. Amendment No. 7 is three pages long and then you have to go to the table of uses to see what it actually means. It's just a lot of information to do in a very short amount of time. The other thing is that property owners were notified but abutters were not. I know that legally you don't have to, but I would think if you're rezoning all of this land and the uses are going to increase by 21 different uses, abutters, especially residential abutters, would be interested in knowing that. And I don't know if the word got out on that. I just think there needs to be more done to educate the public what this means, and a longer time to really understand any unintended consequences of doing this. One other point; this is sort of minor to me, I couldn't tell in the regulations what would these buildings look like. Is there anything in the zoning regulations? Because we have a very different look for Service Industrial versus Commercial what the buildings can look like. The reason that I bring this up is that years ago a former Planning Board member came and talked to the Save Our Town Group, which I was part of way back, just to explain the Planning Board process because a lot of us were really novices, and there was an example of a property that was put on Bellemore Drive and his quote was that nobody really liked the building but we couldn't stop it because it met the regulations. So are the buildings going to look more like Service Industrial, you know the metal sided buildings, or are they going to look more like the buildings that you require in the other commercial part of Town. Those are just my thoughts.

Mr. Sawyer stated I can address some or all of those if you would like. In terms of architectural review, the same standards that apply both in the industrial district today and the commercial district would apply in any of these new districts. The architectural standards aren't in the

Zoning Ordinance; they are in the Planning Board's site plan regulations. If someone were to build any new building today, it would have to meet those anywhere in any commercial zone, be it Performance Zone, Service Industrial, Commercial, Office. Those standards are uniform through the Town so they don't go by zoning district. I don't think that piece of it will come into play. We have looked at the adult entertainment issue for the Performance Zone option and we go through the criteria where that applies. But the biggest one is that you cannot have an adult entertainment business if it is within 1,000 feet of a zoning boundary, and when you look at the way this particular zone lays out, it would make it extremely difficult, if not impossible, and I think it's probably impossible for it to actually to work so that would be a use that although it is listed there and we have to do that for various reasons, I don't think it actually could work in this particular zone. That is one we certainly did look at from a staff perspective early on. In terms of noticing abutters for zoning amendments; we feel we can only do what the regulation really requires, which is a notice in the paper. Certainly both papers have been very good about writing stories about the articles that they feel are most important. Obviously there was some excellent writing done about the Historic District amendment. We did notice the property owners just because we felt like that was the prudent thing to do, but when you start asking about abutters, how far out do you go. If you just use our legal description, there weren't going to be very many people actually noticed, and it is just more work and more cost for the Town. So we chose not to do that and hoped that the word got out and obviously there are a lot of people there tonight so I think the word does get out. Vice Chairman Levenstein stated one other thing is that you're saying that it is being done very fast, but these won't come up to be voted on by the Town until March. There is a lot of time between whatever we decide; we're just making proposals for the Town to vote on. We can't make zoning amendments ourselves; we can only put it on the ballot. So we have a certain period of time when we are statutorily required to notify what we intend to do and then to hold two public hearings, but these won't be determined until the Town votes and that is in March. Ms. McGinley stated I have a couple of things, and what you just said is what we intend to do after we have heard from the public. So the decisions to actually put these on the ballot won't be made until we hear from the public. A number of years ago I served as an attorney for the Town in revising the live entertainment license ordinances to make the Town less welcoming for an adult entertainment establishment to be here. What Mr. Sawyer said about it's being located, it would be difficult from a size perspective to be located here impossible, but also there are some other limitations in other sections of the Town's ordinances.

Mr. Sawyer stated I guess the one thing that you mentioned that I didn't talk about was sidewalks, and I totally agree that if, and again, that's more in our site plan regulations than the Zoning Ordinances, not to say the Board couldn't choose to put in additional language about sidewalks, but it currently states that any new commercial establishment will have to connect their property to a sidewalk if it exists. What are missing are the sidewalks, certainly in this neighborhood or in this area, and that's been a philosophy of the Town for decades now that there was not a promotion of sidewalks generally throughout Town because of the cost. We had this discussion certainly during the Market Basket debate; it really isn't an issue where we have sidewalks on South River Road and Route 3, those get extended and connected to the commercial properties, but here it has been more of a philosophy issue that we're still dealing with that the Town doesn't want to take on that added burden for the most part. But it is something the Board will have to deal with on a case by case basis if commercial properties redevelop in this area. Ms. McGinley stated and Mr. Sawyer when you say added burden, that

means added taxes for the residents, it is the cost. Mr. Sawyer responded typically, and the cost of maintaining them, plowing them. If you do have sidewalks, the Town is required by law to plow them, and then obviously replace them as they fail.

Vice Chairman Levenstein asked for any other comments or questions on Amendments No. 2, 7 and 8.

Stephany Kalil, 15 Laurel Drive, stated I am a property owner in the affected Service Industrial area. I just want to make a couple of comments. First, I think a couple of the amendments are inconsistent and I know that you guys are saying that they are not all going to come up altogether, but I think it might be more effective to separate out the decision of whether we create new zones from which properties go into them, because they are two separate decisions and the properties being proposed to go into each type of zone are different across the three amendments. Secondly, I'm not sure why the Town would be proactive to rezone developed property. I think the rezoning may result in an advantage to property owners, but if your land is already developed and you can repurpose your building, it's a Service Industrial building, and it's going to be rezoned as retail and has a potential tax implication to property owners. We can't take advantage of the change in zoning necessarily, so it's confusing to me why you would reach out and try to change a developed property's zone. Our building conforms to the zoning regulations that were in place when the building was put up, and I'm not sure why we're changing it. Thirdly, I do agree to a certain extent that the documentation is underway and I've been to the website, I've printed off as much as I could, but there's really not a good definition of the new Service Commercial Zone. I have a hand written of what it's intended to be, also the Commercial-2 Zone. It's kind of buried in the paperwork a little bit. It would be really nice to sort of see what the three options are that are being proposed. As a property owner, I agree, I would like more time to sort out what impact this has on us and our business and how we prefer the property to be treated.

Ms. McGinley stated one of the reasons why there is new zoning proposed is that over time there are benefits that arise from technology and different uses that we would like to make available for properties. I know a lot of the properties are currently developed but that doesn't mean that they wouldn't be redeveloped. So we don't look forward into the future and allow some uses that would be suitable for this area in terms of redevelopment then it will never happen. And I think that as the Vice Chair has also mentioned that the three of these would not be all proposed because they are overlapping. They were proposed and put on this hearing because we have to by law propose them in a certain period of time and allow for a hearing, but we would not put all three on because they are inconsistent with each other. What we're giving are three options for the same general area for the Board to consider after we hear public comment. Mr. Riley stated I would agree with what Ms. McGinley stated. What's there today isn't necessarily what is there tomorrow. Those commercial buildings most of them are fairly dated. There is some new development that's going to occur, but for the most part the buildings there are dated buildings. You're more likely to see redevelopment than not. To address one point that Ms. Kalil did make. In reference to the three separate amendments of three separate definitions of three separate zones. That's kind of what the Board talked about last time a little bit and we threw out there the Performance Zone as the third option because it does allow so many different things in it. It simplifies our zoning map a little bit rather than adding a new zone with new requirements that

have to be learned or met. That zone already encompasses a broad spectrum and most developers who come into Town know how to work within that Performance Zone with staff and the Board to put out a new development or a new project. I agree with the point that there are three separate things and that can be confusing right now to the public, and that's the point of these meetings to try to clarify and come up with the one that's the best.

Mike Franzino, 115 Bedford Center Road, stated I actually wasn't here to speak about this, but I'll take the opportunity for this amendment. Also I'd like to agree with some of the other people here. The information was very confusing and there are not even printouts available at this meeting for some of the people to read and be able to understand. I understand this is a very tough topic the Town has to decide because you have one side that you want to attract more businesses, bring more tax revenue in, but at the other side you're affecting residents who are here in the Town and near these areas. I kind of disagree with not informing the abutters. For me personally, I travel a lot, I'm never around. I found out about this because a neighbor stopped by and told me about it. Unfortunately I don't check the Bedford website daily and I'm not here to read the *Bedford Journal* and stuff like those. Those aren't papers of my choice. It would be interesting to figure out some other way to get this information out especially to the people it really affects. When you're making these changes, you really have to sit there and pretend that is where I live and how would that affect me personally. If we asked around the Board of all of these amendments, how many of the people actually live in these areas that are being affected. I see one person, and for me I live in the Historic District and I would like to see those changes made because it is not in my backyard versus what is proposed for mine. These are the proposed changes. Coming out of these meetings is there a chance to amend them or change them and say we wanted to change the use case or is this pretty much that you guys would decide to move forward? Mr. Sawyer replied minor changes can be made by the Board primarily tonight if they chose to make a change. With a significant change we would have time to re-notice it in time for the next public hearing in two weeks, but after that we would run out of time in order to meet the statutory requirements to file the amendments with the Town Clerk. Major changes would have to be made tonight; minor changes could be made after the second public hearing. Mr. Franzino stated so we already heard that a lot people are actually confused of what's being proposed, but we're saying we can change them or make them clearer to the public. Mr. Sawyer stated absolutely you can make them clearer. That would be considered a minor amendment, in my opinion. If there is language that would help make things clearer, that absolutely could be made at any point.

Mr. Franzino stated I'm not sure of this area, but making these changes does it lead to more development where more driveways or more accesspoints are going onto Route 114 itself or all the accesspoints from side roads to it. Mr. Sawyer replied Route 114 is a limited access highway controlled by the State. I cannot foresee any curb cuts being issued by the State on Route 114. Mr. Franzino stated okay, so I just have a concern when I see this district being built. We're going to end up with another Route 101 with the whole bottleneck and traffic jams. We also have to be considerate, besides the residents of Bedford; it is all the people that use the road in the other towns beyond that. We've also been seeing in the paper lately a road battle between two towns in another area, and we have to look at how does this affect the traffic, how does it affect the moving. Right now we get to the Route 101/Route 114 intersection, that turns into a bottleneck, and that pretty much rides the whole Route 101 way until you get past Wallace Road.

Are we going to do that same thing to this road also and jam it up? But from what I understand it's not going to result in any new entrance points along this road? Mr. Sawyer replied that would be my opinion. Someone could always petition the State and try it, so I won't say it could never happen, but I cannot foresee the State issuing a curb cut. It's not to say someone couldn't expand their use on Bellemore Drive, as they could today. Somebody who owns property on Bellemore Drive today, it is industrial, they could expand their industrial building or expand their employee base, they could have more employees starting to come, so you might see more traffic, but that would exist today. It is already zoned industrial. What we're talking about here is increasing the number of commercial uses that could also be built there. Mr. Franzino asked and this would also affect the size of a building that could be built on that lot, which would also mean more people or more parking lots? Mr. Sawyer replied well there are no building restrictions for size in the Service Industrial today. The only restriction currently is in the reddish area on this map posted, which is limited to 40,000 square feet. In the larger area there is no building size limitation and there are some fairly sizeable buildings there. Mr. Franzino asked so this change doesn't change the density of what you can build in that area. Mr. Sawyer replied that is a little different question. Some people look at density by lot size. Currently the Service Industrial district has a 3-acre minimum, and in this amendment we're showing those to use the commercial lot size which is 1.5 acre. And then in the Performance Zone there is also some other abilities to make that even smaller if you meet certain criteria.

