

TOWN OF BEDFORD
January 11, 2016
PLANNING BOARD
MINUTES

A meeting of the Bedford Planning Board was held on Monday, January 11, 2016 at the Bedford Meeting Room, 10 Meetinghouse Road, Bedford, NH. Present were: Harold Newberry (Vice Chairman), Chris Bandazian (Town Council), Jim Scanlon (Town Council Alternate), Karen McGinley, Chris Riley, Philip Cote, Mac McMahan (Alternate), Alex Rohe, Charlie Fairman (Alternate), Rebecca Hebert (Assistant Planning Director), and Rick Sawyer (Planning Director and Acting Town Manager)

I. Call to Order and Roll Call

Acting Chairman Newberry called the meeting to order at 7:00 p.m. Chairman Levenstein, Mr. Dermody, and Mr. Stanford were absent. Mr. Rohe, Mr. McMahan, and Mr. Fairman were appointed voting members. Ms. Hebert reviewed the agenda.

II. Old Business - Continued Hearings: None

III. New Business - Application Acceptance and/or Public Hearings on Applications:

1. 136 Bedford Center Road, LLC (Owner) –Request for final approval of a two unit condominium subdivision. 136 Bedford Center Road, Lot 20-20, Zoned CO.
2. Samuel P. Freeman (Owner) – Request for a home occupation permit for accounting and tax services. 263 New Boston Road, Lot 3-11-1, Zoned R&A.
3. 393 Route 101 Associates, LLC (Owner) – Request for final Site Plan approval for a 21,750 square foot restaurant and banquet facility, with 143 seat restaurant, 138 outdoor seats and a function hall with 240 seats, with associated access, parking and site improvements at 393 Route 101 (former Weathervane Restaurant). Lot 31-15, Zoned CO & R&A.
4. The Planning Board will conduct 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.

Ms. Hebert stated for the new business items the applications are complete, abutters have been notified; it is the opinion of Planning Staff that none of the items are of regional impact, and the agenda is ready for the Board's acceptance.

MOTION by Councilor Bandazian to approve the agenda as submitted. Ms. McGinley duly seconded the motion. Vote taken – all in favor. Motion carried.

1. 136 Bedford Center Road, LLC (Owner) –Request for final approval of a two unit condominium subdivision. 136 Bedford Center Road, Lot 20-20, Zoned CO.

A staff report from Becky Hebert, Assistant Planning Director, dated January 11, 2016 as follows:

I. Project Statistics:

*Owner: 136 Bedford Center Road, LLC
Proposal: Request for final approval of a land condominium subdivision
Location: 136 & 138 Bedford Center Road, Lot 20-20
Existing Zoning: “CO” - Commercial
Surrounding Uses: Commercial*

II. Background Information:

On February 23, 2015, the Planning Board granted final site plan approval for a new 2,572 square foot credit union with a drive-through and associated access, parking and site improvements. The plan also included a new parking lot and driveway access for the existing retail/warehouse building (8,408 square feet) which was the former Culligan Water facility.

In October 2015 modifications to the site plan were approved administratively to add a sidewalk along the western side of the warehouse, adjustments were made to the landscape plan to accommodate the sidewalk, and the use of the building was modified to include 1,500 square feet of retail, 5,257 square feet of warehouse and 1,651 of office space to accommodate Millennium Running (see attached). On December 7, 2015, the Planning Board approved architectural changes to the Millennium Running.

III. Project Description:

The purpose of the subdivision is to divide Lot 20-20 into two condominium land units. Under the Land Development Control Regulations, a condominium conveyance is defined as a subdivision and requires approval by the Planning Board.

The property is located at 136 & 138 Bedford Center Road with frontage also on Route 101 and the site includes 1.601 acres. The credit union will be located on land unit B (0.542 acres) and the Millennium Running building will be located on land unit A (1.059 acres). Several utilities are to be owned in common, including the drainage, well and septic system and the condominium declaration provides for the maintenance, repair and installation of the shared utilities. There are also provisions for cross access through the parking lots.

The plans and condominium documents have been reviewed by Staff and no outstanding issues were noted.

IV. Waivers:

There are no waivers required for this application.

V. Staff Recommendations:

The Planning Staff recommends that the Planning Board grant final approval of the subdivision of Lot 20-20 into two condominium land units, in accordance with the plan prepared by Keach-Nordstrom Associates, Inc., revised on December 17, 2015, with the following precedent conditions to be fulfilled within one year and prior to plan signature:

- 1. All recording fees shall be submitted to the Planning Department at the time of recording.*

Jason Lopez, Keach-Nordstrom Associates, and Bill Greiner, owner representative of 136 Bedford Center Road, LLC, John Mortimer, tenant from Millennium Running, and Attorney John Deachman, were present to address this application for a two unit condominium subdivision.

Mr. Lopez stated this project has been before the board a few times, and we are here tonight for a condo plan of two units, which are for land unit A and land unit B. Land unit A will be the Millennium Running building, the former Culligan Water building, that will have the address of 138 Bedford Center Road. The other unit is Members First Credit Union, where the building is almost completed construction and that address will be 136 Bedford Center Road. We have two land units, no common land, no limited common area, we do have many utilities and subsurface structures that are going to be under common ownership, which are drainage, septic system, site sign, and there is a blanket cross-easement for access on both land units. If the Board has questions or if there are questions on the condo documents or how that is structured, we can address those.

Acting Chairman Newberry stated Planning staff has reviewed the documents and staff didn't find any outstanding issues.

Mr. Rohe stated it seems to me that this has been developed to the point where both units rely upon each other tremendously from the common access, to the common septic, to the common well, and to the common site plans. I think they have comingled this to the point where you cannot separate these two parcels of land so that they can stand on their own. I think we as a Board should have this stand as one particular plot of land. Mr. Lopez stated this is one plot of land and will stay one plot of land; it is condoing the two units much like some sort of residential application where you have single family condoed units. Millennium Running will own the building so that unit A and the land around it is a land unit, a condo unit. The property as it sits will remain one parcel condoed into two different units. This is not a subdivision, this is a condominium plan. Ms. McGinley stated condominium is a form of subdivision but it is not uncommon to use it in the format that is being proposed here. The property where the Grand at the Bedford Village Inn is being built is part of a 2-unit condominium just like this is. So we have two land units that have buildings on them and it is very similar to this, just a little bit bigger. It is done so that from a legal point of view you can own them separately and finance them separately but because of the size of them and their shared facilities, the condominium declaration would provide for the rights between the two owners and how it functions.

Acting Chairman Newberry asked for comments and questions from the audience. There were none.

MOTION by Ms. McGinley that the Planning Board grant final approval of the subdivision of Lot 20-20 into two condominium land units, in accordance with the plan prepared by Keach-Nordstrom Associates, Inc., revised on December 17, 2015, with the following precedent condition to be fulfilled within one year and prior to plan signature:

- 1. All recording fees shall be submitted to the Planning Department at the time of recording.**

Mr. Riley duly seconded the motion. Vote taken - all in favor. Motion carried.

- 2. Samuel P. Freeman (Owner) – Request for a home occupation permit for accounting and tax services. 263 New Boston Road, Lot 3-11-1, Zoned R&A.**

A staff report from Becky Hebert, Assistant Planning Director, dated January 11, 2016 as follows:

I. Project Statistics:

Owner: Samuel Freeman
Proposal: Home Occupation Permit for tax and accounting services
Location: 263 New Boston Road (Lot 3-11-1)
Existing Zoning: "R&A" –Residential & Agricultural
Surrounding Uses: Residential

II. Project Description:

The Applicant is requesting approval for a Level II Home Occupation Permit to provide tax and accounting services at his home at 263 New Boston Road. The property is 1.71 acres and is located in the Residential & Agricultural District. No site work is proposed with this application and the home is served by on-site septic and well.

The Applicant proposes using a room within the home as an office and customers will visit the property by appointment only. At this time there will be one resident employee (the property owner) and no non-resident employees although the Applicant would like to hire up to one employee in the future (see attached letter). The driveway is approximately 170 feet long with adequate space to park at least five vehicles, which would be the maximum parking required for a home occupation with two employees. A small sign is proposed along New Boston Road (see attached).

Section 275-21(F)(1)(a) permits the establishment of home occupations that comply with the following provisions:

- Not more than one commercial vehicle in connection with such home occupation will be stored on the premises.*
- No more than 650 square feet of the existing net floor area of the principal building, including any attached garage or barn, shall be devoted to such use.*
- There shall be no display of goods or wares visible from the street.*

- *The building and premises occupied shall not be rendered objectionable because of exterior appearance, traffic, emissions of odor, smoke, dust, noise, electrical disturbance, on-site storage of hazardous materials as determined by the Bedford Fire Department, or in any other way.*

Section 275-21(F)(1)(c) permits Level II home occupations with approval from the Planning Board provided the home occupation complies with the following provisions:

- *The home occupation shall be carried on strictly by the owner of the principal building, who shall also reside in said building. Should the owner move his/her residence, the home occupation must be discontinued within three months.*
- *No more than two non-resident employees shall be employed or otherwise engaged in the conduct of the business therein.*
- *A minimum of two off-street parking spaces shall be provided plus 1½ spaces per employee.*
- *If the home occupation is a day-care facility... (does not apply to this application)*
- *Septic system design/capacity for home occupations that have any non-resident employees or that utilize large water or wastewater volumes...shall be verified in writing by a licensed New Hampshire septic designer or professional engineer.*
- *A certificate of occupancy for the proposed use shall be issued by the Building Code Official to verify conformance with the preceding standards.*

The proposed home occupation meets the standards of Section 275-21(F) of the Zoning Ordinance. The proposed use will not utilize large water or wastewater volumes, and as such verification of the septic system design/capacity is not required for this application.

III. Waiver Requests:

There are no waivers required for this application.

IV. Staff Recommendations:

The Planning Staff recommends that the Planning Board grant final approval of the Home Occupation Permit to allow the Applicant to provide tax and accounting services at his home at 263 New Boston Road, Map 3-11-1, in accordance with the application information provided by the Applicant, with the following condition:

1. *A Certificate of Occupancy shall be applied for and issued by the Building Inspector prior to commencing the home occupation.*

Samuel Freeman was present to address this home occupation permit application. Mr. Freeman stated I am submitting an application for a home office. I have been working out of my home for quite some time but I want to put a sign out front and as part of that I need to apply for the home occupation permit.

Acting Chairman Newberry stated according to the staff memo you have parking for how many vehicles? Mr. Freeman replied I could probably park 15 vehicles if I wanted to. I don't have many clients come to the house. Acting Chairman Newberry asked how large will the office area be? Mr. Freeman replied it is about 150 square feet.

Acting Chairman Newberry asked for comments and questions from the audience. There were none.

MOTION by Mr. Riley that the Planning Board grant final approval of the Home Occupation Permit to allow the Applicant to provide tax and accounting services at his home at 263 New Boston Road, Map 3-11-1, in accordance with the application information provided by the Applicant, with the following condition:

- 1. A Certificate of Occupancy shall be applied for and issued by the Building Inspector prior to commencing the home occupation.**

Councilor Bandazian duly seconded the motion. Vote taken - all in favor. Motion carried.

- 3. 393 Route 101 Associates, LLC (Owner) – Request for final Site Plan approval for a 21,750 square foot restaurant and banquet facility, with 143 seat restaurant, 138 outdoor seats and a function hall with 240 seats, with associated access, parking and site improvements at 393 Route 101 (former Weathervane Restaurant). Lot 31-15, Zoned CO & R&A.**

A staff report from Rick Sawyer, Planning Director, dated January 11, 2016 as follows:

I. Project Statistics:

Owners: 393 Route 101 Associates, LLC & Hamza K. Alam
Proposal: 22,265 square foot restaurant and banquet facility, with 142 seat restaurant, 120 outdoor seats and a function hall with 240 seats
Location: 393 Route 101 (Lot 31-15 & 44-29)
Existing Zoning: "CO" – Commercial, "R&A" – Residential Agricultural
Surrounding Uses: Residential & vacant land

II. Background Information:

The site is the location of the former Weathervane Restaurant which was demolished in 2015. The most recent site plan on file with the town is from 1989 for a 260 seat restaurant.

III. Project Description:

The property is 10 acres, located partially within the Commercial District and partially in the Residential & Agricultural District. As noted above, the existing restaurant building was demolished but the paved parking lot and freestanding sign remain. Residential uses abut to the south, north and west. Vacant commercial land abuts to the east. The site is approximately 5 feet higher than Route 101. The developed portion of the site is relatively flat but slopes downward in the northerly and westerly direction with an overall grade change of approximately 68 feet at the northwest corner of the property.

The site plan includes the construction of a new 22,265 square foot restaurant and function hall with two outdoor patios and associated access, parking and site improvements. The facility will

accommodate up to 142 seats in the restaurant and bar, 120 outdoor seats on the patios and up to 240 seats in the function hall.