Sharon Stirling, 33 Birchwood Circle, stated the point that Mr. Sawyer just brought up is the reason why I say no to all three amendments. Keep the zoning as it is; that's my opinion.

David Patryn stated I'm a partner in the two real estate buildings across the street from the Market Basket project, Lots 10-3 and 10-4. I've been around that property my whole life. I used to collect golf balls on the course with Frankie, and I got my first paycheck in the kitchen when I was about 11 year's old washing dishes. I heard the burden used here before. The tax burden is on the two properties that I work on; they have increased 50 percent in the last five years and it's really become unbearable, and if these zoning changes are going to increase the taxes on those properties, I'm not interested. I didn't come asking for this. If some big retails want to come in and knock those buildings down, then God bless them, and then do the rezoning. In the meantime, if the taxes are going to go up, don't do me any favors.

Ms. McGinley stated I don't think that a permitted use on an improved lot changes the taxes. I think that the existing uses on the property creates the taxes. It would be like for instance if you have an acre and a half lot, which is most of our residential zoning, and you have a 2,000 square foot house on it, the fact that you could put a 6,000 square foot house on it does not tax you as if it could have a 6,000 square foot house. So the lots that are actually improved are assessed on what is there. The one thing that could be possible here is that you have a variety of uses that actually add to our tax base. That is one of our goals with the Performance Zoning is to encourage businesses to come help us carry our tax burden that all of us homeowners pay and that would be one of the benefits of this. Mr. Patryn stated what I'm saying is that if you have the Service Industrial property and all of a sudden you people turn around and say we want you to be Commercial Service and we're going to tax you another \$10,000 a building, I don't want it. Ms. Sklar stated I did read somewhere in one of these amendments that tax assessments might change if the properties where rezoned. Mr. Sawyer responded it's in my staff report that is not

in the amendment itself. But in my discussions with the Town's Assessor, he said he would have to look at it. If any one of the three amendments did pass, generally because all land in Town is valued based on how it sells throughout Town, so the industrial land has a price based on what it typically sells for. Commercial land certainly has a price based on what it sells for and Performance Zone yet a different price based on what it sells for. So depending on which of the options comes forward, there could be some reassessments based on the change in zoning, the land value. Ms. McGinley stated the land value but not the land that has a use on it already. Mr. Sawyer replied absolutely. But those are the kind of incidents that I think he's speaking to.

Bob Gallagher, Galloway Lane, stated going through what he was talking about I have two concerns. One is that we lose the Service Industrial and these other uses would displace it. There aren't a lot of places left in Town for businesses that aren't medical office buildings or retail, so people who need to have shops or commercial activities, my concern would be to change this they could quickly displace them. One of the points I was actually going to bring up is what he did about the tax assessment. It will affect the taxes, and an example would be, if you're familiar with Tilton where the Home Depot is. There is an Agway up front that used to be there, it just recently went out of business. A friend of mine happens to know the owner of that store. When Home Depot went in behind them, the Town increased their taxes on that property significantly to the point that they almost lost the store. The fact is the assessment is based on the retail value of the property, building or not. It doesn't matter if there's a building on it. If that land is worth something if somebody is willing to pay for it that is the assessed value. I don't know what Demoulas paid for this parcel across the street, but it was a lot. It was enough so that the owner on Bellemore who owns the vacant lots has increased the selling price they were asking to like \$1.4 or \$1.7 million. So somebody thinks it's going to be worth a lot more and the Assessor would be bound to have to apply that cost in setting the assessment. So it would be very easy for these industrial uses that are surrounding to have an elevated tax rate that would make the use that they're using the building for unaffordable and thereby drive them out. That would be my concern.

Jim Lamp, 30 French Drive, stated I represent DSM, Demoulas-Market Basket. I'd like to thank the Board in their efforts to try to address what I think over the past year and a half we have seen as having some inconsistencies in the zoning. For the folks who are in the audience, we own two of the tannish colored lots on the map, kind of the doughnut hole in the middle of the doughnut. I think what at least Amendment No. 2 is trying to address is that the purple has no restriction on building size or footprint and the interior one has a 40,000 square foot restriction. What Market Basket is proposing and has been approved, and is in the courts right now, is 78,000 square feet, and we would be in support of the second one because we think it keeps it simple and it addresses our issues without extending the boundaries around where I can see what the abutters feel are issues that are unknowns that make them nervous. I can understand that. Whereas Amendment No. 2 really just addresses a permitted plan and tries to correct the zoning as the Boards had seen fit in the Town. We're in favor of Amendment No. 2.

Ms. McGinley asked do we as a Board talk about these or are we going to do these after it is over. Vice Chairman Levenstein replied we can talk about them now. Ms. McGinley stated I'd like to hear what the rest of the Board has to say. It seems as if Amendments No. 7 and 8, which we came up as an alternative for consideration for Amendment No. 2 that go broader than the

initial site that we were reviewing, have raised concerns with not only the residents in the area but other residents in Town. And it may be that those are a broad enough change that we should do this in a more considered way so that we bring them up when we're not under the gun with regard to the language and the depth and the affect. For instance, if we want to put this forward on the ballot for next year, we start talking about them in the summer. I don't know if we ever do that, but it would seem reasonable to be able to look at them at a point where we're not statutorily restricted by time. Mr. Sawyer stated absolutely. Ms. Sklar stated I'm going to agree with Ms. McGinley on that. I've just been sitting here. I was just going to vote no. There is no way I'm prepared as a Board member to vote on these. I haven't thought about any of the issues. We just kind of had it put in front of us. Vice Chairman Levenstein stated we're not voting on them today. Ms. Sklar stated I know, but this is something that requires a lot of thought. You're talking about changing the entire ambiance of that area and what affect will it have on traffic and on infrastructure and on neighborhoods and do we want all of these uses there, do we need all of these uses there. They are all legitimate questions that for me I'm slow, I'm just not that fast on things to make that dramatic a change, I would really want to think about. I would want to understand why was it zoned Service Industrial first, what was the thinking there. I assume it was because maybe it wasn't an intense use. This will be a much more intense use. The lot size is much smaller, there will be much more density, do we want that, do we need that. So I agree with Ms. McGinley; I'm not prepared to discuss Amendments No. 7 or 8. I think everyone knows how I feel about Amendment No. 2 probably, but these make Amendment No. 2 look much better, don't they. Vice Chairman Levenstein stated without going into how we would vote because we're not voting today, I think that it's important that we get input, and I think that there certainly have been a lot of valuable points brought up and things which we may not have thought of. There's another public hearing in two weeks and I don't want to say today that I'm voting against it because in two weeks people may come ahead and come up with all these ideas of why it is a great idea. So I think that's what the process is all about. We have two public hearings and then we get to decide. One of the issues I had with Amendment No. 2 was a concern that we had last year with whether it was legal or whether it was spot zoning and whether it could be upheld, and I think that's something I would like to hear an answer to. I don't know whether we've gotten that yet from counsel, but I know that that was an issue last year when we actually brought this up. Ms. McGinley stated it wasn't this ordinance. It was a different one. Vice Chairman Levenstein stated it was different but there was discussion about whether it was spot zoning even if we had created a new zone. Mr. Sawyer stated all of the amendments have been reviewed by the Town Attorney and he agreed that they were all able to move forward. Vice Chairman Levenstein stated he agreed last time until the last meeting too. We're not voting today, like I said, we're going to vote after the next public hearing and we'll see. That is my feeling.

Amendment No. 3

Are you in favor of the adoption of Amendment No. 3 as proposed by the Planning Board for the Bedford Zoning Ordinance to create new Article XV River Corridor Smart Growth Overlay District.

[This amendment is intended to create an overlay district that would provide for more compact mixed use projects, which could include residential components within the Performance Zone provided certain design and zoning standards are met. The creation of this overlay is a recommendation of the 2010 Master Plan. The complete text of the 16-

page amendment is on file for public viewing at the Town Clerk's Office and on the Town's Website.]

Mr. Sawyer stated anytime anybody can always come into my office and request a hard copy of anything the Planning Board is doing and maybe we should include that in the future descriptions. We are not prepared necessarily to go through 16 pages tonight. We do have a consultant making some revisions to the text that will be presented at the next public hearing and posted this week, so that they are in conformance with the posting requirements. There was a subcommittee that has been working on this actually since the master plan was adopted and specifically started earlier this year in pulling together this ordinance.

Ms. McGinley stated this ordinance is just for the Route 3 area, the River Corridor as we're calling it in this ordinance, and it will allow by choice a different style of development so the underlying Performance Zone stays there, and if a landowner wants to do that, he or she can do that. This would allow for a type of development that has arisen over the last 20 years called Smart Growth. Smart Growth creates the ability for a more traditional development. By traditional I don't mean historical as we would see in a Historic District but a development that you might have seen before the advent of cars, where commercial developments were built in a place that was close enough for the citizens to walk to and we've veered away from that since the 1930's because of cars. We have separated all of our uses and most of us who live in Bedford have to drive to the grocery store and then get back in our car and drive to a doctor's appointment and then get back in the car and drive to a restaurant. Even in the Route 3 area we have to do that. There is very little connection between the properties. We have, I know in the Performance Zone, required connections where there can be. On the southern end of the Performance Zone we have some internal roads that we have been working on as the lots get developed. So this would allow for a more compact mixed-use development. The residential that the ordinance provides for is not a single family home development but residences in incorporation with commercial uses. You could have an office building with offices on the first two floors and apartments or condominiums above or a commercial development where one of the buildings is a row of townhouses. I think that would probably be more appropriate in an area that abuts residences. I know on the northern end of Route 3 in particular we have some of the Performance Zone where this would apply, lots that abut residences and that would be appropriate. In 1991 we were the first town in the country to adopt a traditional neighborhood development ordinance. There was a developer that had proposed building a New England village here in Town and it was drafted and adopted here in Town. Unfortunately it was adopted in 1991 so the project didn't get built because of the real estate economy in New England at the time. But many of these styles of developments are being built over the country. There are developments such as the one in Londonderry, which is referred to as a greenfield site, which is from the grass up. So you take a development or a very large piece of land that has no development on it and you plan commercial and schools and residences, single family homes, that is not what this is. This is to blend with our current commercial area. And because of our current buildout would encompass both development of sites that aren't developed, but also redevelopment. So if you take an area like the Bedford Mall and the Wayfarer Inn and Macy's, if you look in the master plan exhibits, there was an exhibit to the master plan that consisted of visuals of what it could look like under this type of ordinance. This is a general description. The design standards will require sidewalks; sidewalks are very important in this type of

development and parking, so that it is not as prominent as we have on a commercial lot with the big box store with the parking in front, so it is a more walkable area. Part of the problem that you have in a commercial area where there are sidewalks along a road such as Route 3, they are not inviting sidewalks to walk on, so this would have sidewalks in an area that would promote more walking. One of the goals of this type of development when built out is that you would park your car once and you would be able to walk everywhere you want to walk. I know if you keep tuned to Bedford Community Television in the next few weeks, I'm going to tape a segment with other people to help describe this and we'll have some visuals to help people understand it.

Vice Chairman Levenstein asked for comments or questions from the audience.

Bob Gallagher, Galloway Lane, stated I have spoken with Mr. Sawyer on something similar to this. One of the biggest problems I see with a lot of these towns is they don't want to allow you to work out of your house; they don't want you to have a shop or a home occupation. I like to call it entrepreneurial zoning because it would be nice to have a location where the front of the property is the house, maybe walk through the back gate, and like on Harvey Road you have industrial condos or some sort of a facility where it is part of your property. The concept where people are buying a house that is worth say \$400,000 or \$500,000 and they basically get to eat, sleep and use the facilities is kind of a ridiculous concept. In order for these businesses to be able to be competitive worldwide, I happen to in my business compete with China, Pakistan and India. You're dealing with a very, very competitive situation where you have to keep your costs down. So to own a commercial property and then to have to have a house, businesses that would not be competitive otherwise, when you can combine the two, you can reduce your costs significantly. I know that based on the flyers that you handed out, they're looking more for this village concept, which is fine, and I have no problem with that. I think it's great in the old days where people who chose to could live upstairs and have a storefront downstairs. My concern would be that it is going to be all retail and not really accommodate the wide variety of uses that people need for say engineering or some sort of light manufacturing. In other words, the things that people do, tradespeople who might come home with trucks at night, have a service van or do a little bit of work inside to do repairs and then go out and install. If you were going to do it, I think it's a great idea, I just would like to make sure that really encompasses the needs of all the people in this community not just the people who go to work and doctors and lawyers that really can accommodate the people who work with their hands and have other skills and other things. It's something I think is a good idea. I also had talked with Mr. Sawyer about I'd like to see something I like to call transitional zoning. You get this buffer area around some of these districts, like the Service Industrial and the Performance Zone where you're starting to bump up onto residential. Those, to me, would be an ideal place for a home occupation, somebody who wants to build a nice house and maybe towards the commercial side a commercial building so their house is basically facing the residential, they work, their property becomes the buffer, the transition between the two. So the backside is facing more towards the commercial. I think it is something that's sorely lacking and that's one of my concerns. I'd like to see as much use or versatility of this Service Industrial, but my concern is that that property that's over by Route 114 could quickly get gobbled up with either housing or high-end retail. Retail tends to come in and pay ridiculous prices for land; it doesn't matter whether they're going to be successful. Lowe's built the new store over in Manchester, it lasted a year, and that's gone, and the question

will be how long Lowe's lasts here in Bedford. Some of these things look great, yeah the Town says great we're going to get this big tax chunk from this big application, but I think they forget that they are really locking out the filler businesses. And it is these filler businesses that provide jobs to your kids to get the training to get their first job. Not everybody advances by working say as a retail clerk or going to Burger King. I think it is a good idea, I'd like to see a little bit more versatility through the community and not just all pinned into one small location.

Ms. McGinley stated one of the things that ordinance will do is allow for a great variety of uses. Our current Performance Zone has the most uses of any zone in Town, and the retail that you see and most people visit, but there are a lot of offices and other more industrial in various lots on Route 3. With this overlay district you could take an already developed lot and put other uses on it. So a use like you described that would blend well with an office building, would be the work-live building where it is some type of shop on the first floor and residence on the second. Mr. Gallagher stated I talked with Mr. Sawyer and the way the Performance Zone currently is zoned home occupations are specifically prohibited and I'd like to see that at least changed. If you owned a single family home and decide you want to build a shop out back, live there and work there, I believe that is currently not allowed. Ms. McGinley stated I'll make a note that we should add that because this new zoning would be in lieu of the Performance Zone so if there is something that differs in the new zoning; it is permitted even if it is not permitted in the Performance Zone. So I'll make sure that home occupations are permitted in the new overlay district. That's a really good point. Mr. Gallagher stated even a simple concept would be where you might have a street that would come in where you have a row of houses that are facing in towards each other, where cars would come in to access the residential portion and outside the back, facing out the back, would be where the trucks or the commercial aspect would be. It would be like a U and then an outside U, so to keep the two separate but you'd have the same concept but not necessarily have to be built up as a multistory buildings. You could still have several single family homes that had the same concept, the front of the yard is the house, you go through the back and the back street is where you get to that aspect of it. Ms. McGinley stated one of the unique aspects to this as opposed to a greenfield site, is that we have an area that is already greatly developed, so I think you'll see the application of this ordinance over a good number of years. It's not something that's going to spring up right away. We are bottoming out on new commercial areas in terms of trying to increase our commercial taxes in Town. We are close to using up all of our land. So this would allow a greater intensity of use so more buildings on the same amount of dirt that have done well, that works well with both the current and the other uses in the area could allow us to increase our commercial base which would help our residents' taxes.

Mr. Franzino stated I agree with that gentleman. I'd like to see more of this mixed-use zoning for people who are like an entrepreneur, who want to start something and say we can't really afford to do it by buying a shop and then living in a separate home. Just for my example, I have a workshop that used to be the blacksmith's shop. I can't use that for anything business related, I can only use it for a hobby where the house was built exactly for that purpose. If I have certain things where I have to grind or weld where, you don't want to do it in your home, it would be nice to be able to some of that stuff in this detached workshop and I think it would be a good thing. One thing that comes to mind was last year the guy who retired and wanted to be a gunsmith. He has to work in his basement during retirement rather than being in his backyard

with this nice shed he built. I think we have to look at it. How do you prevent it from being a huge company with lots of people showing up and disturbing that neighborhood versus something where somebody is starting off, doesn't have the funds to do a full-up company and own two sets of properties or somebody who just retired and as pension plans are dissolving we have to figure out ways to make money on the side even though you are retired. Turning a hobby into a job is a perfect solution.

Ms. Shartzter stated do I understand you correctly that this overlay district is by the river. Ms. McGinley replied no, it is not just by the river, it is the entire Performance Zone, which is the Route 3 area that runs from Merrimack to Manchester on both sides of Route 3. Ms. Shartzter asked if the Service Industrial got rezoned as the Performance Zone, would this be applicable up there too? Ms. McGinley replied no it would not. Ms. Shartzter stated that's what I meant. Just the part of where the Performance Zone is now. Ms. McGinley replied right. Ms. Shartzter asked is there a reason why? Ms. McGinley replied because we don't know what's going to happen with the Route 114 area. The intensity of use requires water and sewer. Mr. Sawyer stated in that area sewer is an obstacle. Market Basket is extending the force main for themselves and possibly an extension, but there is no plan to fully sewer the entire Service Industrial district. Ms. McGinley stated if this gets adopted and it is something that could be looked at for that Route 114 area that we've been looking at today, the broader area. It could be something that could be looked at. Ms. Shartzter stated I think this process where it looks like this was really thoughtfully done. I think that process is what you want to do for the Service Industrial area in terms of slowly looking at it, really thinking outside the box, talking with the property owners and the residents. Ms. McGinley stated I think it did help that it came up during the master plan process and it was thought through then. It wasn't put into the statute or the ordinance, but I understand what you're saying. Ms. Shartzter stated twice during the master plan process I tried to bring up this area of Town. I went to a visioning session; I know it because I did not go to my niece's first communion and it was not deemed a big enough issue or wide enough scope or something. I had my one little area of Town, and then I filled out something and sent it in separately. I wanted this part of Town to be a larger part of the master plan and I had no luck. Ms. McGinley stated in my first description as I was looking at our earlier discussion about Amendments No. 2, 7 and 8, and looking at the smaller lots near there, I thought that if I lived in that area I would love to be able to walk not only to the new Market Basket, which is planning to be constructed, but say to a restaurant or to some other types of shops and along with the developments and the sidewalks you might have the ability to do that. It is unfortunate in Bedford that I think I'm one of the many, like you are, that wishes that we had more sidewalks. I'm a runner, but it is an easier thing for a runner to hop off the road when the cars zoom by than a child on a bicycle or a mother or dad with a stroller. Some of these in smaller sections of Town may have the possibility of getting built. I'm not sure it would get build all over the Town though.

Jeff Shartzter, 7 Roblin Road, stated you mentioned about sewage and things of that nature. You have a fixed area there that you're looking at, and if you're going to be rezoning it where it is going to be much more dense; who is going to pay for the sewers. Are people going to come in and you're going to have four or five small businesses come and get together and pay for sewers to come in there? If Market Basket has a full sewerage line going in, are they going to have to go through Market Basket? There is an impact to this. There is water; are they going to go on

wells. This is my neighborhood. Vice Chairman Levenstein stated there are no proposals to put sewers over there. This is part of Route 3. Mr. Shartzter stated so what are you telling me. Now I have more dense buildings and more sewerage coming out by more people using it. Is it going to start smelling? Vice Chairman Levenstein replied you're going to have septic over there I assume. Mr. Shartzter stated you assume that. But what I'm saying is that you're going to have more people and more septic, there is an impact to the local area, and there is an impact to the water table. You know right over by where O'Donnell's was there are a lot of low wetlands over there. Tell me what's going to happen with that. There are impacts there that if you change the zoning it is going to have an effect on. So you have to think about that. With regard to traffic; right now traffic is bad. If you get it denser, it's not going to be right. Vice Chairman Levenstein stated we've already discussed that one. Mr. Shartzter stated I know you're done, but I'm just saying you mentioned the fact that they're not going to have sewerage over there, there is an impact to that. And I'm just wondering how can you go in and change zoning when there isn't any plan to address sewerage, water and the conditions and the effect on the local area. Ms. McGinley stated an example of how you do that is you require the users of those new uses to bring the services in. I know that the new construction that is going on that we all notice at the corner of Route 101 and Route 114, that property was not serviced by sewer and water. I know they brought sewer and water in. Those usually are brought in by the proposed users. But back to Amendment No. 3, it is in an area that generally has water and sewer and that's why it is being proposed in the Route 3 area.