Access, Circulation & Parking

The property has approximately 738 feet of frontage on Route 101. There are three existing full access driveways and the proposed redevelopment also includes three driveways. The main entrance is a full access shared driveway along the easterly side lot line with dedicated right turn and left turn egress lanes. This driveway is partially located on the adjacent lot and is intended to serve both the Murphy's Taproom facility and a future development on the vacant lot. There is a centrally located "right-in/right-out" driveway in close proximity to the restaurant and a third full access driveway to the west of the restaurant which will be designated for employees and service vehicles only. The sight distance at all of the proposed driveways complies with the Town's standards. The project will need a NHDOT driveway permit due to the change of use and new construction (See condition #3).

The site plan includes 241 parking spaces (7 accessible spaces) where 233 spaces are required. The majority of the parking (224 spaces) will be located to the east of the building within the main parking lot. There will be 17 spaces reserved for employees in the gravel parking lot to the west of the building. The gravel parking lot will connect to the main parking lot via a gravel drive behind the building. The Applicant has requested a waiver to Section 322.1.5 & 322.4.1 of the Land Development Control Regulations to permit the construction of the gravel parking lot and driveway and to not stripe the parking spaces in the gravel lot (Waiver #2). Staff does not object to the requested waiver for the gravel parking lot. The plan provides more than the required parking spaces and the gravel lot will be used by employees and deliveries only.

The shared driveway extends along the length of the main parking lot which is located within the 30-foot setback for pavement from the side property line. The Applicant has requested a waiver from Section 322.1.9 of the LDCR to allow portions of the parking and circulation driveways to be setback less than 30 feet from the property line (Waiver #1). Given the shared driveway, staff does not object to the proposed waiver. Portions of the Weathervane parking lot are within a few feet of the front lot line and the proposed redevelopment removes pavement from within this setback resulting in a greater setback of 24 feet. Because the setback along the front lot line is being made more conforming, a waiver is not required.

The site plan includes internal pedestrian walkways on the eastern side of the restaurant, connecting pedestrians to the main entrance.

The Fire Department has reviewed the site plan and determined that the fire access is acceptable as shown.

The building will be equipped with a sprinkler system for fire suppression and a "no parking" lane has been provided at the western end of the parking lot for emergency vehicle access. As public water is not currently proposed, a cistern and fire pump system will be located within the building.

Traffic

A Traffic Impact and Access Study was completed for this project (see attached summary). The report was reviewed by VHB and their comments are attached. The proposed quality restaurant and function hall are expected to generate 135 (100 entering and 35 exiting) vehicle trips on the weekday evening peak hour and 170 (120 entering and 50 exiting) vehicle trips during Saturday mid-day. Based on the traffic analysis, this represents an increase of 28 more trips during the PM peak hour and 32 more trips during the mid-day Saturday peak hour over what the Weathervane restaurant (high turnover restaurant) could have generated based on the ITE data. The ITE manual does not have a separate land use code for function hall and VHB explains in their memo that unlike a restaurant, vehicles generally arrive and depart at the same time before and after events. The study estimates pass-by trips for the development to be 45% percent, but VHB has noted that it is likely the function hall trips will be 100% new trips. The study also assumes that 67% of the site generated traffic will travel to/from the east on Route 101 and the remaining 33% will travel to/from the west. Route 101 experiences a traffic volume of approximately 850 vehicles during the weekday PM peak hour and the Saturday mid-day peak hour.

The report concluded that warrants are met for a left turn lane and right turn lane on Route 101 at the main project entrance. The study recommends using the existing 10-foot shoulder as a by-pass lane in both directions. VHB disagrees with this recommendation given the 50 mph posted speed limit on Route 101 and the use of the shoulder as a by-pass lane also leaves no travel way for bicycles or pedestrians. VHB is recommending that the Board include a condition requiring the applicant to construct a separate left-turn lane on Route 101 eastbound and a right-turn lane on Route 101 westbound at the primary project entrance (condition #16). Staff agrees that the turning lanes are needed to safely accommodate access to the site and this is also consistent with the recommendations of the Route 101 Corridor Study (page 66).

The Applicant agrees that thru traffic needs to be separated from left-turning vehicles that are stopping or stopped, but believes the current use of the shoulder as a by-pass treatment will function appropriately for left turns. They indicated that the cost to construct the left turn lane is prohibitive but a concept sketch or engineering analysis has not been submitted to support this. The Applicant states that the westbound shoulder could be restriped as a 10-foot wide right turn lane without significant cost.

All improvements to this section of Route 101 are also subject to NHDOT approval which is still pending. The applicant will provide a detailed presentation on the traffic impacts at the hearing and the Town's consultant traffic engineer will be available to answer questions.

Stormwater, Utilities and Environmental

Stormwater will be collected through a combination of open and closed drainage systems. There is a large infiltration basin to the north of the main parking lot and a bioretention area on the north side of the restaurant. These facilities will provide treatment of stormwater and groundwater recharge. Portions of the infiltration basin are located within the residential district. The Zoning Administrator has determined that the drainage system is an accessory use and permitted within the district. Overall the design complies with the Town's standards for the qualitative and quantitative treatment of stormwater. The plans have been reviewed by VHB and only minor comments remain. The project will also require an Alteration of Terrain permit from the NHDES (condition #4).

The site will be served by a new onsite well and septic system. There are three leach fields proposed and one water supply well. The NHDES approval for the subsurface disposal system limits the number of outside seats to 46. The outdoor seating may be expanded to 120 seats if the site connects to municipal water. The Applicant is pursuing the waterline extension, but a note has been provided on the site plan indicating the phasing of the permitted outdoor seating. Municipal water currently exists at the intersection of Route 101 and Hardy Road.

The telecommunication and electric utilities will be placed underground. Two dumpsters and a 2,000 gallon propane tank will be located on the north side of the employee parking lot.

Architecture & Landscaping

The Murphy's Taproom facility has been designed to resemble a farmhouse with an attached barn. The building will be three levels with a footprint of approximately 13,000 square feet. The main level will include the restaurant, bar and function hall, the upper level includes a 2,362 square foot mezzanine for the function hall within the barn portion of the building. The lower level includes a walkout basement with offices, storage and access for employees and deliveries. The "house" portion of the building will have yellow vinyl siding with white PVC trim. The "barn" will be finished with a cement barn board painted dark brown also with white PVC trim and the roof will be an architectural shingle with a cupola above the barn. The Applicant has indicated that the proposed colors have not yet been finalized. As a condition of approval, additional notes need to be provided on the final building elevations identifying the proposed color (condition #8). The barn will be 45' 9" to the main ridge line and the house will be 32' 4". A large cultured stone chimney is on the south facade and there is a cultured stone finish around the main entrance. Two large patios are located on either end of the building. The patios are enclosed with decorative stone walls. A gazebo is also shown on the north side of the building and a deck is located off of the main restaurant. It is Staff's opinion that the building is attractive and in keeping with architectural styles typically encouraged by the Board and the restaurant will be a nice addition to Bedford. Please see the attached narrative for a more detailed description of the architecture.

Decorative sign panels are shown on either side of the main entrance and a proposed sign band has been identified on the barn. The existing freestanding sign will be refurbished to advertise Murphy's Taproom (see attached image). The sign is partially located in the right-of-way and is non-conforming with regards the setbacks, height and area. Although the sign is out-of-character with regards to signage typically seen along the corridor, the Applicant has the right to maintain the existing sign.

The building's HVAC system has not yet been designed, staff will need to administratively approve the location and screening for ground or roof mounted mechanical units as well as any proposed changes to the architecture to accommodate the mechanical equipment (condition #9).

The project needs to provide a 110-foot residential buffer along the rear and westerly side lot lines. The first 25 feet within the buffer needs to provide a visual screen to shield views of the development from the adjacent residences on Grey Rock Road. The project proposes a buffer consisting of existing vegetation and 9 evergreen trees are provided on the north side of the infiltration basin to fill in existing gaps along the buffer. The developed portion of the site is also

at a higher elevation than the surrounding residential properties and the slope will help to screen the parking lot.

The landscape plan includes clusters of tree and shrub plantings along the project frontage to soften views of the parking lot from Route 101. Trees are provided within internal landscape islands and foundation plantings line the front of the building and stone walls. Staff would recommend that three additional shade trees be provided along the Route 101 frontage (condition #10). Given the extensive frontage along the Route 101, the number of trees appear sparse along the frontage. Shrubs also need to be provided to screen the dumpster enclosure (condition #10).

The lighting plan includes 26 downcast pole mounted lights within the parking lot and exterior lighting mounted to the building and within the patio areas. The lighting fixtures and illumination plan complies with Town's standards as designed.

The hours of operation for Murphy's Taproom are noted on the plan as Sunday through Wednesday from 11:00 AM to 11:00 PM and Thursday through Saturday 11:00 AM to 1:00 AM.

IV. Waiver Requests:

The Applicant is requesting the following waivers of the Land Development Control Regulation for which the Board will need to take action (see the attached letters from T.F. Moran):

- 1. Section 322.1.9, to permit parking and circulation driveways within the required 30-foot setback to the property line;*
- 2. Section 322.1.5 & 322.4.1 to permit a gravel employee parking area and delivery driveway and to not stripe the parking spaces within the gravel lot; and*
- 3. Section 317.1.11 to provide site specific soil mapping in lieu of the high intensity soil mapping; the site specific mapping provides a greater level of detail and is required for the Alteration of Terrain Permit.*

Planning Department has no objection to the requested waivers.

V. Staff Recommendations:

The Board may table the application to allow more time to review the traffic with regards to the right and left turn lanes on Route 101. The Town's traffic engineer will be present at the meeting to answer questions regarding the traffic. A recommendation for conditional approval has been provided if the Board decides to act on the application.

The Planning Board needs to vote on whether or not to grant the waivers from Land Development Control Regulations, for Sections 322.1.9, 322.1.5, 322.4.1 & 317.1.11 as described above.

Planning Staff recommends that the Planning Board grant final approval of a Site Plan for a 22,265 square foot restaurant and function hall with associated access, parking and site improvements at 393 Route 101, Lot 31-15 & 44-29, in accordance with engineering plans prepared by T. F. Moran last revised December 23, 2015, and the architectural plans prepared by Warrenstreet Architects dated November 3, 2015, with the following precedent conditions to

be fulfilled within one year and prior to plan signature, and the remaining conditions of approval to be fulfilled as noted:

1. *In the event that the Planning Board approves the waivers, the plan shall be updated to list any waivers granted as approved.*
2. *The NHDES subsurface and water supply approvals shall be obtained and noted on the plan.*
3. *The NHDOT Driveway Permit shall be obtained and the permit number shall be noted on the plan.*
4. *The NHDES Alteration of Terrain Permit shall be obtained and the permit number shall be noted on the plan.*
5. *The Director of Public Works and the Planning Director shall determine that the applicant has addressed all remaining technical review comments to the Town's satisfaction.*
6. *The Applicant shall submit any outstanding engineering review fees to the Department of Public Works.*
7. *If a construction sign is requested at the hearing and is approved by the Planning Board, then its location shall be shown on the plan.*
8. *The building elevations shall be revised to note the color of the proposed building and the final color shall be approved by Staff.*
9. *The location of the mechanical equipment shall be noted on the final utility plan and/or building elevations and all ground mounted and roof mounted equipment shall be screened in accordance with the Land Development Control Regulations.*
10. *The Landscape Plan shall be revised to provide three additional shade trees along the Route 101 frontage and evergreen plantings shall be provided to screen the dumpster enclosure.*
11. *Arrangements shall be made with the Planning Department regarding payment and coordination of third party inspections.*
12. *All required easement documents and recording fees shall be submitted to and approved by the Planning Department, including the following:*
 - a. *Access, drainage and grading easement for the proposed shared driveway*
13. *Prior to commencement of work, a performance guarantee in an amount approved by the Town for onsite maintenance of erosion and sedimentation controls shall be placed on file.*
14. *Prior to commencement of work, a pre-construction meeting shall be held with the Planning Department, Department of Public Works, Fire Department and the Building Department.*
15. *Prior to the issuance of a building permit, the Applicant shall provide retaining wall design drawings (stamped by a licensed structural engineer) to the Town for proposed retaining walls 4 feet high or greater.*
16. *Prior to the issuance of a building permit, a plan shall be provided for the construction of a left-turn and right-turn lanes on NH Route 101 at the primary entrance to the site, the design shall be reviewed and approved by the NHDOT.*
17. *Prior to the issuance of a certificate of occupancy for the building, all site improvements depicted on the plan shall be completed.*

Nick Golon, T. F. Moran, Keith Murphy, owner 393 Route 101 Associates, LLC, Hamza K. Alam, eastern abutter, Johnathan Halle, Warrenstreet Architects, and Bob Duval, T. F. Moran, were present to address this application for a final site plan approval.