#### Amendment No. 4

Are you in favor of the adoption of Amendment No. 4 as proposed by the Planning Board for the Bedford Zoning Ordinance to amend Article 275-6 Definitions, Article 275-74 District Regulations for Signage, Article 275-68 U.S. Route 3 Corridor Performance Zoning District Sign Standards and Attachment 6 – Table 6 Table of Performance Zone Sign Standards, summarized as follows:

**To create a new projecting sign category and to allow for projecting signs not to exceed 8 square feet in the Commercial, Office, Neighborhood Commercial, Highway Commercial, Service Industrial and Performance Zoning districts.**

Mr. Sawyer stated this is essentially creating a fairly small sign that can project off the end or a sidewall of a building as was proposed in a project on Bedford Center Road but wasn't allowed by the ordinance. I believe the applicant went to the Zoning Board with that request, but I think it was favored by the Historic District Commission and by the Planning Board but wasn't permitted. I think you usually see these in situations where you'd be walking along a storefront and you can see the sign versus trying to look up and see the side of the building; a fairly small sign but essentially allowing another sign in all commercial type districts in Town.

Mr. Wall asked is it conceivable if this ordinance is adopted we could have a sign 1' X 8'? Mr. Sawyer replied yes; eight square feet. We have not designed it for certain shapes, and in fact often you see these shapes that might look like a loaf of bread because it's a bakery. Often these signs take on different shapes or a bicycle wheel to reflect a bicycle shop or things like that. Ms. McGinley stated after this was proposed I walked in downtown Manchester and did notice more going down the sidewalks that all the signs that did project out, because as you're walking down a sidewalk it is hard to pinpoint a location of a shop or an office if it only has flat signs on the

glass or on the building. Actually there is a new bakery in downtown Manchester but it does not have a protruding sign and it was hard to find. You couldn't find it to begin with as a pedestrian. I think in areas that would have pedestrian traffic this will be a very good thing for the businesses. Mr. Sawyer stated and likely you wouldn't be able to really see these signs if you traveling along the road in a vehicle unless the building happens to be sitting right along the street. The quilt shop, for instance, might be able to utilize something like this, but most of the shops that we see it are not going to have any impact from the street. Mr. Riley asked these are the signs like on lower Hanover Street. Nice little signs. Ms. McGinley stated that's actually what I was talking about.

Amendment No. 5

Are you in favor of the adoption of Amendment No. 5 as proposed by the Planning Board for the Bedford Zoning Ordinance to:

Amend Article 275-6 Definitions by adding the following words shown in bold as follows:

“Structure” – A combination of materials for occupancy or use, such as a building, bridge, trestle, tower, framework, **an above ground** tank or group of tanks exceeding 500 gallons, tunnel, tent, stadium, platform, shelter, pier, wharf, bin, sign, fences and retaining walls over six feet (6') in height, swimming polls, sports courts, or the like.

Amend Article 275-28 Specific Provisions subsection A by adding the words in bold as follows:

Structures **and underground storage tanks** shall be set back at least fifty feet (50') from Hydric A soils and at least fifty feet (50') from Hydric B soils.

Mr. Sawyer stated essentially what we're doing is allowing underground tanks to be within the building setback or structure setback, but not allowing underground tanks to be within 50' of what we commonly consider to be wetlands. It's been an issue on a few properties in the past year or two. Actually this came specifically as a recommendation from the Building Official.

Vice Chairman Levenstein asked for comments or questions from the audience.

Amendment No. 6

Are you in favor of the adoption of Amendment No. 6 as proposed by the Planning Board for the Bedford Zoning Ordinance to amend Article 275-8 Location of Districts and the Zoning Map to remove the Historic District Overlay from those properties that have a base zone classification of Commercial.

Mr. Sawyer stated obviously I think we all understand what it means, but it would be to remove this portion of the current Historic District as indicated by the bold line on the posted map along the outside and it currently extends across Route 101, showing the French Atwood Marketplace, Walgreen's, the bank, along Chestnut Drive, all the properties that go along Route 101 on that side of the road and where Dunkin Donuts is, Harvest Market and those properties somewhat along Bedford Center Road and Route 101. So it would eliminate the commercial district. It will still leave that small little neighborhood commercial district, which is the former flower shop on No. Amherst Road, but the remainder of the district would be purely residential. Mr. Riley asked Mr. Sawyer, could you say exactly so everyone knows exactly where you're talking about. I know there is a map posted, but when we discussed this the last time, we're talking

about just a small stretch of Route 101 and I don't want people to start thinking it is changing the entire Historic District. Mr. Sawyer stated the easiest way, the general description; I would probably say it is from Nashua Road to Wallace Road. The rest of the commercial district is not in the Historic District. Mr. Riley stated the Mobil station is already not in it, anything after Mobil heading toward the Bedford Village Inn is not in it; anything after Wallace Road heading up is not in this section. Mr. Sawyer stated the hotels, Hannaford as you get further down, Beal's Insurance; none of those are in the Historic District. That is correct.

Mike Franzino, 115 Bedford Center Road, stated I'd actually like to start off by pointing to my house that is affected by this (indicated on map). We also have the commercial building across my street and the new commercial building that's being built across the street also. I'm having a tough time with this proposal because it's not just Route 101; it is Bedford Center Road also that's being affected. If you look where my house is located, I'm surrounded by the Marconi Museum, which is commercial, the flower shop, which is across the street, I have the Town Hall, which is right behind me, across the street is the current building that existed when I moved in, and then right next to me also on the property is an old historic house that was leveled and now you guys can see a steel building being built in replacement of that. I just want to explain a little bit and go through a couple of parts so I can get my viewpoint and also as I'm speaking try to imagine you living in my residential home. It means a lot more. It is one way where it brings in revenue to Bedford, but another point it does affect people a lot. I just wanted to explain and it's not really too applicable because it is the Town. You take the Town lot, and I want to show as a residential have to follow one set of rules and then you get what you guys are proposing is a building following a separate set of rules and then being right beside me. So being right next to the Town parking lot being my backyard, they don't have to follow the zoning rules or the Historic District rules. An example is when they repaved the parking lot, they were able to repave up to the property line and not require screening that would normally be part of that. That is a pretty good hardship to be having a neighbor that can do one thing where you are required to do a separate thing. Vice Chairman Levenstein asked are you in favor of getting rid of the Historic District totally? Mr. Franzino replied I'm going to get to that in conclusion because I think it's either we have to choose to keep it to apply to both businesses and residential or we just eliminate it totally. But to have a mixed-use where you can have a homeowner who doesn't have a lot of resources be required to spend more money to meet Historic District requirements and then have a business right next door that can do whatever they want, which is what this proposal does, and it really doesn't make sense. You're either preserving the Historic District or you're not, is the main point I'd like to get to. Another example would be, I had to put in wood doors, but my wood doors look at metal doors, which are right next to me in the Town office. I also want to talk a little bit about the building that they built; we had a historic house that was identically the same to mine, and that home which existed was able to be torn completely down and now a very large building is being built there in replacement of it. So we have the Historic District saying hey we have to keep your house historically correct and then we have the business knocking down the historic house and building a metal building. The two of them just really are sending mixed messages again. Either it is a Historic District or it's not a Historic District. To explain some of my hardships of living in the Historic District, for an example I had to put in replacement windows. Replacement windows on average run about \$200 to \$300. Being in the Historic District they did not want me using replacement windows, they wanted me to put in new windows and also the windows had to be wood. By the time I can get them to

agree to that, those windows cost me \$600 each, times 20 windows in my house, that is a substantial increase on somebody who bought a house in their 20's trying to afford to live in an area that has grown up. So those hardships do not apply to 95 percent of the residents in Bedford, but for me those hardships do apply. It's not like I'm really benefitting from the Historic District as the old historic houses are being torn down and a commercial building is being built. Vice Chairman Levenstein asked how long have you lived there? Mr. Franzino replied eight years now and there have been drastic changes since living there. Also there are the hardships of the cost of the permit fees, the time to write the application. It is very nerve wracking for a resident to come up here and speak in public, be recorded on TV, and also you usually do not get approved the first time you come to the Historic District Commission. As I said before, I travel a lot working for the military and I'm not available to come every second Tuesday. For an example when we were working on the fence, I had to go to the Historic District Commission, who sent me to the Zoning Board, the Zoning Board sent me back to the Historic District Commission, and this dragged on for a couple of months, and during that time it is very stressful. It is your property, it is your investment that is in the control, especially being in the Historic District, of more people that don't apply to people who do not live in that Historic District. If I see a tree on sale at Lowe's, I can't buy that tree. I have to come here, apply for a permit, two or three months later I can get approval to dig a hole and put a tree in, so I can't take advantage of any sales going on at Lowe's by living in the Historic District. It is just tough for me to see that you're going to take this requirement away from the buildings across the street from me or on the side of me and still require me to go through this hardship because I don't have the historic, beautiful homes around me anymore, they have been knocked down. It is stressful and I can get a little emotional, I'm trying to present very well. It is stressful having a second Board what can decide what can be done on your house and not be done on your house. Again, it doesn't happen to the majority of the people out there that are listening to this and they don't understand that and even if you guys are not in the Historic District, you might not be able to understand it. So you really have to decide do we want a Historic District, and if you want a Historic District, leave it as is. If you don't want a Historic District, then get rid of the Historic District, but by having that whole area rezoned and my house being right there in the middle of it and I'm the only one that has to follow that rule, it's not fair to me. All I'm going to say to you guys is you have to choose one or the other. If you want to go this route and you want to keep it the mixed-use, then I would like you guys to rezone my property commercial because it is a commercial area then, and I can't have a residential home in the middle of a commercial district out there. Vice Chairman Levenstein asked Mr. Sawyer, we're not rezoning any property there; we're just getting it out of the Historic District. Is that right? Mr. Franzino stated maybe I don't use the word rezoning, but if you're going to go ahead and have a Historic District and not make the commercial buildings all around me not apply. Vice Chairman Levenstein stated they all went to the Historic District Commission. Mr. Franzino replied right they do, but you're proposing that they would not have to. So if you're going to go that route where commercial does not need to apply anymore and I do, then I don't want a residential home in that area. I would like a simple amendment to change it to a commercial piece of property and we will develop it like the view that we're proposing up there of it being a whole commercial area. Either keep it the same, change it, get rid of it all, but if you're going to do this mixed case, then I say add any change to make my property commercial in the rezoning. This is the only example you guys had where you haven't gone along and changed everything to be equal. You guys were

talking about spot zoning before, but if you're going to go change only Bedford Market Basket to be at all consistent, then change over here to be all consistent.