Mr. Golon stated this lot is Tax Map 31, Lot 15, it is approximately 10 acres, and it has 800 feet of frontage along Route 101. The abutting lot, which is also part of this application, is Tax Map 31, Lot 44-29, is just under 12 acres, with approximately 1,100 feet of frontage, and the abutters to Mr. Alam's lot were also noticed on this application. The address itself for this project is 393 Route 101. I'll take an opportunity to walk through some general site components in a minute, but Mr. Murphy will grace us with a little bit about what we're trying to accomplish.

Mr. Murphy stated my wife and I moved to town eight years ago and we originally lived on the Route 3 corridor and there are plenty of dining options over in that part of town. Two years ago we moved to New Boston Road, way down south of Pulpit Road. What we found is that there are virtually no dining options in that part of Town. To find a restaurant you have to get in the car and drive 15 minutes, especially for some place that is reasonably affordable. I've been in the restaurant business for 25 years, I've worked in everything from diners to country clubs, and more, and I currently run a restaurant in Manchester. We saw an opportunity there for a reasonably priced, quality restaurant in that part of Bedford, which we felt was underserved. When the Weathervane enterprise went out of business in January of last year, we jumped on it. We purchased it. The previous building was frankly decrepit, it was not stable, and we demolished the building. We put a great deal of thought and effort into designing this building to make sure it was an attractive and appropriate addition to the Town. We live a mile away, it is very close to where we are, and I think I'm very in tune with the what the Town is looking for and we tried hard to do that. As far as the Irish pub concept that we are shooting for in this, in my experience it is the most versatile, the most flexible, and the most welcoming kind of restaurant, and it is what I've done very well with in Manchester. This is going to be a step up from the Manchester location if you have been there. The Manchester location is across the street from the arena, so it is by design a quick service restaurant. This is a slower paced, white tablecloth restaurant, not at the \$50 per customer average; we are shooting for a \$30 or so customer average. There is also a function hall component, and similarly to the restaurant we believe there is an opportunity for reasonably priced functions, at a larger space than is currently available in Town. The lot is 10 acres and it could certainly hold that use. If anyone has any questions about the concept; we're looking for a lot of high-end finishes, a lot of dark wood, tile floors, it should be a very nice addition, both inside and out, to the Town.

Mr. Golon stated the next thing I thought would be appropriate before we start talking about the architecture of the building, how it sits on the site, let's start at Route 101 and start working our way back, talk about a few of the site features, and then Mr. Halle will have the opportunity to address the building.

Mr. Golon continued one of the first items that we want to point out is that there are three driveways that are proposed working to left to right across the posted page. There are three driveways now for the property that were serviced by Weathervane, and it is our intent to keep those and really to use them in the same capacity to a great extent. The westerly most driveway was previously used for employees and a loading area; we'd like to recreate that. It would be a gravel driveway and a

gravel parking lot, as you can see by the darker image conveyed on the plan above. There is a sizable paved apron to make sure we don't have any issues with the transition to Route 101. Next as you work your way east, the existing driveway that is here now is full service, you can turn right, you can turn left, you can enter in, and what we would be doing, and this was an iteration as we went through the site design process with Town staff, it would be converted to a right-in/right-out. Not necessarily what we thought initially would be best for the project because we wanted people to get in and out from any location, but reviewing with Town staff, it really made more sense that this be converted to a right-in/right-out, it is more consistent with the master plan for Bedford for this area and with DOT, so that was incorporated into our site plan. Next working our way to the far side, this would be the first driveway coming from Manchester, it is a full-service driveway and it is also a shared driveway, which I think is an important feature here, and, again, something that is consistent with the master plan, something that DOT, and I believe staff was also championing, trying to limit curb cuts on Route 101. So we worked diligently with our neighbor to make sure that this would be acceptable, it provides him access to this portion of his site for the future but would be built essentially at our expense. As you work your way up and into the site, you will see that we have some lovely dots of color working our way across the frontage, and posted is the landscaping that has been chosen to accent the building to a great extent. There are trees such as river birch, golden weeping willow, crab apple, and Norway spruce, so you see there is a little bit of variety of tree types that are used. Also, accented by various shrubs such as junipers, bayberries, spirea, and arborvitae, something that can be seen more as lower infill because the way in which we have set up this main entranceway you can see there is a little bit of a tiered approach. You have your first set of landscape screening and then you also have a secondary area of screening, so really it does provide that nice staggered affect. There is a little bit of a grade change there as well, so we think that provides a great advantage and it really limits the visibility of the parking lot and redirects your attention to the building, which I know our architect is certainly excited about. We want to make sure people see this building. As you work your way up through the driveway, you can see the parking that has been allocated. There are 241 parking spaces and 7 ADA, which is just above what is required. We wanted to make sure we had a little bit of overflow parking as there is a function hall component in this; we want to make sure that there is adequate parking, but at the same time we're not looking to make a sea of pavement out there. So you can see it is broken up based off from the Town's requirements with various areas where we have additional plantings. Beyond the shrubs and the trees there are also some various types of grasses that have been provided, which, again, provide a little bit of variation in the landscaping, things such as switch grasses. Probably one of the most important things to point out is as we're working our way from Route 101 back and through the site, is where these improvements are located relative to the property line. The existing facility that is out there now, the parking lot is as close as 4 feet to the property line. What we have done is revised the original site plan, which I'll admit had us in the same location, and working with Town staff we had several meetings to try to come to a conclusion of where the best place was to start this project and we pushed it back at least 20 feet in numerous areas so that your parking is first seen about 23 to 24 feet back from the property line. So we're enhancing the green space along the front of this building essentially 20 feet in most locations. The building itself as far as its setbacks, we're looking at 315 feet to the back property line and approximately 280 feet to this side line. As I had mentioned before, to the front the proximity of the parking, but also the building itself, is less than 9 feet from the property line presently of what is left of that foundation. What we would be proposing is about 63 feet back from Route 101 with that elevation to be determined based in part on the site grades of Route 101,

as well as what we thought would be best in keeping with this project as a whole. As we work our way through the site and really towards to the back to the employee entrance where we have our parking, the dumpster pads as well are located in the back so they are not readily visible. We will be adding some additional screening there at the request of Town staff. This is also our loading area behind the building, so again, it is not something that is readily visible from Route 101 and this would be your means of access out of the site.

Mr. Golon stated I think we have done a pretty good job giving you the idea of what some of these site components are. I'm going to talk about drainage and sewer and all those various site utilities in a moment, but I thought this might be a good transition point to have Mr. Halle come up and talk a little bit about the building.

Mr. Halle stated on the site plan I just want to point you to how we oriented the building. The previous building was orthogonal or perpendicular to Route 101; it was a rectangular box. We took a lot of time in looking at the uses of the building and trying to orient them in a way that had the minimal impact on the site. We have canted the building on 45 degrees, and what that does is this end of the building is the banquet hall and this end shown to the west is the restaurant. By doing that we splay how the building is perceived and presented to Route 101, but we also turned the outside spaces, which in this location is for the tavern, closest to Route 101, so away from the back property line, if you will. The other outdoor space, which is solely associated with the banquet use, is something that would be used much less frequently but simply with the banquet room. So, here you might have restaurant customers actually sitting and eating on a regular basis, over here it would only be used when there was a banquet and part of that was to orient the banquet space to the back, they'd like to create some sort of landscaping in the back for taking photos and that kind of thing. We are thinking that the banquet is more focused on weddings, small functions, with the restaurant on this side with the outdoor patio as shown. The other point that I want to point out is that the site drops about 12 feet to the back of the building, so when you get to the dumpsters and this fire/service lane, you're 12 feet down. The other thing is in terms of placing the parking lot in the existing location, I believe the parking lot drops 10 feet from front to back. Again, rather than seeing that parking lot like today it goes to about this location, where T. F. Moran has configured the front double-loaded parking, everything else begins to drop off. So the amount of pavement and cars and things that you're going to see are going to disappear, they are not a focal item.

Mr. Halle stated going to the elevations I can explain some of this to you. On the posted aerial shot you are looking sort of northwest; we have broken the building up in massing, sort of the old farm analogy of big house, little house, barn. The banquet house being the larger massing to the right, a lot of use of natural materials and really sort of a front façade to the entire complex, a small cupola on the top, the vernacular is very consistent with what you see around Bedford and neighboring communities. The entrance is in the link, again, very subtle and the main tavern is nothing more than yellow clapboard about the scale of an extended cape, where we have tried to keep the massing smaller as we move down. The front signage you will see at least for now we're just talking about resigning the existing sign that is there because every project today costs more than what you expect it to be so we're just trying to locate some savings along the way. The signage may change later and we would come back to you on that, but right now the signage is consistent with what is there. In the posted elevation you can see it is more consistent with what

you would see from Route 101. The building is by any means not overwhelming. The height of the building is well within the restrictions of the height ordinance in town, asphalt shingle roof, PVC trim, clapboard and vertical barn board on the banquet hall, and very subtle landscaping. You can see that both courtyards to the outside would be enclosed in some kind of stonewall enclosure consistent with the theme that we're using here in terms of it being an Irish pub. In the next posted elevation, which is the west rear corner of the building. You can see the patio to the outside of the tavern that gable end is actually a bar, it is enclosable, they can enclose it in with shutters to close it for permanence and then open it up. The patio extends back to a small deck and that covers where the mechanical equipment will be located so it will be sheltered under the deck to the back. All of the equipment on the inside of the building has been organized so that is going to be in this large gable and there will be mechanical vents to the back so within the attic would be all of the rooftop equipment, so we're not putting any mechanical equipment on the roof, we're keeping it very clean, and as you come around the back there is just a simple entrance. Jumping to the floor plans; the basement is totally utilitarian where there are offices and for the most part it is walk-in coolers for the restaurant above. We do plan to have accommodations for a future LULA elevator that is more of a freight elevator. As you look at this floor plan, what you see that has rooms in it is the basement area. The forward space to the tavern end and banquet hall are both slabs on grade, so essentially Mr. Murphy would have a small office for the businesses that he has that would be located down there, and then everything else is related to storage for the use upstairs. The other thing in the back in the lower right-hand corner, we are moving forward with the idea that this building is considered a 5B wood frame or light gauge metal frame construction, it does require to be sprinkled, so we will have a cistern inside the building but it will be fully sprinkled unless something comes up and water gets extended down the road, we're going to proceed on that basis for now. Now the second floor floor plan as you come through the link, you come into the lobby, the restaurant is to the left and that basically shows you the configuration of open tables and the bar. The bar does have a back, which is a component of the dormer on the outside, which is to the far left. The upper left-hand corner is the kitchen; all enclosed within the building and it serves with a back utilitarian corridor to the banquet end of the building. We have tried very hard in terms of our programming as to where spaces are located and where they are located on the site to minimize the impact on the outside on the neighbors. There is a small balcony to the banquet area as well.

Acting Chairman Newberry stated could you comment on the other elevations. Mr. Halle stated the top elevation is the front elevation, and flat across that has the banquet hall on the right, tavern on the left, the middle elevation on the left is the banquet hall and you will see that it is pretty much self-explanatory with a big gable end. We do have a couple of cut-off light fixtures that are mounted to the building but there is no external free standing lighting in either of the outside patios. We may do some small ground lighting on the stonewalls but that would be internal to the courtyard and not outside. On the middle right-hand side we are showing you the tavern side where this is actually shown as enclosed but that is the exterior bar. There is a full story under the extended, raised deck where the mechanical equipment will exist underneath and you see that more on the bottom elevation as shown. Again, as we go across the back elevation as the grade continues to drop, and I do think that the grade drops from the back of the building to the back property almost 40 something feet, in excess of that, so it continues to drop down and away.