Ms. McGinley asked is the outline of this new area put that way because it is commercial and the rest of it is residential? Mr. Sawyer replied that's correct. Mr. Franzino stated it's tough to see. If you see the Town building behind it, that does not apply to the commercial district either, so that should be red, because it is already like that. And then the Marconi Museum does not apply, and then if you're going to include those two, you might as well include the flower market. Mr. Sawyer stated it's not a use map, it's a zoning map. A use map would have different colors on it based on different things that are going on in the area. Mr. Franzino stated but I strongly, strongly discourage this mixed-use applying to the resident and not applying to the business because the business is pretty much getting away with doing what they want and the resident is incurring all the hardship. Councilor Dermody stated I was on the Historic District Commission for a while and I recall some of your difficulties with the Commission. There was very recently an Ad Hoc Committee who was performing a review of the Historic District Commission. Did you attend those meetings and make your thoughts and feelings known to them? Mr. Franzino replied again, I travel a lot and I'm not really aware of a lot of these meetings that are going on. Mr. Cote stated I just had a point to make. You said something about not being able to plant a tree, but I don't believe the Historic District regulations have that. Mr. Franzino stated I had to go back because I planted arborvitae trees and I had to get permission from them. It does. Mr. Cote stated I thought the rules said that landscaping is not a purview of the Historic District Commission, unless I'm mistaken. Mr. Sawyer stated historically it has been. There has been a recent change that would allow some better flexibility in that regard. I don't know if it necessarily would have applied to his situation or not. I'd have to look at that. Mr. Franzino stated for me planting an arborvitae tree has caused issues.

Richard Moore, 27 Bedford Center Road, stated I'd like to speak in opposition of moving this proposal forward. There are a bunch of different reasons why you could be opposed to it. There are existing regulations that the Historic District imposes on signage, on the size of the structure, and also they help with an architectural review for new buildings that go in so that they try and fit in better. But what I'm speaking about is the Historic District has historically been effective since it was first established in 1970 at preserving historic structures within the Historic District. I made up a map that I can give you a copy of and a 1-page handout of photographs primarily of the historic structures within the District. Vice Chairman Levenstein asked are those in the area that we're looking at changing? Mr. Moore replied absolutely, and it shows you it is basically the area that's in the red on the map that has the hash lines through it. That is what the map shows. In red I have shown the historic buildings that exist within that area. We have a couple of maps that are really a great resource. There is a 1903 map that shows all the historic buildings that they considered historic back in 1903. Then there is an update to that map that shows you how many of those were still standing in 1971. That really is a good marker because in 1970 is when the Historic District was formed, using that latter map, I drove around and compared it to what is standing there today and was able to figure out what the percentages of buildings that existing prior to 1903 that were still standing in 1971, what percentage survived to today. What I found in that handout that shows six images, one is just a text image, and that shows that within the Bedford Center Historic District, 42 out of the 46 structures survived, which is a 91 percent survival rate, and that includes the commercial area. If you compare that to the South River

Road area which is commercial, there were 35 structures that had survived to 1971, only five of them are still standing today. As a matter of fact, another house and barn came down over the holidays in that area. That's only a 14 percent survival rate. This is a drastic contrast; 91 percent versus 14 percent. I'd argue that the Historic District has been effective in preserving these structures and I've shown four structures, they are the ones that are numbered on the map that are really old within the commercial area that dated from either the late 1700's or early 1800's. It includes the Scoop's, which is in front of Walgreen's, it includes the French House across the street from there, and it also includes the small school house that was part of the school houses that were built during the early part of the 1800's and it is located on Bedford Center Road in that area that's zoned commercial. Then the two in the center are the barn, which dates from right around 1790 or 1800. These are things that have been protected and part of the process of protecting is that when something is torn down, it goes through public input and a whole procedure where people get to argue for its survival and there is a whole process. In the case of the barn, the Historic District Commission voted to have that not torn down. So they initially denied it, it went to the Zoning Board, they overruled the denial but on stipulations that instead of being just bulldozed it be taken apart so that it could be reconstructed. It then could be appealed to another level, to the courts, and we were part of the opposition to its being taken down and being removed. The group decided not to pursue it and we put a letter to the editor into the newspapers appealing to the owner and the developer not to do it. Vice Chairman Levenstein stated the Historic District Commission weren't allowed to say they couldn't do it. Mr. Moore stated they could. They told them not to tear it down but they were overruled by the Zoning Board. Vice Chairman Levenstein stated the Zoning Board determined that they didn't have that power, I believe. Ms. McGinley stated this is just a question of those who knew of it. Did it have anything to do with the condition of that building? I know there was an assertion that it was about to fall down. Mr. Moore stated the whole point though is that this whole procedure of there being a delay in tearing it down resulted in it not being bulldozed but rather having time for open discussion that the owner and developer eventually agreed with us and ended up preserving it. I'm sure it would not exist except for that fact that it was in the Historic District. That image that shows the interior of the barn, it's really quite an interesting piece of history too. It was distributed to the Board. Vice Chairman Levenstein stated we understand what your feelings are. I don't think we need to go into all that. I know other people want to talk. Mr. Moore stated it's a pretty unique historic feature and would be happy to describe why to anybody.

David Clark, 62 Bedford Center Road, stated first of all we're all Bedford residents here and I just want to thank everybody on the Board for all that you do. I know these are difficult scenarios that you're faced with, so I just want to say I appreciate all that you do. I'm not in this overlay area, but my concern is that to borrow sort of a similar situation. Before World War II the Germans just wanted Czechoslovakia, and then they wanted Poland and then they wanted France and pretty soon they were going to take over the world. And you laugh, but you know what, I've lived in my house for 29 years and I have seen this slow cancer just creeping into my backyard and I am so ashamed of what they have done to your house Mr. Franzino. I used to take care of Millie Pollford's house and that some person could come along and knock the chimney down and then claim that the house was no longer good for anything. Whoever knocked that chimney down should have been made to put that chimney back up and make it right. Instead they tore it down and they now have a commercial property going up there. To

me I can't believe that was allowed to happen in the Historic District. I have been similarly very careful and Mr. Sawyer you know this, on my property I've had some real issues with an abutter and my fear is that because certain things within my own backyard have not been able to be confined and controlled by the Town of Bedford because they don't have any teeth whatsoever to enforce some of these statutes. I just think to myself what the heck is going to happen when this area gets gnawed away at and these businesses just because they are taxpayers, I'm a taxpayer too, I have rights. I bought 29 years ago knowing that I was buying in a Historic District. I knew the rules and I've lived by those rules and now these businesses are coming in and they're getting preferential treatment and I don't appreciate it. I really don't appreciate it. My heart bleeds for you and I can't believe that we as a Town have allowed this to happen. I'm furious about it, and I'm very opposed to this amendment and I will leave it at that.

Mr. Riley stated Mr. Chairman, I think we're hearing a lot of concerns and I appreciate your comments Mr. Clark, about the residents that abut on Bedford Center Road. It is nice to have the citizens come out so I do thank you to hear your point of view because we don't as a Board always see your point of view. When I read the proposed amendment I was thinking about the businesses on Route 101 and how they have an unfair competitive advantage compared to those north of Wallace Road and south of Nashua Road, or east and west. I don't know if we can modify it to include businesses facing or having frontage on Route 101 so that they do have a similar competitive advantage as the businesses to the east and west of them. I don't think there's going to be anybody in the audience, and I could be wrong, it happens often, that are going to say Ethan Allen is a historic building, that Shorty's is a historic building, that Harvest Market is a historic building, Culligan Waters is a historic building or the split level house next to it are historic buildings. It was my interpretation reading it, and others may have different interpretations, that that was the intent of this. That is to give those businesses the same abilities as the businesses to the east and west. Ms. McGinley stated what you're suggesting is not frontage but accesspoints from Route 101. The new medical office building I believe has some frontage on Route 101 but no accesspoints. Ms. Sklar stated some have double frontage and I think that was the problem. I was on that Ad Hoc Committee and we worked really hard to try to come up with something that the Committee could have consensus on and it was utterly impossible. There are so many deep, heartfelt feelings about this. Residents are mixed, people who live in the Historic District, we did have an open meeting. Some residents love being in the Historic District and feel it is a privilege, other members in the Historic District think it is unfair, why should they be weighed down with all this regulation when others aren't. I will say that when we had the businesses speak, I don't think there was one business that I can recall, I could be wrong, who spoke in favor of retaining the Historic District. I will say the one thing that the Ad Hoc Committee did have consensus on that we haven't talked about yet, and if I'm wrong correct me, was that if we were to remove the Historic District from the commercial zone, we would retain two things. That would be that there still would be no internally lit signs allowed in that area. I feel that's very important, and also, there was agreement that we would continue to retain the size limitation, which is 20,000 square feet per floor. And we had talked about creating some kind of a Main Street overlay, and I think that maybe was in order to just deal with the businesses on Route 101 and not on Bedford Center Road, but then it came up that there were some with double frontage. It is a really tough issue. Mr. Sawyer stated if you were to do what you were suggesting, you'd end up basically with three commercial properties that would be

subject to the Historic District out of all of the commercial properties in Town and it just became unyielding to try and see how that could be fair.

Allen Peterson, 64 No. Amherst Road, asked who proposed this change? Where did it come from? Vice Chairman Levenstein replied we are determining whether we are going to propose it, the Planning Board. Mr. Peterson stated I look at this as just an encroachment on the gentleman that was speaking to the issue and it continues and it will continue. In my dealings over these past 30 years in historic districts, working with architects, designers, and owners, I see whereby the architect/owner/developer will have an opportunity to move in on Bedford Center Road, and you'll be confronted by this and I've seen where a lot of money and a lot of pressure and high legal pressure where eventually you'll succumb to them and that is my concern. Either we keep it all historical, or at least on the one side of Route 101, or we get rid of it. Vice Chairman Levenstein stated there are some issues which come to my mind after what you just said. These buildings, which are being complained about, which are in the Historic District, all went through the Historic District Commission, they all met their requirements. I guess maybe people are unhappy with those decisions that the Historic District Commission made, but there weren't properties that didn't have to meet their standards and didn't have to go through all the hearings. The other thing that comes to mind is that, as Mr. Moore said, there are some properties in there which are historic, but the huge majority of properties in that district don't really have any historic value at all. I think that's one of the issues that people have with the Historic District in general is that it's encompassing such a large area of houses that were built in the 1970's, 1980's and 1990's. Really what is historic about those? Mr. Peterson stated I would agree with you to the south side of Route 101, but on the Bedford Center Road side I disagree. I think that it's nothing more than there is compromise going to be coming up and making some changes, building another building, building more and more. My question is, when we end up saying maybe we should move Bedford Center Road up further, maybe we should take the Historic District out of Bedford Center Road. I see this happening and it will continue to happen. I like where I live; I don't want to see this kind of encroachment. I understand the pressures that you people are up against all the time because I've seen this in many other cities and I understand that, but the developers I also see how they can put a tremendous amount of pressure on the Town and the enticement of I'm going to pay some big-time taxes and going to relieve you of your taxes, and I see all of that and I understand it all, but it happens. And I see where it is going to happen here too.