Mr. Golon stated I'm going to transition off from one of the things Mr. Halle talked about and that was the utilities and where they were going to be located. We talked about the fact that we have a component of the utilities and they are going to be located underneath the deck, again, out of sight. There will be no rooftop units; those would be located in the attic. Then the question comes to how are we getting the services there. We do have an existing pole riser, when we're talking about the electric services as far as how we're going to feed this building. It is our understanding the existing pole mounted transformers will be adequate to service this project. And then if we progress through the project, and the electrical engineer has had the opportunity to weigh in and we'll know whether or not there is an exceedance, and if there is a need for a pad mount, which will obviously be adequately screened to make sure that we're consistent, but it is our understanding right now that just a main drop from the existing riser is going to suit the use for this building. The thought is that it is bigger but the electrical needs are very consistent. So our expectation is that will be adequate to service the project. There will also be a propane gas tank located along the back that is going to service the kitchen area. For the water right now we're planning for an onsite well. We are trying to work with other developers within the area to see if there is an opportunity to extend the municipal water service. We realize that is a benefit not only to ourselves but others along Route 101, so if it becomes financially viable, it is something that the project team is going to pursue. It is just a matter of whether or not others will have the opportunity to help to kind of push that water line down a little bit closer to us if they can, and then we'll have the opportunity to bring it that much further. That is yet to be determined but we have the opportunity to meet the water needs for this project in either situation. One of the other things that we wanted to make sure we talked about was the septic, and it was mentioned at the opening. We're talking about kitchen greases, which can always be problematic so we're looking at providing septic fields. The existing fields that are out there, and there are three, which are located about the site as shown. As part of our due diligence, we go out and we look at them and we get an idea of what shape these septic fields are in. The determination was made to abandon them. In areas where we have earthwork they are going to be completely removed and we will be required to meet all the State standards as far as the removal of various components for the septic. In their place there will be three new septic fields and I will highlight their locations. One is located right along the back of the parking lot as shown; the second is located as shown right behind the gazebo, and that gazebo has the opportunity to move around a little bit; and then the third is located just beyond the gravel parking. We had to be very precise as to how we went about siting these septic. When we looked at the setbacks, as far as the nitrates, in that is what really drives how close these could be located to either the building itself or property lines. As far as their proximity, we had a septic that was within 30-40 feet of the property line and that septic is being relocated so that it is now 263 feet from that abutter. The septic that was in this proximity that was a little bit closer to the abutter, we're now going to be about 130 feet from that side property line; and then the third is in excess of 125 feet, order of magnitude about 140 feet from this side line. In placing the septic we very much have to meet State requirements as far as how close they can be located to each other, which why you see they are spread out and they are almost equal distance from each other. The septic field itself provides that treatment media that we need, the ability to discharge that affluent, but there is a lot that has to take place before we can get that flow to those fields. What we have undertaken is a fairly rigorous program as far as the septic design; it is going to include a Trapzilla, which is a grease trap that is going to be our first line of defense as we come out of the building, it then goes into an 8,000 gallon grease tank, from there it goes into two 10,000 gallon septic tanks, from there it goes into a pretreatment system designed by Septi-Tech that is consistent

with the type of septic fields we are using, so there is going to be an owners agreement made with these folks, which both parties sign, as far as how that system is maintained and then from there that overflow then goes into our pump chamber. From that pump chamber we are then pumping up to distribution boxes that are going to diffuse that flow and then equally disperse throughout the three fields that we have so that way we're not looking at a condition where one field is potentially overloaded or otherwise, we'll have a very specific pump schedule and operation and maintenance plan associated with these septic systems to make sure that they do perform as required. It is only in our best interest to make sure that these work appropriately. If one of these had to be taken out of commission, it adversely impacts the owner as far as the use of the restaurant; so again, we want to make sure we're very precise about how they are located and how they are going to be maintained. So there is an operation and maintenance plan associated with this that is required by the State. So when we're thinking about level of oversight, this isn't just a requirement of the Town we also have a requirement that we're working with the State. Acting Chairman Newberry asked so the design and maintenance of the system has to be reviewed and approved by New Hampshire DES? Mr. Golon replied that is correct. We have been through the first step in submitting the plans to the Town for preapproval, then they have the opportunity to go to the State, and we have had a couple of minor comments to address. The individual that we are working with as far as designing this system was the one who wrote the rules for DES, so we have a great level of comfort that what we're proposing here is going to be something that is successful. Any septic system we know fails over time, but the idea is to make sure that we can provide as much longevity to that field as possible, and we have the opportunity to recreate those systems onsite should they need to be.

Mr. Golon continued I talked a little bit about the siting and the pretreatment of that septic system but I didn't tell you about the vertical component here. This site does have its foibles. There is a ledge profile that we located within the existing parking lot. Ledge was located within 2 feet of that existing grade, which is not desirable by any stretch of the imagination. As we worked our way across that site, we had a system of almost 40 test pits and had our geotechnical engineer come out and oversee some of that work and evaluate what type of rock we were running into, we found that as you work your way across the existing parking lot, which more or less ends where indicated, there is a little bit of a dip in the terrain and there is a noticeable difference as far as the type of materials that can be found here. You go from a more compact material to something that is much sandier as you work your way down the back slope. There are some outcroppings that you'll see kind of dotted about this slope and some are very good sized, but we were able to do is come up with a program to basically create a grid system to some extent of where we could locate test pits. The first we had to evaluate estimated seasonal high water and make sure we have appropriate separation to make sure we meet the requirements of the septic system, but also for the requirements for the drainage system to make sure we had that appropriate separation and that there is adequate parent material. Our stormwater basin, which I will talk about in a moment, which is located in the back, there is a portion of that that is infill, which is just a basis of the site conditions and getting stormwater from one place to another. What we did notice with our geotech on site is that the issues with the rock are far less as you work your way across the back of the site. Where we were finding it at 2 feet at the front, we were finding it at 7.5 feet or depths of 10 feet not finding it at all. So what we did as far as the site specific soils mapping that was done for this project, which there is a waiver request for relative to the mapping that is required by the Town, it was able to help identify the best areas to put these systems, which we were then able to go out

and verify with a system of test pits to make sure that we have that natural parent material that we need, and in areas where we don't have it, we have the opportunity to augment it. I think that is an important thing to point out as far as the siting of the septic components.

Mr. Golon stated beyond the septic was also the drainage, and it was something we wanted to make sure we discussed. It is a system that is a combination of open and closed drainage. I like the opportunity to use sheet flow wherever possible, so if you can see it, you know whether or not it is working. So we do have areas where we are relying almost wholly on sheet flow, which you will see along the front corner of the building as indicated and then wrapping around the back where we have incorporated a low impact development criterion using a bioretention area or raingarden. It has been sized to make sure that it can receive the flows that are incoming and making sure that discharge, which would be to a stone spillway, which then would travel through the woods to its previous discharge location, so that we are meeting peak rate of flow and we're decreasing volumes where we can or at least maintaining them. So that is one of the components, and if you're not familiar with the bioretention area, this is an engineered soil and there are various plantings located within that soil matrix. Those plants are specific and they are good at targeting heavy metals or other pollutants that you would find in common runoff. So it is a great opportunity to do a little bit of beautification back there with some plantings and also let Mother Nature do her work.

Mr. Golon continued I also mentioned there is a component of closed drainage that is really the area of the parking lot itself. What we found with the original design for Weathervane is pretty much everything sheets off, there is no treatment, and it just drains across the pavement and goes off into the woods. I think in 1989 for the most part that was probably the design methodology. Things have advanced; there are new requirements so this has been designed in accordance with not only Town standards but also DES. I had the opportunity to speak with the review agent this morning, they had a comment letter of eight or nine items of which over the phone we were able to walk through, and I believe we have solutions to all of those components. What you will see there are catch basins located throughout the parking lot to pick up that stormwater runoff so that we don't have distances beyond 100-200 feet where you're to have that sheet flow, as beyond that you can start seeing the potential for icing or channelizing of the flow. We get the opportunity to put that into a catch basin so it is not a hindrance to someone walking through the parking lot and you're going to see two discharges to the back of the site. The first one is located as shown and the second is located as shown. This feeds an area that is about 8,500 square feet, that is the bottom of the basin, that basin is 3 feet deep, as far as its depth, the back side of it because we had to grade up because there is a portion of it that is located in fill, there is a bit of a steep decent here, it is a 3:1 slope, which is typical, but it drops about 12 feet and then you have an additional 15 feet to the property line. That remaining area is really all existing vegetation. What we had done as far as our program and the stormwater management, you go out and take a look at the site and say where is stormwater going now, we need to make sure we are recreating that, and wherever possible we try and identify discharge points that already have a natural flow course. So that was really our strategy with the location of this basin. The lion share of the runoff from the existing site either drains across to Mr. Alam's property or to the back, which I believe is 33 Grey Rock Road so we have maintained those drainage paths, and all of the other locations along the perimeter of the site we showed decreases to peak rates of runoff for all the design year storms as well as decreases in

the volume of runoff, which is an equally important component of drainage that we need to make sure that we're evaluating.

Mr. Golon stated so the lot as a whole, from Route 101 working our way back as far as the site access, we've talked about the landscaping, Mr. Halle has briefed us on the building; we tied that conversation back into the site layout itself, the septic, and the stormwater. One of the other components that we want to make sure we address, and we like to think that we have addressed them all, is concerns that may arise as part of the site review process. We have been working hand-in-hand with Town staff to make sure we address their items on a case-by-case basis, but it is my understanding that there a few letters received from abutters who were concerned and we wanted to make sure that their concerns were appropriately addressed. I think I have hit on a lot of those as far as the septic, the water, the drainage, why we have designed it the way we have, why we placed it in its locations that are shown on the plans, and what a little bit of that vertical profile looks like, and how we have evaluated having a subsurface program put together having our geotech oversee it. But there are a few other items that are really operational, and if I can, I'm going to invite Mr. Murphy back up and make sure he addresses those items because they are important.

Mr. Murphy stated perhaps you have been to my restaurant in Manchester. One letter that I read referenced noise. It is across the street from the arena, the average customer is probably 28 years old, and it is going to grow with other restaurants. This is a different kind of restaurant that I want to build here. My target clientele is families and people after work. As far as music, I will not have live bands; I will not have full-sized live bands. Would I like to have solo and duo acts, sure, but there is a tremendous difference in volume between a five- or six-piece band and two guys with guitars. Also, the building was sited carefully to allow a musician or two to play on that patio facing away from the residential area towards Route 101, and I would not look to have live music until closing at 1:00 a.m. Currently in Manchester we stop at 11:00 p.m., and I would look to go no later than that at this location, again with the solo or duo act. I think three letters referenced clear cutting the lot. That lot is 10 acres, 40 percent of the lot is zoned residential, except for the area that is directly impacted by stormwater management, I have no interest or desire or frankly benefit in cutting a single tree. I believe that Town staff requested, and we have certainly agreed to plant additional trees to fill in any existing gaps in that treeline. So 40 percent of that lot towards the back and on the south side would forever remain a buffer zone. I would like to close my statement by saying that I live in this town, I live not far away, and I would hope that the people in this community and in that part of the community would be my best customers. I would certainly want to hear if anybody had an issue or a problem, I would welcome that kind of feedback, and believe me I do take those things seriously and would act properly. If anybody has any questions about the operation of the restaurant, I would happy to talk to you about it. The last thing I would say is in terms of the scale of the building; I think some may be confused by the fact that it is a 21,000 square foot building compared to the Weathervane that had about 7,500 square feet. A giant chunk of that space is in the basement and more is in the second floor, so the footprint of the building is only 13,000 square feet. The actual restaurant dining space is slightly smaller than the Weathervane's dining space, including the patio. According to the Weathervane liquor license it was rated for 327 seats, and we are going to have just about 200 and change, so the increase in the footprint is due to the function space. I hope that clarifies anything.

Mr. Golon stated that is a good transition to our next piece, which is the traffic piece. When we talk about the restaurant portion, we are almost duplicating what was there before except for the fact it is going to be a whole lot nicer, but when you talk about the number of seats and otherwise, the function hall is different. It was not there before; I'm talking about 240 seats. When we start talking about the trip generation that is associated with that or otherwise, that is where I want to invite Mr. Duval to start a little bit of a discussion about the traffic impact and access statement that was prepared by T. F. Moran. The review that we have done with the Town and their third party reviewer and really the ongoing review that we are pursuing with DOT.