Susan Tufts-Moore, Bedford Center Road, stated I have several points I'd like to make. I will start off by stating that I would rather not have the Historic District overlay taken off from Route 101. I think that the Historic District has provided a stabilizing effect on the Town and it does of course honor the Town's history. I think that if the commercial zone is removed from the Historic District that that will have a lot of ramifications down the road that may open up for less desirable appearing developments along Route 101 and Bedford Center Road and we're next after that. I think that the Historic District has provided considerable protection for Bedford's historic center it has established. Even slowing down proposed demolitions and other drastic changes I think is a huge help and we have seen that that has helped, especially in contrast to South River Road. I know that the Planning Board has architectural guidelines, which I think are excellent, but they are guidelines, they are not requirements, they are not regulations, so I don't think that they would really afford the same kind of protection to our structures that the Historic

District does. Not only the historic structures but I think that it is really helpful to the Town and to the Town's advantage an image statewide to have new construction conform to more classical type architecture that is appealing and fits in with the general character of an old New England village. I also think there are so many misconceptions that are out there about requirements. We've heard about not being able to plant a tree tonight and that's certainly nothing that's regulated these days by the Historic District. We've also heard at our hearings when I was on the Ad Hoc Committee a lot of complaints about signage, but most of the sign requirements are townwide requirements. There aren't very many that are particularly pertinent just to the Historic District, and we also heard business owners complaining about the fact that there were restrictions on the type of siding that could be put on their buildings, such as the Bedford Village Shops, and that's not true these days. Maybe it was at one point, but there are not those restrictions. So I think a lot of the problem stems from lack of communication so that business owners are really up to date on what sort of things are required to meet the Historic District regulations and what things are not covered. I think that the Historic District Commission really has a lot of homework to do to get information out to business owners and also residential property owners as to what sorts of things do come under the jurisdiction of the Historic District and what things do not. I think that pretty much sums up my comments. I do know that our last Master Plan has a section that mentions a demolition delay ordinance for historic properties throughout the Town that would encourage property owners to consider other options besides demolition by requiring them to go before the Historic District Commission. This would be townwide for historical properties before they are demolished or removed. I think that that would be a wise thing. A number of towns have passed a regulation like that and that would afford some more protection to our historic structures throughout Town. That is in our Master Plan as a possibility.

Danielle Hect, 115 Bedford Center Road, stated I am in the same house that Mike Franzino lives in. I just wanted to say that I have mixed feelings about the Historic District but I don't think that it would be fair to take out some of the commercial property and not make it applicable. I guess, again, having frustrations with the Historic District sometimes I don't think it would be fair and also as Mr. Peterson mentioned, you kind of see things encroaching on the Historic District. I did go to a Historic District Commission meeting or a Planning Board meeting where they talked about demolishing the building that's kind of diagonally across the street from our house, and I'm pretty sure that I was there and the guy who was going to do the development basically said I have lawyers and we will take them all the way up to whatever court. That is really frustrating for me as a resident. It just kind of makes me feel quite powerless, especially in a system or part of the Town in a district that I'm already slightly frustrated with and to see the commercial properties come in and saying those kinds of things. I guess I kind of feel, or I sort of hope in the back of my head, somehow the Historic District might protect me a little bit from the commercial development because obviously as Mike already explained where we live is surrounded by commercial properties and that is rather frustrating to me. Vice Chairman Levenstein stated it is zoned commercial. Ms. Hect stated ours is zoned agriculturally, but just to see the other house across the street torn down, how would that change the character if a family moved in across the street. That would be much better for me then to have cars coming in and out. I have that now already with the building that's across the street from me, and it's going to be doubled when this new building is there. Just in regards to keeping it in the Historic District, some of those buildings do have some character to them and to kind of maintain that I think

would be if it has to be there, it would be nicer than just letting people build whatever they want to.

Mr. Franzino stated I'd like to ask one question. Right now you mentioned there would only be three businesses that would apply to the Historic District if we included it. Mr. Sawyer replied no. That was just a discussion about if they were to change what's being proposed. Mr. Franzino asked the flower cart would be part of it or not? Or there would be no more businesses at all in the Historic District? Mr. Sawyer replied currently this does not impact the flower cart one way or another. They would still be within it. Mr. Franzino stated so there would only be one business versus three. Mr. Sawyer stated correct. Mr. Franzino asked when they had this Ad Hoc Committee we heard there were two viewpoints from residents in the area. Some residents wanted the Historic District and some residents did not want the Historic District. Were there any residents that wanted the Historic District for residents but not for commercial? Mr. Sawyer replied I would say so, yes. Not a majority by any means. Ms. Sklar replied everybody has their own vested interest. I don't like to speak for people, I wish you were there. Vice Chairman Levenstein stated there are minutes from those meetings. Mr. Franzino stated that was just a point I wanted to make. I could see some people wanting it and some people not wanting it that live in the Historic District, but I can't see any residents living in the Historic District that would want it for them but not want it for the commercial buildings. That was the part I had a tough time understanding. Once again, I just wanted to reinforce, we as residents really don't stand a chance to fight any of this stuff, whereas other people who are big businesses with big pockets, they come in and just snowball the process right through and it is really tough and hard for us. Mr. Riley stated I'd like to make a comment to the young lady who spoke and you sir. Never feel powerless. All of us who volunteer our time, we do that so that we do have influence and we can do things that we feel better the Town. I think that's why most of give our time. But you should never feel powerless because every one of you in this room that's a resident gets to vote, and people who get to vote are the ones who decide. All of this stuff will go to a public vote. So if you feel strongly one way or the other, get your opinion out. Mr. Franzino stated as long as everybody has independent thinking. There are some people on the Board with strong opinions against what I have to say. Vice Chairman Levenstein stated I don't know if there are or not. Ms. McGinley stated again as Mr. Riley just said, this Board does not adopt Zoning Ordinances, it only proposes them for the ballot. And in Bedford we adopt Zoning Ordinances townwide by Town vote.

Mr. Clark stated but the Board does favor it or they disfavor it. Mr. Sawyer responded only on citizens' petitions. Vice Chairman Levenstein stated in fairness we don't sit there and say we recommend it, but if we're putting it forward, obviously we're recommending it. Ms. Sklar asked don't we vote on these? Councilor Dermody replied yes, whether they go forward. Mr. Clark stated in essence you do. So if you shoot one of these down, one of the Amendments 1 through 6 down, then it doesn't appear on the ballot. Ms. McGinley replied correct. Mr. Clark asked so if it is there, it means that you have voted to put it on there, which to a certain degree does favor it. Councilor Dermody replied no. It gives the whole Town an opportunity to weigh in and say whether they favor it or not. That's all. It doesn't necessarily mean that I'm for it or against it. Mr. Clark stated I understand. Ms. Sklar stated it may or may not be unanimous. We could be a divided board. Ms. Shartzer stated just to clarify, you folks are choosing whether it is Amendment No. 2, No. 7 or No. 8. Vice Chairman Levenstein stated that's correct. Ms.

Shartzler stated so there will be just be one option out of those three for folks to vote on. Mr. Sawyer added or none. Ms. McGinley stated we couldn't put ordinances on that conflict with each other because if they all passed, it wouldn't work.

**MOTION by Ms. McGinley to close the public hearing. Seconded by Councilor Dermody. Vote taken - all in favor. Motion carries.**

Ms. Sklar asked can I ask a question on the river overlay zone. Vice Chairman Levenstein stated we don't need to be in the public hearing to address this. Ms. Sklar stated I think I asked this last time and one thing that troubles me about this is the unlimited potential, as I understand it, for an unlimited amount of multi-family housing. That really is concerning to me for many reasons. Can you give me a number as to the maximum number of units that could be there or is it just unlimited. And if it is unlimited, shouldn't a Town think about how much it wants to grow and what period of time it wants to grow is the infrastructure there, does the Town want to grow. Vice Chairman Levenstein stated if they come in we don't have approve it. Ms. McGinley replied the residential has to be a component of a commercial development. It is not single family houses; it is not an apartment building without other uses. Ms. Sklar stated but it was 12 stories or something. Ms. McGinley stated what it allows is residential as a component of a commercial building. Ms. Sklar asked can you quantify in any way for me. Ms. McGinley replied I personally cannot do that. I don't know how to quantify that. Ms. Sklar asked can the consultant somehow quantify that. Mr. Sawyer replied it would depend on how many properties chose to go that route. Ms. Sklar asked what is the maximum number. I'm trying to get a handle on this because I don't know. Does it bother anybody else or am I just being negative tonight? Ms. McGinley replied one of the things, and the subcommittee has discussed this a little bit, is that we have a declining school population. Are you just talking about school children or other impacts on the Town? Ms. Sklar replied I'm not just talking about school children. Ms. McGinley stated because we do have a declining population in schools now. Ms. Sklar stated you can go back and forth on that one, but even personnel, police, fire, equipment, roads, and all the infrastructure. Vice Chairman Levenstein stated those are things that we look at for every development. That is nothing different. Ms. Sklar stated we don't typically look at police personnel or fire equipment or those kinds of things. Vice Chairman Levenstein stated we look at fire equipment. Ms. Sklar stated I don't remember talking about that. Ms. McGinley stated say that an apartment building or a condominium structure was part of a commercial structure, would you have more police calls. Ms. Sklar replied I think it would probably. That's what police do; they respond to calls from residents. I'm sure there is an infrastructure cost. It just troubles me, and I also wonder doesn't a community care how much it grows its resident population. I care as a resident of Bedford; it is something I care about. I think it changes your Town if you go from a 20,000-person town to a 50,000-person town and when do you become a city. Ms. McGinley stated we have more population than several of the cities in the state. Ms. Sklar asked but legally when do you become a city. Mr. Sawyer stated you have to change the charter. Ms. Sklar stated it bugs me. Mr. Riley stated I can see Ms. Sklar's point a little bit. Infrastructure is offset by increased tax base, so I'm kind of thinking of that. I can see what you're saying. When I was a kid there were 10,000 people in town, and now there's 20,000 and eventually there will be 30,000. Mr. Wall asked does the Master Plan encompass those thoughts. I'm sure they must have done that. Ms. McGinley stated we talked about the fact that this type of density would need sewer and water already in place. I know that Mr. Sawyer and I have