Mr. Duval stated I will give a little bit of background with regards to traffic. That section of Route 101 has about 28,000 to 21,000 ADT, that is average daily traffic, and it has had that number for many years now. As you know, the Weathervane Restaurant used to be on that site and it had 260 seats as is called a high-turnover restaurant because that type of chain restaurant is geared to moving people in and out quickly, people stay generally less than an hour. What Mr. Murphy is proposing to provide on this site is to provide a quality restaurant, a different land use code as recognized by the ITE, mostly because people tend to stay longer and the trip generation therefore is a little bit less on a per seat basis. The report was actually based on 520 seats; the report was prepared early on before the final site design was finalized. So the actual proposal is 427 seats so that the numbers in the report are actually overestimates of the actual trip generation of what is proposed here before you. What is proposed before you is approximately the same total volume as the Weathervane generated and that is for two reasons. The first is whereas the report said there were about 28 additional trips in the PM and 30 additional trips or so in the Saturday peak hour, once you make a reduction from 520 to 427, which is about 100 trips, a big deduction, the actual trip generation decreases. Now there are slightly more entering trips in the PM peak hour and about 11 more entering trips than the Weathervane, but there are 11 less exiting trips and that has to do with the length of stay and the time of arrival of the two different types of restaurants. If you add those up, they cancel out so it is a net of zero. I will get back to that point. On a Saturday it is a similar situation. There are nine additional trips entering, about eight additional trips leaving compared to the Weathervane, so it approximately balances out. So there is no real significant new trip generation at the site. There are more trips in though and that is one of the considerations that has led the Town and DOT to recommend that left turn lanes be provided at this site and that is a recommendation that was made to us. We believe that that is out of proportion considering the minimal difference between this proposal and the Weathervane proposal. We are prepared to continue to work with the Town and the DOT to try to resolve this discrepancy because it is a big difference for essentially little or no change in traffic activity at the site. A full left-turn lane in, for example, would represent about 1,500 feet of widening to the west and about another 500 feet of widening to the east as you drift the through movements over, get them past the left-turn lane and then drift them back into the through lane. So it is about 2,000 to 2,500 feet of widening, which is a big nut to crack. And likewise on the incoming side, there is about 600 or so feet of widening to put in a right-turn lane. This section of Route 101 has 10 foot shoulders at each side, which function for all the small driveways in that area as effectively bypass shoulders where if a vehicle slows to stop to make a turn, other vehicles can go around that. That is our proposal in our traffic study. The Town has asked us to consider construction of left-turn lanes, it is no little thing, it may in fact be the undoing of this project so we're hoping to continue to work with the Town and the State to see if we can find a middle ground considering that the Weathervane had almost identical use in terms of traffic, has operated since 1989 to 2013 at that location with a very good

safety record. In fact, we did a traffic study going back four years for the purposes of this report and we found that there was one 2-car collision in that four year period. So we went back a little further all the way back to 2002, 12 years of accident records there, and we found that there were 11 total accidents, five of which involved collisions with animals, three 1-car accidents involving a collision with a tree or a telephone pole, leaving two 2-car accidents, and one of them was actually about halfway down to Hardy Road, not really related to these driveways, and the one that was at the driveways represents one, so that is one accident in 12 years of records that we were able to find related to this site. The levels of service and queuing, which really for the low volumes we're talking about, are not really that significant. Not surprisingly they show F's on the exiting traffic and that is just because any driveway, any single family home there, will have an F level of service just because you have to wait so long for gaps exiting. The differences between build and no-build are really not significant. When you get into an F level of service where volume exceeds capacity, the actual delay calculations become unrealistic, they become unreasonably high so they are typically not counted. You look at the volume/capacity ratio and in all of these cases the volume/capacity ratios themselves are reasonable and the increases are not substantial, and more importantly perhaps you look at the length of queue, which in the future year no-build case is only about a 1.5 car longer and in the build case it is about 2.5 cars. That is at the PM peak hour and the Saturday is about 1.5 cars in no-build and in the build case it is about 3 cars. So you're talking about one or two cars additional queue length, not unexpected at all as you're trying to leave any establishment in that section of Route 101. Of course the right-in/right-out movements are essentially unimpeded and they work at level of service C or better, essentially unchanged for build to no-build. So the only real issue is left-turns in, and again those are favorable levels of service, they are not impeded, they are not delayed, they are level of service A so it is not like you're going to wait a long time to make this turn into the site. It is just what is the appropriate treatment. If you run the calculations, and here is the book and here are the charts, the book tells you that you need a left-turn lane and a right-turn lane just because volumes on Route 101 are so high, but the reality is you have to look at experience otherwise every time you propose a new house or are enlarging an old house, anything that would require a site plan, you would have to construct these left-turn lanes because it is not really the number of left turns that are driving this, it is the background volume, it is the ratio of opposing and advancing cars on Route 101 that bring the threshold down for requiring turn lanes down to a negligible number for just a few trips. So clearly the Weathervane itself had they proposed construction, rather than Mr. Murphy's restaurant, would be facing the same thing and probably were at the time, but that was really before these particular standards were widely adopted, a little more judgment was used, and in those days it was considered acceptable to use a bypass shoulder for a small trip generation. Unfortunately today people are relying a little bit more on the one-size-fits-all standards and it is an uphill battle to try to bring some common sense into that equation. I would say that the proof of the pudding in this case is in the actual accident record, and we do have a restaurant that operated for 20 years that we can look at and we can look at the accident record, the accident record is very favorable, that traffic volumes haven't increased that much in recent years. So that is where we are with the traffic study. I know it is not a great idea to start out my traffic presentation by telling you how we're not following the Town's and the State's recommendations, but I do want to make sure that the record is clear that we are hoping to get an approval, we are willing to take this condition of approval, we'll work with it, and if possible and if necessary, I guess we would have to build these turn lanes, but we do hope that we can work with the DOT and the Town and the Town's reviewer to find a middle ground for something that is not quite so onerous in terms of construction. I hope I have

answered all of anybody's potential questions about traffic, and I have a book full of additional information, so please ask if you have any other questions.

Acting Chairman Newberry stated let's talk about the traffic. While you certainly make an interesting case for not doing the additional lanes, both the Town's traffic engineers and the State traffic engineers seem to feel that the conditions warrant a full lane treatment, and in our current staff memo, Condition 16 is "Prior to the issuance of a building permit a plan shall be provided for the construction of left-turn and right-turn lanes on New Hampshire Route 101 at the primary entrance to the site. The design shall be reviewed and approved by the New Hampshire DOT." I think that says if the Board includes that condition in any approval that you guys are going to have to meet with Planning staff and their consulting engineers and the State to come up with a design that addresses the points that both the traffic consulting engineers in the Town and the New Hampshire engineers are stating needs to happen. If there is some ground in between that, I think what would get addressed in that determination of what an appropriate design would be.

Ms. McGinley stated along those same lines, I think the Weathervane has been there longer than 20 years. I moved to Bedford in 1985 and it was there when I moved here but there were only 7,500 people in Bedford and now we have 22,000 people, and of course our neighbors to the east and west have grown also, plus the traffic on Route 101. I am not one to want to widen a road where it doesn't need to be widened, and I think that if it needs to be it should be, and I'm not sure what you were alluding to Mr. Chairman, but it sounds as if we approve it with this condition, they would just have to come back if there was an alternative. Acting Chairman Newberry responded I would expect so, and from what I read of both VHB and the State assessment of it, I don't think you're going to convince them. Mr. Golon stated one of the things that we've been working on is we're working between the maximum buildout and more of a use of what we have presently. We think there is a little bit of middle ground and that is what we want to have the opportunity to review, but at this time, just to be clear, we acknowledge the concerns and are willing to accept this condition, and we wanted to make sure it was clear that we are working with DOT and staff and their third party reviewer to see if there is another opportunity. And if there is another opportunity and we find that is a better solution, we'll be back in front of this Board to tell you what it is.

Ms. McGinley stated I know there has been concern about the amount of clearing but it is your lot. Could you be a little bit more specific so that everyone understands the amount that you are clearing and why you are clearing it? Mr. Golon responded relative to the area of disturbance for the site as a whole, it is 6.7 acres. That number is somewhat deceiving because a fair portion of that area actually includes Mr. Lam's property where we're tying in the shared driveway. I don't have the specific figure as far as the area that we're clearing. I did hear some numbers about 50 percent of the lot being thrown around, which I wouldn't say is accurate. There is a fair portion of this area even in the back that is presently cleared and the reason is because that is where the septic are located. It was noted that one of the septic and you can see this area of clearing here, this exists today. There is an area that's been opened up because that is where they decided to site one of those previous septic fields. So the area, when you really think about what it is that's being removed here, there is a component really between the edge of this gravel drive as shown, about 40 to 50 feet deep, and then similarly beyond the existing parking that is located here, there is an existing cleared area that leads you to one of the leach fields here and one of the leach fields here,

so really that second area of clearing really consists of this portion of the lot. I had to use the word clear, it's not that we're just going out there and stumping and grubbing everything, our objective is to have as much of that existing vegetation remain as possible. One of the things that we have difficulty with this site is siting these various components, the septic fields and the stormwater, because there are State mandated requirements for setbacks so we look at those downstream nitrate setbacks, it works great to site the septic field here, it is off the pavement, we don't have any stormwater running over it, all things that we think will help make this septic appeal and be very successful in the future, but the problem is when we look at the site grading and the existing topography, in order to provide our stormwater management system where we want, which is our area where we have our best well-draining soils and the least amount rock that we found as part of our evaluation, we can't leave a low point in between because that is not permissible by the standards, so we do have to provide that continuous grade down to our stormwater management basin. So you can see on either side of it we're able to have some of the existing vegetation remain and it is really to prevent low pockets, which would be not allowable for open water setbacks. There is a minimum of 75 feet that is required if you are intercepting groundwater; that area in between and we weren't able to make those grades work so that that tree buffer could remain, but as far as the areas that are being impacted, those were the areas that we're talking about. You can see on the posted drawing this giant green triangle of a corner, that is all existing vegetation that is going to remain in its current state, and as Mr. Murphy mentioned, the more impact we do on the site, the more costly it is. So we are trying to keep our footprint as small as we can while still accomplishing the goals of the project. Ms. McGinley asked on the area that we see on the plan that has the growth remaining, is there undergrowth? Mr. Golon replied there is. There is a little variable. There are pockets through this area where you see it is mature tree growth, you have some separation between each one of those trees that can vary between 6 and 8 feet but it is mature growth so you have a good canopy. As you work your way across the western part of the site, this is where you find more of the thicket, it is more of an underbrush and it is really the areas that are growing around the existing septic tanks and then working their way down the slope across and to the western side of the property. It is a bit of a diverse cross section of what we have out there for vegetation. There are some areas, and you can look at the aerials on a Google map that are a little clearer, but the nice thing is the areas where we have some evergreen plantings that exist, those are the areas that are closest to people's property, whether they were planted by them or whether it was just the way nature brought it about and those are going to provide a nicer screening. One of the things we looked at with the landscape screening is how do we best accomplish screening this project from the residences as well as Route 101. One of the goals of the project is we want people to see our building, we want them to know that this exists and you can see there is a little bit more of a clear line of sight there with some mature trees whereas there is more of a tiered effect of landscaping across the front so that is blended. Mr. Halle had mentioned in his presentation of how the grade slopes off to the back and when you have a 50 foot vertical grade drop from the property line to the top of that ridge, there is not a lot that we can do with the tree plantings outside of put the trees as close to the abutter as possible so that is what is blocking their immediate sight line. And what these folks are going to see for the most part is the back of a barn, so they may not be looking at a tree in a lot of instances, but maybe they are looking through those trees to see a grass slope that projects up. We wouldn't expect there to be tremendous sight lines at or into this building, so we're not, to a great extent, changing what folks would be seeing. It is still going to be green in the back, and over time those back slopes would grow in. Acting Chairman Newberry stated I think you touched on it before but could you just elaborate a little bit

on the proposed screening at the back of the lot in density and height. Mr. Golon replied there are nine to ten trees that are proposed in the back. One of the things was where that septic was located so close to the property line, actually the limits of work interceded into the 25 foot no-touch buffer for the residences, so what we're trying to do is infill that area. That is the area where we thought there would be the best sight line, it is the area where there was an opening, so there is a system of what I think are Norway spruce trees, these are hardy trees, these are evergreen trees, these are made to last, and because they are going to get some sun from above, we think it is the type of vegetation that can be successful. Planting a tree in the middle of the woods where it doesn't get the sunlight it needs or otherwise, whereas in this instance it is going to get what it needs to survive. As that sightline progresses up the slope, there is some other vegetation, some existing mature growth that will also provide some additional screening.

Mr. Riley stated I am encouraged to see that Mr. Murphy is looking to do a significant investment in Town, and Route 101 has had its challenges as far as seeing new growth, so it is nice to see that the effort is being put forward on the site. That being said, I think you have done a great job with the presentation as a concept but I know myself I have come up with five or six items, and I'm sure many of the Board members, as well as members of the audience, probably have a number of items they would like to bring to your attention and discuss. I don't know that I'm comfortable this evening voting on a final approval on something with so many outstanding items, and that doesn't indicate one way or another if I would vote for or against. I'm just saying that I see a number of outstanding issues that maybe I would like more clarification on. I do concur with Ms. McGinley that I wouldn't want to see Route 101 widened if it didn't have to be, but on the same notion if the State is saying that and the Town is saying that based on the data as presented and calculated, I need to see why the alternative not to do it would work. I do like that Mr. Duval mentioned common sense isn't always used. Now a days it is a one-shoe-fits-all feet and we tend to look at things that way more and more often when that is not always the case. So there may be evidence to support what you're looking to do without widening Route 101, but I don't think I have seen it tonight. Maybe 30 days from now or two weeks from now or next week in working with DOT and staff those answers can be found. That would be one item I would like to see expanded on a little further and a little more justification for what you're requesting. A couple of easy things I would have liked to have seen this evening would have been an overlay of the existing condition with the treeline buffer as opposed to the new condition, so a before and after, and I think it would help the abutters who have concerns over what would be cut or what noise infiltration will occur. If they can see what is there now versus what you are proposing, one over the other would help. I'd also like to see an overlay of the parking, the existing versus the new. I'm not a big fan of leaving the gravel parking around the back of the building. If you're going to be paving, I would say pave it all. We haven't supported gravel parking lots for new developments on the Route 3 corridor, and as far as I'm aware, not on the Route 101 corridor either, so I would like to see that small section paved with the remaining areas that are being rebuilt. I mentioned the traffic. I think if you do a little more homework with DOT, you might go a long way there. Then Mr. Duval talked a little bit about actual crash results. I think the number was two actual documented reported crashes and the data is accurate, I'm assuming that the Police Department reports all of those things, and it is probably a number that I know I found to be low and I'm sure members of the audience want to shake their heads and say only two crashes. I think we have to look at as a Board for a safety condition, the accidents that have occurred, but we also don't want to approve something that is going to create or exacerbate a potentially unsafe condition. Based

on the nature of what is going in here I think there is a need for it, so initially when I saw the plan that Mr. Murphy is presenting, I said there is a need for function space in the Town, but typically with function space we all go in at the same time and we all come out at the same time, so stacking could be an issue; and then we get a little bit impatient if we're the fifth or sixth in line and we want to take that left-hand turn, which in my opinion would be the general direction that people would be traveling toward Manchester. I would want to see how that resolution would take place with the stacking after an event with 150 people.

Mr. Riley continued you addressed sound extensively. I think given the elevation of the restaurant and having actually lived behind a restaurant for 20 years, I know that sound travels, especially on a cool night, so there may be a little more that you could talk to us about as far as how that will be stopped. I know Mr. Murphy mentioned no full bands outdoors, and I'm assuming outdoors that if a full band wanted to play inside, that wouldn't have any effect on the outdoors. Those are the issues I would like just to see a little more detail on. Again, I think it is a nice project, I think it is great that we're looking at developing Route 101 again where we have seen very limited new growth in the Town, and these are just some issues that I need a little more clarification on. Mr. Golon stated I appreciate it, and I'll take the opportunity to try and answer a couple of them now. In regards to the treeline; there is a graphic that is up on the board presently. This is our site preparation plan included within our plan set. This conveys existing treeline versus proposed where the heavy line is representing the proposed treeline. You can see some pockets where currently there are no trees, the existing treeline follows the parking lot, dives back and works its way in and around the site, so you get a little bit of a feel for that area that is being removed. I know I discussed the reasons for that tree removal and how we are trying to minimize it where possible. I think this plan does another thing for us that is very helpful and gives us an idea of the site topography and some of the difficulties we have had to overcome relative to the project site. One of the things that you will notice, and although it is not a perfect straight line, it is very similar. Essentially we found an elevation that we knew at a minimum this is where we have to stop, we don't want to project things any further, whether it be for the reason of stormwater management issues or simply removing more trees than is necessary. Again, this was some of the common sense aspect of site development that we wanted to make sure that we touched on. So relative to an overlay of sorts of the trees, I think this plan would provide that. Relative to the overlay of the parking lot; that plan I don't have in my plan set so I can't pull it up. You can see on the posted plan the existing loading area where the trees have been removed, the existing area of the building itself, the existing parking lot, and as you work your way back, there is a large pocket where the existing septics are where the trees have been removed, and, again, this treeline represents the limits of the canopy not the tree itself, to make sure that is clear, and then this area here, which is right next to two of our abutters, that presently there are no trees there. That was the area of one of the septic systems and this is the area that we're looking to infill so that we can provide additional trees to try and knock down that sight line. For the parking I don't have the opportunity to necessarily address that but we can see where the limits of the parking were here, and when we looked at our overall plan, you get a little bit of a feel for where we are at, this is the box, there is additional parking because we do have the function hall space so all of that parking is not needed on a regular basis. When you do have a function, we want to make sure we can cater to both function goers as well as restaurant goers, so that is why you can see where that box is really being provided in retrospect to the two plans. Relative to the gravel lot; I guess I'm of the school of thought that if we don't have to pave it, let's not. Although other than it is an added cost, gravel

has been a perfectly good surface for parking lots, roadways or otherwise for some time, as long as it is constructed and maintained appropriately. For its given use we feel comfortable with it and that is because that area that we are referencing isn't part of everyone's coming through accessway, those are the other two primary entrances, this is employee parking only. We have 15 or so parking spaces that are located here and then just the gravel fire access lane to make sure we have access around the back side of the building as well. In a perfect world we could pave it all, but there is obviously a cost component of that too and for every dollar that goes into the site, it is a dollar less into the building, so we are trying to balance the needs of the site with the needs of the building while still recognizing the vision that the user has. One of the things that I think Mr. Halle and Mr. Murphy touched on also is the idea that we have created a nice, level grass space at the top of this slope so they have the opportunity to take pictures if there is a wedding. Having someone walk across a more rustic looking gravel area as part of their wedding or that is in the background of an image is not such a bad thing, but how they plan to use this facility, if someone is walking across pavement or if they have a driveway in the background of their wedding photo, it is a detriment to the intended use of the project. So those are some of the reasons why we were providing the gravel drive. Mr. Riley asked do we have any gravel parking lots for new projects in town right now? Mr. Sawyer replied just the soccer fields and our parks. Those are the only places. We do have a grass field at French Atwood Marketplace. Mr. Golon stated we recognize the concern; so again, this was very much an iterative process. I know this is our first meeting with this Board, but this is the ninth or tenth time I have met with Mr. Sawyer and Ms. Hebert by either a phone call or sitting down in person to go over this plan to try to get it into shape where this Board could feel comfortable with it. One of those components we did discuss was the gravel accessway around the building as far as the fire use and the employee parking lot, and it was our understanding that we had staff support relative to that use. If we didn't, we wouldn't be before you asking for a waiver for that.

Mr. McMahan stated I wish Mr. Stanford was here, and Mr. Sawyer maybe you know some of the challenges of removing snow from a gravel surface and then what happens when the trucks come in to be able to empty the dumpster in a tight turning radius and what that might do to the surface. Mr. Sawyer stated absolutely, and I think Mr. Golon can speak to the turning radiuses and the truck impacts on the gravel better than I can, but clearly it is something that Mr. Murphy and his team would have to clear the lot, we'll have to address, and they will have to repair the gravel in the springtime like we do on our gravel roads that we have in Town. It is something that requires a lot more maintenance and upkeep. I don't think it was mentioned about the signage that would be included, but I know on their waiver letter they did talk about the signage that they would have on both sides of the driveway to try to keep the general public out of this area. Mr. Golon stated it would be clearly delineated that it is an employee and loading entrance only. The only reason we provide the pavement is the smooth transition to Route 101 and it is a requirement of the DOT. Relative to the material that has been selected; it is 6-inch on 12-inch base, so we have 18 inches of gravel that is being provided. This is an adequate substrate for the existing soils that we have out there on site, it is going to maintain its integrity, and yes, like anything over time it will break down and require repairs. What we have done is we have this kitty-cornered and that is for a reason so as you do have someone coming in to pick up the dumpster, it is a nice easy turn for them to make, and with anything that is an oversized vehicle, emergency apparatus included, they have a wide berth to make that turn, which was something we thought was important from a safety standpoint. We didn't go overboard, we didn't put more than we needed to, but at the same time,

we provided what we thought would be appropriate given the level of use. Mr. McMahan stated it would have been nice if Mr. Stanford could have given us some insight of what it is like to clear snow off from gravel. Mr. Golon stated I really wish he was here too because I will give him credit as it was his recommendation during our first scoping meeting to incorporate this drive along the back of the building. Originally we didn't want it there at all, and for the reasons I mentioned earlier for the paved surface, we really didn't want a road anywhere near where someone is taking their wedding photos or something of that nature. The gravel road is a little more rustic, something that can blend in a little bit better, and that was really the direction that we went and it was Mr. Stanford's suggestion for that accessroad to loop around the back of the building, so yes, I wish he was here also. But I think Mr. Sawyer or Ms. Hebert can confirm that was, in fact, the conversation when we first brought our plans in because this was not included with the original design. Mr. Fairman stated I think the gravel road is great. I think the less pavement we have in the world the better off we are.

Mr. Fairman stated I have a few questions and one comment I'd like to address. The first question is; my colleague said that a concept review would have been nice, and I would like to know why we didn't do one. It would have given the abutters more opportunity, it would have given us a chance to do a site visit, there are lot of reasons for coming in for a concept review, and I don't see why we haven't had one. The second question is I didn't hear Mr. Murphy address exactly what hours it would be open. I think you said the few hours you wouldn't be open, but I don't think I heard you say the exact hours you expect the restaurant to be open. Finally, since you're in an area surrounded by residential abutters, did you have a meeting with the abutters and get their feedback before you came to us to address some of their concerns before we get a whole bunch of letters. I suspect you didn't, and I would like to know why and would you be open to doing that. My final comment is the right-in/right-out turn. I don't like it. I believe that no matter how many signs you put up you're going to throw a lot of people headed west that want to go east and they have to find a place to turn around. Where they are going to turn around are in residential roads, residential driveways, places that don't have the sight view that you have here. Grey Rock, for instance, does not have anywhere near the sight view that you have coming out of this place, or do they go up to other streets to other residential neighborhoods or perhaps into the gas station to turn around there. I would not like to see that; I don't know if that is a requirement that we have. I would eliminate that third driveway completely and have everybody come in and out on the right driveway. I'd like to have my questions answered. Mr. Golon stated I will address the concept review and the abutters and Mr. Murphy can come back up to address the hours of operation to make sure that is clear.

Mr. Golon stated when this project was first envisioned, it has been a back and forth process with Planning staff, and seeing that there is a restaurant now and we're putting another restaurant in its place, and I'll let Planning staff speak to this also, it seemed we have an existing use here, we're expanding on it to a minor extent, which Mr. Duval explained in the traffic component, it is almost more of a glorified change of use. We had a restaurant and we're making a little bit of a considerably nicer restaurant, so the need for coming before a conceptual review wasn't deemed necessary. If this was a vacant lot, nothing was out there and we're coming in with a restaurant, especially in a residential zone, I agree with you 100 percent that we would be foolish to come in and say we want to put this beautiful restaurant on this parcel of land that has never been touched. That is not the case with this site. We were able to date back the history of the Weathervane that

precedes my own knowledge, which was the 1989 date, and it sounds like it probably goes back a little bit further, it kind of gets into at a Zoning Board hearing of can you confirm what the use of this property is. This property has been used historically since at least the late 1980's as a restaurant site, and we would like to continue to use it in that capacity. I wish I had the answer for you specifically that there was this one item why we didn't come in for a concept review and that is our reason. It is an expansion on an existing use versus a vacant lot, otherwise I would say yes we would have been in specifically for that. In regards to the residents; we had the opportunity to talk to some of the residents when we were out doing field work, whether it was our surveyors or our engineers doing test pits, but there was no specific coffee talk, weekend meeting or otherwise. I would agree that it could be beneficial to a project to make sure you get out those concerns. Our goal all along with this project is to try and keep as small a footprint as possible. I know this may look as if it is an incredible amount by the color plan, but really the footprint isn't too dissimilar and we have mitigated the areas that we have added to a great extent with our septic fields, our stormwater management, our recreation of buffers or otherwise. In regards to the comment on the right-in/right-out; I will defer in part to staff as well as my traffic engineer. When we first came forth with this option, we wanted to keep the main driveway as it was and it was determined in part through staff, the DOT that the idea is they want to try and eliminate as many of those kind of full-service driveways as possible. So by mitigating that and reducing it to a right-in/right-out, it was perceived as a benefit not a detraction. I can understand your perspective of that concern. I wouldn't anticipate a vast number of folks making that right-out if they don't intend to go right and I'll explain why. Chances are the vast majority of our patrons are probably coming from the Manchester area and that is the way the traffic study really depicts the volumes of traffic. If you come in that entrance and more likely than not you're going to leave the same way. This entrance is providing just a little bit of an alternative method so that if you're making that right, you're not driving to the other end of a parking lot to then make a right. I know myself that I have been guilty of that at times. If there is a driveway on the other side of the property, chances are I'm not going to drive all the way down there, I want to leave as soon as I can, and if I'm going right, I'm certainly going to take that right out.

Mr. Murphy stated the hours of operation would be 11:00 a.m. to 11:00 p.m. Sunday through Wednesday and until 1:00 a.m. Thursday, Friday and Saturday. There has been a restaurant on that location since at least 1955 when it was a Chinese food restaurant, then to the Weathervane so there has been restaurant there for going on 70 years. To the third question that came up; we did not have a meeting with the abutters frankly because it was not a dramatic change of use in my opinion. In retrospect I probably should have, and I regret not doing it, and I would certainly be very open to doing so. We went through a lot of work in order to mitigate what we saw as any problems with the abutters in terms of locating the building, setting the building at the angle that we did, locating the leach fields much closer to the building than the existing ones, so we thought that we had addressed those concerns preemptively but obviously we may have been mistaken. So I would be happy to meet with them.