talked about buildings of a certain height may need a bigger fire truck and I don't think we would allow something that we didn't have the fire capacity to handle. So I think there will be costs imposed on a developer because of the development. Mr. Wall stated the impact fees are the exactment, don't they address those issues. Vice Chairman Levenstein replied we don't have things like fire, but we have recreation and school. Mr. Riley stated this is an overlay of the Performance Zone, so the same standards that we would use in a Performance Zone project with increased allowed uses would be applied. Ms. McGinley stated it would be applied, and again, one of the mitigating factors of this is that we have a lot of buildout already on Route 3 so this will be implemented over time. I don't think it is the same impact you would see if you had a 100-acre site and you were doing this in a shorter period of time. Ms. Sklar stated I did hear you say that tonight and it did comfort me somewhat, but that's just one that bothers me. Councilor Dermody stated it depends on Route 3 where you're talking about because south of the Target/Lowe's bridge, there is some very empty space down there, which if this overlay is enacted, that would be ripe for that kind of a development right off the bat. There is a lot of infrastructure that we don't have down there in the roads down there. Route 3 down there is not in the best of shape, so that would have to certainly be considered if that's where this mixed-use overlay was first initiated. Ms. McGinley stated I think except for perhaps the Macy's/Wayfarer that can get going on redevelopment, I think you're right about the area that we would see it to begin with. We are at least assisted from an access point of view, that you'd have the new bridge. Councilor Dermody stated if you stay north of the I293 Bridge, you're in the created TIF district that we just enacted. So if it is infrastructure requirements that would be required in there, we've already laid the footwork, Mr. Sawyer correct me if I'm wrong. If those properties there are improved upon, that additional money would go into that TIF. So that could possibly support whatever was needed in that area, which would make it, I would think, the first objective of the overlay district. But again, if we overlay that over the entire Performance Zone right now on South River Road, there's nothing that I'm aware of that would prevent a mixed-use concept being laid in down there. Ms. McGinley stated one of the things that I would be interested in seeing, and I know one of the engineering companies I've seen an older version of it, on the southern end of Route 3 and really visualize everything that's there because some of the development is farther back from the road and you don't see it as you drive by. If we had a larger development going in such as the Target/Lowe's, didn't we require them, I wasn't on the Planning Board at the time, to make offsite improvements. It may be a way to get some of those offsite improvements made that we would not have to beg for. Vice Chairman Levenstein stated we have fair share contributions for every development we do based on the traffic counts. It is like every other development. We have the same issues; we just have to deal with them.

- 2. ASC Realty, LLC, (Owner) – Request for final approval of a sign waiver to allow a larger than permitted monument sign for the Bedford Medical Park, Washington Place, South River Road & Park Drive, Lots 46-51-1, 46-47-12, & 46-47-14, Zoned PZ.**

A staff report from Rick Sawyer, Planning Director, dated January 9, 2012 as follows:

***I. Project Statistics:***

*Owner: A.S.C. Realty, LLC*  
*Proposal: Ground Sign Waiver for Bedford Medical Center*

*Location:* South River Road and Washington Place, Lots 46-51-1, 46-47-12, & 46-47-14  
*Existing Zoning:* “PZ” – Performance Zone  
*Surrounding Uses:* Medical Office, Retail, Residential

## **II. Project Background**

*On June 6, 2011 the Planning Board approved the final site plan application for Phase 2 of Bedford Medical Park which included a new 3-story 50,040 square foot medical office building. The approved building would be situated at the west end of the Bedford Ambulatory Surgical Center and behind the medical office building recently completed. As part of this approval, the Board granted waivers for new building signs, but the ground sign was not approved and at that time the applicant was seeking a waiver to allow a sign height of 14 feet and an area of 93 square feet with up-lighting. An application for a sign of 60.75 square feet and 10 feet in height was pending on the September 12, 2011 Planning Board agenda, however it was withdrawn prior to the meeting. On October 17, 2011 a free standing sign of 113.07 square feet and 12 feet in height was presented for final approval, but was withdrawn by the applicant after lengthy discussion by the Board.*

## **III. Waiver Requests:**

*The applicant is requesting a waiver from Section 275-68 & Table 6 Table of Performance Zone Sign Standards of the U.S. Route 3 Corridor Performance Zoning District to allow a free standing 100 square foot monument sign where 50 square feet is permitted (please see the attached waiver request letter from the applicant dated December 9, 2011.) The sign is proposed to be located on the north side of the Washington Place entrance (please see the attached site plan.) In addition to sign elevations, the applicant provided photo simulations approximating the location and visual impact of the sign from both directions on South River Road.*

*The proposed sign would be 10 feet high as measured from the ground to the top, with exterior light fixtures mounted to illuminate the sign from above. Bedford Medical Park is identified in an 18.1 square foot panel on the top of the sign and under the decorative cap, which is supported by two posts trimmed to relate to the architectural details of the new building. Below the 81.9 square foot cabinet is shown with 9 panels that provide for current and future tenants. The Bedford Fire Chief has determined that the sign already in place near the intersection on South River Road adequately identifies Washington Place as a street, and therefore does not need to be included on the ground sign. This will require a waiver which is included below.*

*The Planning Department does not support the request however the applicant has submitted a sign that is keeping with the direction provided to them at the October 17, 2011 meeting by reducing the height of the sign from 12’ to 10’, by reducing the size of the sign by 13 square feet and by reducing the number of panels from 12 to 9. I would encourage the Board to review the October 17<sup>th</sup> minutes and the previous sign which are attached. The Department continues to support the 60.75 square foot sign that was pending on the September 12, 2011 agenda. The Zoning Ordinance permits a waiver in the Performance Zone where the applicant demonstrates substantial compliance with the five purpose statements listed below:*

- A. To attract environmentally acceptable commercial, industrial, recreational, institutional, and residential uses to the District;*

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

*In summary there are two elements to the requested waiver from the Performance Zone signage requirements:*

- 1. To permit a 100 square foot sign where 50 square feet is permitted.*
- 2. To permit a sign without a street address & name.*

*For simplicity the request and recommendation has been grouped, however the Planning Board may act on each aspect of the waiver separately.*

#### ***IV. Staff Recommendation:***

*In the event the Planning Board decides to approve the waiver, the following draft motion is provided:*

***I move that the Planning Board approve a waiver from Section 275-68 & Table 6 U.S. Route 3 Corridor Performance Zoning District, to allow a 100 square foot sign without the street name displayed for the Bedford Medical Park at South River Road & Washington Place, Lots 46-51-1, 46-47-12, & 46-47-14, as presented to the Planning Board on January 9, 2012 as the Planning Board finds that the applicant has shown substantial compliance with the purpose statement of the Performance Zone.***

*In the event the Planning Board decides **not** to approve the waiver, the following draft motion is provided:*

***I move that the that the Planning Board disapprove a waiver from Section 275-68 & Table 6 U.S. Route 3 Corridor Performance Zoning District, for a 100 square foot sign without the street name displayed for the Bedford Medical Park at South River Road & Washington Place, Lots 46-51-1, 46-47-12, & 46-47-14, as presented to the Planning Board on January 9, 2012, because the sign is proposed to be twice the permitted 50 square foot area, which does not meet the spirit and intent of the Zoning Ordinance and no compelling hardship or substantial compliance has been shown.***

Bill Greiner, ASC Realty Manager, and Jeff Luder, Fulcrum Associates, were present to address this application. Mr. Greiner stated we were here a few months ago and we obviously had a bigger sign, and the direction that we got that night was that you were open to something other than what the regulations allowed us to do, but it didn't seem like what we proposed that evening was going to work. So with the discussion that was had that evening it seemed like you would be willing to accept something that's similar to what exists today at Woodbury Court. That sign is fairly new. We went back to the drawing board and what we've presented is virtually identical

to what is at Woodbury Court. We've shrunk the size of the sign, we've eliminated I believe three of the panels from when we were here the last time and that's what we're back with. Vice Chairman Levenstein asked it is externally lit? Mr. Greiner replied yes, it is down-lit. Mr. Riley asked why is there no number on the sign? The waiver has a request for no number, no street address. Mr. Greiner replied each building is numbered differently and I think that came from Fire Department. The new building that we built is 5 Washington Place, the brown building to the north of the property is 20, the BASC is 11, the new one that is Phase II would be whatever we want or Scott wants. Ms. McGinley asked so these don't have a South River Road street number? Mr. Greiner replied correct. Those are at Washington Place, and again, I think it was because 11 and 20 were already there and Scott doesn't like to see change, so when you look at my 188 Route 101, there was a building 7 Chestnut Drive, when that was all consolidated, Scott said pick one either Chestnut or Route 101. I don't want two, it is one lot. So I think in this case there had been two that had been Washington Place addressed and so the direction that we got, and I don't remember if he picked the numbers or he did, but everything was going to be a Washington Place address; Fire Department driven. So if there is an event, they know where to go. Vice Chairman Levenstein asked are the colors on the sign the white sign with the panels like shown as posted. Mr. Luder replied they are going to match the color scheme of the building; the cream and the gray colors that are up there.

Councilor Dermody stated if I look at the sign that we're referring to down the road, all the panels down there are the same color and all the lettering on each of the panels are the same color. I believe it is a greenish background with white or gold or something. Is that what you have in mind here? Mr. Greiner replied I think what we have in mind here; all of the tenants are not identified but the ones that you see up there, the four that are up there, they all have their own branding. If you look at Route 101, we've got color schemes that the tenant uses in their branding and their marketing. So you have the white background and you will see some logos on there based on who the tenants are. Frankly I don't think based on who the other tenants are that you'll see more logos than you see up there. The majority of what you'll see will just be plain lettering. Vice Chairman Levenstein asked but white background for all of the panels? Mr. Greiner replied correct. Vice Chairman Levenstein asked the sign itself outside on the top, the legs and all, are they going to be white or cream colored? Mr. Greiner replied I don't think we have anything picked out. If there's something you'd like to see or not like to see, we would have no objection. Vice Chairman Levenstein stated I think we don't want a million different colors. Councilor Dermody stated I'd like to see it limited the same way that the sign down the street that we keep referring to, the Woodbury Court sign. I realize that's not exactly what we're seeing today, but to me I've driven back and forth, up and down the road, looking at this sign and trying to imagine what that sign is going to look like there. To me if we allow every tenant who has a position on that sign to have a logo, we have a kaleidoscope going there and I don't think it's going to serve the purpose that you intended to serve, which is to notify people that within this complex here you're going to get to your foot doctor or whatever practice is on here. I think it's going to be very difficult. That sign is going to be too busy in my opinion, and I think the sign at Woodbury Court, the simplicity of it, there's no question about. I look at the BASC logo, some people may be going to BASC and they are well familiar with BASC, they've been there four or five times, so they're going to pull right in there. Somebody who is coming from some other community, never been to BASC, they are confused, they are on South River Road, which lends itself to confusion in the first place, they don't recognize that logo. They are looking for

something that says BASC or Bedford Ambulatory Surgical or something like that that queues them to go into that facility. Again, there are going to be so many complexities of colors on that entire sign, if everybody is allowed to come up with their own logo or intermix one or two that just say tenant A, B or C. I really don't think you're going to get what you want out of that sign, which Mr. Greiner I understand you want everybody to know as they're driving down South River Road I'm going to turn in here to see Dr. So and So or go to some particular practice.