Councilor Bandazian stated I'd like to compliment the look of the architecture and the landscaping. I think it is a great improvement and a great addition to the Town. Hopefully we can get something worked out. Also, I appreciate the ambition presenting this at the first time around for final review. It is pretty challenging and you've made a good effort. As far as the right-in/right-out turning lanes; we don't know what trip generation the abutting parcel is going to create once that shared

driveway really does become shared. I would certainly have some concern, if not now but at some time in the future. If that was going to be a very short time out in the future, I might be persuaded to defer that requirement by a little bit but certainly once that abutting lot gets developed, we're going to be looking at a very different situation if you can say it is an existing use right now. It is going to be very, very different once the shared access gets shared, in my opinion. Mr. Golon asked could you expand on that? Councilor Bandazian replied you have a shared access driveway with a parcel to the east, and I take it that is shared because the parcel to the east will be using that. Mr. Golon stated maybe I should clarify how that came about. In answer to your question, yes. Relative to that shared driveway it has always been shown in the master plan and been conveyed to us considerably that limiting curb cuts on Route 101 is one of the top priorities for the Town and DOT. This doesn't provide us that great of a benefit to share our driveway with someone else. We are providing this essentially because it was asked and we were told that this is a good thing. This is good for DOT and this is good for the Town. It provides us with a little bit more buildable area for our parking, so there is that, but you can see one of the things that is important here is the queuing space that is provided in this driveway. It runs the length of the parking lot, so relative to however they develop this site, and we don't know how that is perceived, one of the things you would always look at is queuing to make sure you have adequate stacking within your site. I can't think of something offhand that I would be worried that the stacking we provided would be not appropriate for that use. Councilor Bandazian stated what I'm saying is there will be more right-in and left-in traffic. Mr. Sawyer stated that would be the need for the turn lanes on Route 101 because of development. Mr. Golon stated that would have to be evaluated when that project comes around. Councilor Bandazian stated and I don't know if there is a project coming around in six months or something. Mr. Sawyer stated we have nothing. We have had no meetings. Councilor Bandazian stated but that is a concern that we not overlook that potential development and use of that shared driveway. Maybe the abutter would contribute, I don't know.

Councilor Bandazian stated I don't want to sell you short on music and hours of operation. You had mentioned specifically the restaurant and not the function hall. Does the limitation to one or two musicians ending at 11:00 p.m. include the function hall and does it include no DJ's after 11:00 p.m. for the function hall? And if you're contemplating something else, I think it would be useful to know. Mr. Murphy responded the 11:00 p.m. remark was intended to refer to any outside entertainment. I have no intention of having interior live music, full sized bands, but if I did have a solo or duo act, I would look to have that until 1:00 a.m. Ms. McGinley asked but indoors? Mr. Murphy replied yes, and therefore completely inaudible to anybody outside. Councilor Bandazian asked as far as weddings with DJ's? Mr. Murphy replied it is typical that weddings go until some prearranged time of 11:00 p.m. to midnight to allow the facility to clean up and be ready to be out at 1:00 a.m. They don't typically go until 1:00 a.m. Councilor Bandazian asked so it is possible there would be weddings with DJ's until midnight? Mr. Murphy replied that is very possible. Councilor Scanlon stated but it is indoors. Acting Chairman Newberry asked there is no intention to have amplified music on your patio that is associated with the banquet hall? Mr. Murphy replied that is correct.

Councilor Bandazian stated while we have this green depiction up, I was having a little difficulty reconciling the green space by the tree buffer with Sheet 5 of our plans, which indicates kind of a steep slope and area of rip-rap, at least if I'm interpreting it correctly, that is shown as green on this plan. Mr. Golon responded it discharges from our stormwater management features. We do

have rip-rap pads to make sure we dissipate the velocity of that stormwater flow and spread it out. There are four locations as indicated, where there is rip-rap provided and sized accordingly. The area of the bioretention, the inlet is rip-rapped and the outlet also. As we work our way across the site, there is a stormwater outflow into the infiltration basin, which is the darker green area to represent the bottom of the basin, there is another inlet located as shown, which is pulling the stormwater from this side of the site and that way we make sure we're trapping all of that impervious area so that it can be treated in accordance with the State and Town requirements, and then last you will see an area here, which is an infiltration trench that gets below the frost line so that way even in a frozen condition we make sure our basin can continue to drain and then it would overflow through this rip-rap spillway to the existing treeline where there is a little bit of a defined path where that stormwater can flow offsite as it does today. Councilor Bandazian stated I'm looking at Sheet 5 and it may be the smallness of where the rip-rap is indicated but I hear what you're saying. Mr. Golon stated you can see the slopes that are steep, which is the limit of our work; it is essentially a replication of the slopes that are out there now. It is fairly steep as you work your way to the back part of the site, but, again, there are those areas of rip-rap that are shown. Councilor Bandazian stated so just a small portion of the steep slope is rip-rapped. Mr. Golon responded that is correct and its purpose isn't for slope stabilization. It's not a concern that the slope wouldn't be adequate on its own, but you are introducing stormwater to it so you want to make sure that it is secure, so you're slowing down the velocity of that stormwater and making sure it is received appropriately to the ground below. Acting Chairman Newberry asked so the outflow from that rip-rap that you were just talking about, under what circumstance might you actually get a flow there and does that flow then feed an existing drainage? Mr. Golon replied as part of our site evaluation we walked the entirety of the property as well as our property line to try and get an idea of how does this site presently want to work, how is Mother Nature making this work so we could duplicate that as far as our discharge. One of the things that is kind of the rule of drainage is if you have the ability to discharge in the location that discharges now, that is stable, that has been doing its job, you want to recreate that. What we found with the hydrology at the site, and I don't have a pre-post development map here, but that is something that we create as far as our drainage evaluation, there was very much a defined pathway, not quite a swale, that was leading offsite towards this property line that then leads down to Grey Rock Road. I don't recall if there is a swale along the edge of that road, but I believe there is a culvert further down where that then ultimately discharges as there is a much larger water body on the other side of the lots that are on the farther side of Grey Rock Road. We're trying to introduce the stormwater in a manner as it discharges from our site that is consistent with the way it was working before we got there and finding its path along a defined flow channel. Acting Chairman Newberry asked under what condition might you actually see any water there? Mr. Golon replied during the 2-, 10- and up to the 25-year storm essentially we have little to no discharge. During 2- and 10-year storms definitely there is really nothing coming out of that infiltration basin and it's been sized accordingly. When you get into the larger year storms, 25-, 50-, 100-year, it is a 10-acre site and we do have areas that is existing impervious to drain across it so there is a discharge. But relative to the order of magnitude of those discharges, I want to say during that 50-year storm event, we're talking about 3 CFS or so that is leaving and discharging along this property line to various locations. That peak flow is equal or less than what it was post-development, so we are reducing the amount of stormwater that is leaving this site by promoting the various low impact development criteria with the infiltrating of our stormwater and infiltrating it into an appropriate media that is below us.

Mr. McMahan stated I think everybody on the Planning Board loves to see projects like this of how to increase the business within Bedford and provide service. Mr. Murphy thank you very much for your candidness and your comment of working with the abutters. That is commendable. The items that I see just by listening to this that are of personal concern to me, and I think to everyone on the Board, is the safety on this particular road. Mr. Acting Town Manager, I don't know if it hasn't already been done and it's up to you whether or not you think it is appropriate to ask Chief Byfronski, in my conversations with him, he is very concerned about some areas on Route 101, but that is obviously up to you.

Mr. McMahan stated another thing, Acting Chairman Newberry, and I don't know if it is appropriate, we have the VHB representative here. Would it be worthwhile to hear from her? Acting Chairman Newberry replied I do, and I think if Ms. Bousa has any comments related to the traffic conversation, maybe particularly also if you have any comment on the right-in/right-out portion of the proposal.

Robin Bousa, VHB, stated starting with our review. You have obviously read our memo. I can tell by your comments tonight. I don't think we need to expand upon it a lot. I think there are some other people here tonight that want to speak, but I do want to say that it was not a one-size-fits-all solution that we recommended to you. Our review was twofold; we started with the review of the technical analysis, which was provided by the applicant, and the numbers clearly show that turning lanes are warranted out there. We don't just look at the numbers and say okay you have to build a turn lane. The reality of it is you look at the existing condition and what is out there today is a very highly traveled road with 20,000 vehicles a day, your peak flows out there are more than 1,000 an hour in each direction and the site is going to generate traffic. If it is successful, there is not just going to be a handful of turns there, it is going to generate traffic. The reality of it is that when you have a 50 mph roadway, a 10-foot wide shoulder is not adequate for a bypass lane. Ten feet is the average size of a parking space, so at 50 mph it is a matter of public safety for us. That is where our recommendation came from, and I think that is what DOT echoed in their review too, and those two reviews were obviously done independent of each other. With regard to the right-in/right-out; it is actually something we do support on this particular project. We are looking to do whatever access management you can on your busiest corridors. I think that folks will get acclimated to the site, they will get used to there being a full driveway to the east, they will know where to take their left-hand turns, they may make that occasional mistake the first time they go there, but they will get accustomed to it, and I think once that other site is built further to the east, then you can really sort of make that driveway more of a gateway into the area and actually do some additional signage there so as people are driving, their eyes will draw to that as the primary accesspoint, so they will know to leave that way as well. Acting Chairman Newberry asked is VHB comfortable with the idea of working with the applicant and the Town staff to come up with a design that works there? Ms. Bousa replied we're always open to working to find a solution. We should also mention that we haven't seen a plan so we don't know what a left-turn lane looks like out there. Mr. Duval was talking about 2,000 feet and in my head as I was sitting here listening to it and I was calculating about 1,400 feet. I don't quite think it is as long as maybe they are thinking it needs to be. But obviously we will work with staff and we will work with the applicant to see if we can come up with a compromise with DOT.

Mr. Cote stated one of the problems there is that the speed limit is 50 mph now. Would we be better off if that speed limit was lowered to 40 mph on that stretch from Hardy Road to just beyond the project? Would that be a benefit or would that make things worse? Ms. Bousa replied when you lower the speed limit you think you are making the road safer because people are driving slower, but then if you have a congested and busy road, you're actually causing more congestion because people are actually driving slower so you have a slower processing rate. In this particular case that is not going to make a difference as to whether or not you warrant something. Before you look at dropping a speed limit on a roadway you have to do a speed study to make a recommendation, so without that data I wouldn't be able to tell you whether it would be better or worse to lower the speed limit. Councilor Scanlon asked isn't that the State's decision to make? Ms. Bousa replied it is a State roadway, so yes.

Councilor Scanlon asked Mr. Murphy, when did you buy that property? Mr. Murphy replied I believe we closed in April of 2015. Councilor Scanlon stated my wife always told me when I ran a sales organization the thing you do terribly is you don't tell people what they are doing right, you just start right in redirecting how they should do things, and that was my pattern for the rest of my life. I never really changed it. But I don't think that much of a preamble, the one that came from Mr. Riley, was long enough and praiseworthy enough. From April 2015 and yet the degree of detail and planning and minute detail that you have presented collectively as a group shows an extraordinary preparation, consideration, introspection, so much analysis that I think you put into this that my eyebrows went up and I was very, very impressed at your attention to detail and planning. As I listen to your presentation, it occurred to me that I know we have a lot of residents that have come by tonight and I think a lot of the concern that some of the residents have you have anticipated on your own without benefit of having had a meeting with them. In short gentleman, collectively I think that our group should be very excited. I think the comments that Mr. Riley offered I hope reflect the attitude of this full Board. I think what you have done is remarkable, I'm excited about the prospect, I was particularly thrilled with your description of your intended audience, your price range, the Irish theme, the cupola, and I like very much everything I have heard. I'm not sitting here worried now about whether you will address the concerns that some of the residents are going to have. I want to balance out very thoroughly some of the concerns that have been expressed against what I believe to be strong enthusiasm for the concept and what you are bringing to Bedford. Thank you. Mr. Murphy replied thank you, Sir. I appreciate those comments.

Mr. Rohe stated in order to limit the amount of trees that you're cutting, have you given any thought or consideration to doing a leach field underneath the parking lot? Mr. Golon replied yes, and that was the reason why our geotechnical program was really started. When we were in the parking lot initially just walking down the site, there were some odd characteristics that we noticed specifically as to the pavement itself and how it has been maintained. As we pursued through our investigation, and I may have noted it earlier, we found bedrock 2 feet below that parking lot, so the entirety of that parking lot is essentially sitting on some sort of ledge profile. It dissipates very much so as you work your way toward the back of the property, but even as close as the central location within the parking lot, we're still running into it at 4 to 5 feet. I did not feel comfortable stamping something that I felt couldn't be successful in that location by trying to introduce stormwater. What we did have in other portions of the site was more of a sandy or tilly type feeling, where you had a little bit of breakup of the soil particles so the opportunity for infiltration

is much better and those are the areas that we have selected. So relative to your question, yes, it was actually the first design that I brought to Mr. Murphy was a septic field located in the center part of the parking lot, and then the second concept was a stormwater management area located in the center of the parking lot. It was a little outside the box because that is not something you typically see outside of maybe like a large tree area like you have at T-Bones, that is kind of in the middle of the parking lot, but that is there for a reason to maintain that tree I assume. It wouldn't have been successful because of those subsurface conditions and that is why we have sited it elsewhere.