Mr. Greiner stated to your point Councilor Dermody, I know the term anchor tenant has been used before in front of this Board back and forth with discussions. What if we left the top line so that three people would have the ability to have logos and the balance would not? Councilor Dermody replied it is up to the entire Board. I just think it's too busy. Ms. McGinley stated I like that idea. I think it would be more readable, and in terms of color I think what you discussed about having it blend in with the colors you already have in the building would make the sign blend into the project. Bill I think you have a good point, and even if there was the doctor who wanted to go on one of the lower panels, I think a bigger name as opposed to a logo was probably going to be more readable. Mr. Greiner stated and as I said, I don't see anything changing. So if two of those four similar entities, so if we were to limit the top three panels having logos and the bottom six no logo, it would be a little bit busy, but as you said, kaleidoscope is a great description, it would be a mess to have nine of those things up there. I think it might be busy. Councilor Dermody stated I still think if BASC is one of your major tenants. Mr. Greiner stated I hear what you're saying on BASC too. Mr. Riley stated I agree with Councilor Dermody, the sign is busy. I think the other sign is busy too, the Woodbury Court sign. It doesn't pass the 30 mph test and anybody who is in advertising will tell you that. But I'll also defend logos. Logos are a corporate identity and people look for them. If I put a swish on a piece of paper, you're going to say Nike, if I draw an apple, you're going to say Apple, if I draw a big target, then you're going to say Target. Councilor Dermody stated I'll take you right back over to the Historic District and they don't like the idea of logos. So in part of this Town we object to logos. Mr. Riley stated I think a good compromise is doing the logos at the top. Mr. Greiner stated just to clarify; we do have a logo on the Route 101 building on the side of that sign. Councilor Dermody stated we've been fighting a couple of stores where Harvest Market is for a long time with logos. I guess this is another contradiction we have amongst ourselves whether we do or we don't do something. We don't seem to have a continuity of positions, but again, I just don't like the idea of logos. I like the idea of this just a uniform background and uniform lettering. I can go with this; thank you for getting the sign down. The original sign was a monstrosity that just didn't fit there, so I thank you for going back to the drawing board and getting it down. But I'm still very uncomfortable with what's conceived in this diagram as far as I think it's too busy. I'm afraid there's going to be a traffic implication out on South River Road from some elderly person slamming on the brakes to make sure that the doctor that they are intending to see is in there. Ms. Sklar stated I'm going to be negative Nancy again. Is this sign the same size as Woodbury Court? Mr. Greiner replied yes and the square footage we have here is multiples of Woodbury Court and the number of tenants are probably multiples. Ms. Sklar stated with Woodbury Court we were very careful, we approved that sign and it was because of the design of the entrance to that property and the loss of business that businesses were suffering because it's so difficult to get in there. We were really careful to distinguish that because it was such a dramatic change from what we allowed. I'm just uncomfortable with the size of this sign because I'm not seeing the same hardship that the

Woodbury project had. Vice Chairman Levenstein stated there are businesses that have no visibility for them to put a sign like BASC. Ms. Sklar stated now you're talking about off street. Mr. Greiner stated it's not offsite sign because it is one lot. Mr. Riley stated you've got a bit of square footage in there. It is South River Road, it's a sign, it's similar to what's up there, I think we've got a nice design here; it fits in with what's around architecturally. He doesn't need to come see us to park a box truck in the front of the building, so we have the ability here to control something and get an approval. You're starting to see them in Town and this is something that's fairly attractive. Yeah, we limit the logos to the top and let some people have the signage below as just words. If the applicant is okay with that, you have a stop light so most of the time people are fairly cautious going through a stop light. Mr. Greiner stated of all the buildings that are on the site, the only one that has any opportunity for signage that can be seen from the road is the one that we just built. Councilor Dermody stated this is redundant. Mr. Greiner stated again, we threw things up there so you would see that. I don't know that they need that urgent care there, Bill to your point, there's urgent care on the side of the building, which is why I say there are multiples, and CMC has two things up there. If we took urgent care off and slid the other one up, I think having three logo places is sufficient for the entities which do have a lot of money invested in corporate branding. The other folks having their practice name up there, I think is sufficient. Councilor Dermody asked are you willing to share with us who those three logo-privileged residents are? Mr. Greiner replied Dartmouth Hitchcock, Catholic Medical Center and the BASC, and I can certainly take your input, which I think is fair, back to the BASC and see if we could do that differently than what is there so you can actually understand it is the BASC. You and I know it's the BASC, but somebody from Amherst might not. Councilor Dermody stated I can give consideration to the other two with the smaller logo, but some explanation other than the logo of what is represented on that sign. But BASC I think is entirely out of place. Ms. McGinley stated I agree with you Bill. If you took that BASC logo and made it the size of the Dartmouth Hitchcock and the other one that's on top, the Catholic Medical Center, and said Bedford Ambulatory Surgical Center, even from a traffic point of view it would be a better thing to say. Mr. Greiner stated I think everybody would be fine with that. Councilor Dermody stated I just can't see a kaleidoscope. I know some people are going to stop at the intersection, I agree with you, but there are a lot of red lights that don't get stopped for and rear ending happens. Mr. Riley asked can we maybe limit the graphic to one third of the total panel. Councilor Dermody stated I'd say less than that. Ms. McGinley stated I'd rather have it along the top. Mr. Riley stated just on the top three panels just for your anchor tenants, if we limit the size of just the graphic on those three panels to one third of the total area. Right now you're probably looking at wordage to logo other than BASC, probably looking at a quarter to a third of the panel. Mr. Greiner stated we're talking about the top three having the ability to have logos and then each of those no more than one third of that panel being taken up by a logo. Ms. McGinley stated I'd say one quarter. The gentleman is here that designed the sign could tell us a little bit more about the sizing. If you look at that urgent care sign, the logo of Catholic Medical Center, is that about one fourth of that. Mr. Greiner stated if we said a third, it is safe, I don't think we're going to have logo creep just to get under. We need to make sure the lettering is on there. The lettering is as important as the logo, having the logo on there is important and we're certainly not going to creep it to size. Councilor Dermody suggested how about no greater than the proportionality that the logo is to the urgent care panel. Mr. Greiner replied that's fine. I think a third is excessive. Ms. McGinley stated I like your description, because that's not my area of expertise.

Mr. Wall asked are we confident that we're only going to have nine panels. Vice Chairman Levenstein replied yes. Councilor Dermody asked and there's no intention of subdividing those nine panels? Mr. Greiner replied no, and then we would start defeating the purpose of why we're here in the first place.

Vice Chairman Levenstein asked for comments or questions from the audience.

Councilor Dermody asked did we decide what the color limitations are. No more than so many colors. Mr. Sawyer stated he's talking about total number of colors on the sign I believe. Councilor Dermody stated maybe with the exception of the logos. Mr. Sawyer stated that one sign isn't in purple or one lettering isn't in purple, another sign in red or yellow. Councilor Dermody stated that's just going to be another total distraction to it if you have red, green and blue panels. Ms. McGinley stated the logos for those top three have to do with the color of their letters. Mr. Greiner stated right, again, if you look at Route 101 where the signage is the same color on the sign, Catholic Medical Center's logo with the purple and yellow off to the side, so all of the lettering is the same color, so we would do the same thing here. Dartmouth Hitchcock would be written let's say in black, so would CMC, tenant D, tenant E. Councilor Dermody stated I still come back to this. I'm trying to see some uniformity between the two ends. You're kind of bookending the commercial area and the majority of the commercial area on South River Road, if you will. That being the case, I'd like to see a little bit of uniformity or consistency between the two ends. This, I think, is a very uniform panel; there aren't all kinds of colors on that panel. Vice Chairman Levenstein stated I like this sign better. Councilor Dermody stated I understand that but as long we can agree that each panel the background color is uniform across all nine panels. Mr. Greiner stated it will be. The lettering will be one color, the background will be one color, the only color variation will be the color of somebody's logo and it's just going to be whatever the size area that you want.

Mark Vitagliano, 7 Beaudoin Street, stated how much light is this going to be giving off. Vice Chairman Levenstein replied it is externally lit coming down onto the sign. Mr. Vitagliano stated we are the most impacted from this whole thing. You're looking like you don't understand. Vice Chairman Levenstein stated I'm trying to picture where you are. Mr. Vitagliano replied right where the corner is, the cars come around right into our living room. I just want to know how much light this is going to be giving off because we're impacted by the light out in the back parking lot. Vice Chairman Levenstein replied I think, and you can correct me if I'm wrong, it is just lights shining on the sign. They are not shining off. Mr. Vitagliano asked and when is this going to be started? Mr. Greiner replied we have no timeline. If we get approved tonight, we're not going to start it tomorrow. The ground is frozen and we'll deal with this probably in the spring. That is my guess.

**MOTION by Mr. Riley that the Planning Board approve the waiver from Section 275-68 & Table 6 U.S. Route 3 Corridor Performance Zoning District, to allow a 100 square foot sign without the street name displayed for the Bedford Medical Park at South River Road and Washington Place, Lots 46-51-1, 46-47-12, and 46-47-14, as presented to the Planning Board on January 9, 2012 as the Planning Board**

**finds that the applicant has shown substantial compliance with the purpose statement of the Performance Zone, with the following conditions:**

- 1. The top three panels shall allow for logos and the proportionality of the logos be no greater than the proportionality of the Urgent Care at Bedford panel as shown in the drawing of the panels submitted with the application.**
- 2. The remaining six panels shall not allow for logos.**
- 3. All nine panels shall have uniform background coloring.**
- 4. All nine panels shall have uniform letter coloring.**
- 5. There will be no further subdivision of the panels on the sign.**

**Seconded by Mr. Cote. Vote taken. Motion carries, with Ms. Sklar voting in opposition.**

V. Approval of Minutes of Previous Meeting

**MOTION by Mr. Riley to approve the December 19, 2011 Planning Board minutes as written. Seconded by Ms. McGinley. Vote taken – all in favor. Motion carries.**

VI. Communications to the Board

VII. Reports of Committees

VIII. Adjournment

**MOTION by Ms. Sklar to adjourn at 9:30pm. Seconded by Mr. Riley. Vote taken – all in favor. Motion carries.**

Respectfully submitted by Valerie E. Fysh.