Acting Chairman Newberry asked for comments or questions from the audience.

Brian Driscoll, 45 Grey Rock Road, stated I am one of the abutters. I think I'd like to start by asking how did we get to this point. I do want to thank some of the members for voicing some of our concerns, perhaps not all of the members. Back in July Mr. Murphy talking with the *Union Leader* about the proposed Irish pub stated, "It is commercial space but I am aware of the fact that there are houses just behind the property. We are going to be very careful to not impact those people." At the time we were all enthusiastic because we envisioned a replacement of the Weathervane with an Irish pub, something similar in scope, but the magnitude of this proposed project would do nothing but impact us. Again, how did we get to this point? So I'd like to ask what is the process that took place, as you had mentioned, from design concept to preliminary plans because under RSA 91-A the powers that you have come from us, you derive your power from us, you are our substitutes and ultimately you are accountable to use, so where along the line have we not been involved until finally we receive notification that this is a final site plan looking for approval tonight. We have major issues with that and I think you would all agree. So the fact that Mr. Murphy wants to meet at this point now seems awfully late in the project. So again, I would like to ask, what took place from initial meeting to tonight? Can somebody answer that tonight? Ms. McGinley stated I just want to say that because it is here for final approval does not necessarily mean it will get final approval tonight. That has not yet been decided, and it was presented to us by staff. Mr. Driscoll stated so we would like to see and be advised of all of the notes and all the meetings that have taken place as well as people present. We have major concerns and one of them being the Vice Chairwoman of the Town Council serves in a supervisory capacity to the Planning Board. Has that been addressed? These are our concerns. Why? Because it seems as if to anyone who is looking from the outside that there has been something going on behind the scenes in concert without benefit of the abutters. It is almost an attempt to run this through on a fast track agenda, get it rubber stamped before the townspeople are even aware of what is taking place and can react to it. That is our major issue. So we have major concerns? Of course we do. We have a lot of concerns. It seems obvious to anybody who has even dug a little bit deeper that there are major issues that could impact or undermine the plan as proposed. We would like to bring all of those issues forward one by one and focus on them and then move onto the next agenda. We would like everybody to have an opportunity to address each and every issue that we have. Acting Chairman Newberry stated I think the process that this application has gone through is the same process that every application goes through, and I think that you could find all of the supporting documentation at the Planning Department. Mr. Driscoll asked why have we not been notified of a hearing prior to this? Ms. McGinley replied there has not been a hearing. Mr. Driscoll stated this is very far along in the process that this is listed as a final site plan and yet we have not been involved. Councilor Bandazian stated I think your issue with anybody would be with the

Legislature. The Legislature sets forth deadlines. As soon as an applicant has a complete application, they have to be given a public hearing either by the next regular public hearing or within 30 days and then that starts a 65 day timeclock for the Planning Board to rule on it. Those are deadlines that are set up by the Legislature that the Town is not free to violate. Ms. Hebert stated State law also sets up different processes for the Town to review site plans. The first being a very conceptual plan that can be talked about without seeing anything actually on paper and abutters do not need to be notified. So it is really talking about an idea with the Planning Board and getting feedback just from a back and forth discussion. Then the next level would be what they call a concept plan, and it is not required to come in for a concept plan but that is really just a sketch. In the Town of Bedford abutters are notified for a concept plan. Then the next level would be design review, which would be if someone wanted to come in and have a little bit more of a vesting rate when they are discussing their site plan with the Planning Board, and the third level of review is site plan. I think we shouldn't get too hung up on the word final. It is something that is on our application, but it is just a site plan review and that is what has been applied for here. There is no preliminary site plan review, it is called final site plan review in Bedford, but it is essentially a site plan review and this is the start of the process with the public hearing. Mr. Driscoll asked this is the start of the process? Ms. Hebert replied yes. Mr. Driscoll stated I am okay with the start of the process but we do have a lot of concerns. I would like to bring these forward, but I would also like to mention that going back historically the fact that this property is zoned both commercial and residential seems to be somebody smart back when looked at this and said okay there is a potential residential neighborhood so let's establish this and reduce that footprint for commercial so that we have a residential buffer in place, and I don't know that all of you are aware of that, the residential buffer as well as the residential slice of this property. So to me they were respecting the potential neighborhood, which we are, and I hope that you take that into consideration.

Mr. Golon asked do you want anything from the applicant relative to addressing the concern of process? I want to make sure that we as a project team are, and we appreciate the Board, that is really your domain to answer that question. T. F. Moran is a company that has been in business for nearly 50 years, we have done a tremendous amount of work in Bedford, and I understand that we have followed every requirement to the T as to how this application was presented. I just want to make sure that that is being conveyed, I want to make sure that it is understood that we have followed the full process and followed the lead of Town staff to make sure that we were putting forth a project that not only we could be proud of but the Town can be proud of. Acting Chairman Newberry stated as I said, I believe that this project has followed the same process that any other project has or will and that the results of the process are available for public review at the Planning Department. Ms. McGinley stated we didn't have a hearing on this, unless I missed it, prior to this. It is not unusual for very large projects, for instance the redevelopment of the Bedford Mall or the redevelopment of the Wayfarer site, to have several conceptual hearings before they actually do applications. So you will see that sometimes there are multiple hearings on very large projects. This one did not but it was not heard at a hearing where you should have received notice and you didn't receive it is what I'm trying to say. Mr. Driscoll stated we would be in favor of forming a neighborhood committee to meet with both the Planning Board as well as Mr. Murphy. But aside from that is that notification of the abutters was not presented within the 10 days, it was shortened, so as required, we did not receive notification. Ms. Hebert stated our certified records have been reviewed, and the mailings that go out to notice the abutters were all sent in compliance with State

law. You may not have signed for your letter, but the letters were mailed. We are required to mail them at the post office within so many days. Ms. McGinley stated I think the issue that you may have, and this happened to me in my first house in Bedford, there were woods behind the house for years and then during one of the boom time's houses started being built in that subdivision and I kept getting notices. I knew what was going on and I never picked up the letters. They are required to be sent by certified mail and that is the problem, but that is a requirement by law that is followed. Mr. Driscoll stated we didn't receive them until Wednesday. That was very short notice and not enough time to bring in other experts. I just want that as a matter of record.

Lisa Kammer, 40 Grey Rock Road, stated I am not an abutter, just a concerned resident in the area. I echo everybody's nods that we were all very excited for a restaurant in the area, especially when it was a little bit nicer than the Weathervane because as you mentioned, it wasn't very nice when it closed. One of the primary issues I think that we all share is that the place is huge. Yes, it is three levels and only one of those is actually seating patrons at the restaurant but the parking lot is twice the size. That increases the sheet flow as you mentioned, it increases the drainage, and as I'm sure some other residents will mention here, the existing conditions are not great. When you mention that you're trying to follow the natural flow and what is actually happening back there currently is terrible. The people that are right on the other side of that lot line from where the existing septic is have standing water in their yard for most of the year because of the bad conditions back there, which could have something to do with the very shallow bedrock, and as you all know, we all have bedrock wells there. We have some concerns about that even if the infiltration basin is functioning properly. Everybody is always naturally concerned about possible contamination to their wells. Nobody wants to be drinking bad water and find out about it after somebody is sick. You mentioned talking about the open space. Ash Bog is on the other side of Grey Rock Road, it is about 176 acres, and we get a lot of natural wildlife in the area from it. In the Bedford Open Space Plan there is what is called green infrastructure and that is basically, as I understand it, land that is designated with certain degrees of priority, as stated, "Green infrastructure designation includes a majority of the proposed restaurant property in the majority of Grey Rock Road." It doesn't define it, but basically the idea was to keep those green spaces where you have scenic environments, where you have natural wildlife to preserve them within Bedford and the portion of this property that is included as zoned residential is part of that green infrastructure designation. One of my questions was; can they actually build a commercial sized infiltration basin within a residentially zoned portion of this property. I understand that you did look at putting it under the parking lot, but you can't do that because of bedrock, so this is kind of one of your only options, but I don't know if that is something that is actually allowed with the zoning. That is kind of a question for the Board, if there is anybody on the Zoning Board that might know that. Mr. Sawyer stated I would let the applicant address that. Mr. Golon stated we have reviewed with Town staff how we use the residential district. It is our understanding that we have received determination that the proposed infiltration basin that will be located in a portion of the site that is residential is allowable; it is allowable as a use in this district. I think one of the things I want to point out, and I appreciate all of your comments, I would like to provide a little bit of clarification because are we not only required to design this, we need to be able to explain this and explain to public sentiment, so I want to take that opportunity to talk about the stormwater system maybe in a little bit more detail.

Mr. Golon stated with regard to the standing drainage at the property line and that that is something we sought. We do see the drainage from this site as a whole does pond because it is a low point, it is the way in which the homes were built, and it drains to the property line, as does our site drain towards the property line. Therefore, at that property line we've got a little bit of a low point. What we have done as far as a design mechanism for this site was to make sure not only were we in keeping with the requirements but we tried to go a little bit further. So you see in the area where we are discharging to that point, we're not only decreasing peak flow, but also the volume of stormwater. So the size of that puddle, how big that could be, and the intent is with this project we're going to try and make that puddle a little bit smaller. Now we're not required to do that by any stretch of the imagination, but it was a known condition, it was something we evaluated as part of our site walk and then designed our project to the extent that we could within constraints accordingly. One of the other concerns was about contamination of wells. Being that this is a parking lot that we're draining, it is going to be an open-air infiltration basin. If there were grease and oils that carried over, those are going to rise to the top, those hydrocarbons, that is something that you're going to see, but what we have installed on all of our catch basins, and is noted on our plans, it was actually a point of clarification with staff to make sure we were agreeing to it, we provide oil hoods on every single catch basin that discharges to the back of the site. The idea is you're now trapping those oils or anything that is running off in your parking lot,. Those floatables are trapped at that point source so when they are doing their maintenance, and there is a maintenance plan associated with the drainage of this facility, they have the opportunity to clean and remove those components from the basin so they don't get downstream. That's part of the name of the game when you're using open infiltration. Ms. Kammer asked are the records of that maintenance plan available publicly? Mr. Golon replied yes. It is located at the Town office; it is an appendix to the stormwater management report. Ms. Kammer stated I mean actually that the maintenance was conducted, what happened, was anything in failure. Mr. Golon replied the parking lot that is out there now there is no such thing that exists. Ms. Kammer stated say this project gets built according to the plans and you have this maintenance plan in place. You have people go out there, you have them observe the catch basins, maintain the catch basins, does that report go somewhere? Mr. Golon replied yes it does. That report is a requirement of the New Hampshire DES. Relative to the report itself, I believe it has to be maintained onsite for a period of three years so that is something Mr. Murphy is going to have a file folder for making sure that those inspections take place, and it is a condition of that State permit that this takes place and they do fact check. We have had several projects where they called and asked us about permits and asked where is the operation and maintenance plan for this, we would like to contact the owner to make sure that they have been adhering to it. They have the opportunity to do that with their present staffing, so I don't think Mr. Murphy is interested in not doing his maintenance. It is also a requirement for him to maintain his parking lot as well to clean out those catch basins.

Gary Edes, 52 Grey Rock Road, stated you went into great detail on the wastewater and septic but then you skipped over the well part. I was interested in what the well requirements are going to be and is there any State protection if their wells start affecting the wells that are in the neighborhood, because we have had some houses in our neighborhood where one had to drill two wells recently. Mr. Golon replied there are two wells that are presently onsite. One which is a fairly active well, and I want to say it was getting close to 10 gallons per minute and that one is located as shown, and then there is another well, which is getting about 2 gallons per minute which is located more along the front of the property in the area I'm indicating on the site plan. The

existing lower volume well would be a great one to maintain, maybe use for irrigation or otherwise, but the problem is it is in this location and that existing well is where we want to put one of our septic fields so we won't be able to reuse that well. We are going to propose a new well that would be located in closer proximity to the building, in this island that I'm indicating. There is a 150- or 175-foot setback to that well, meaning no septic to be located within that area and some other various components that meet the requirements of State standards. We had touched on it earlier that although the plan presently is calling for a well, we would love for the opportunity to extend municipal water and it is just a matter of making the numbers work for that to happen. But as currently constituted, we would be proposing a water well within an appropriate radius that would be located right where I'm putting the cursor on the site plan. Mr. Edes asked if our wells start being impacted, is there any State protection or anything that happens there? Mr. Golon stated relative to if your wells were impacted is a tough one to answer. I don't know what would impact them relative to this development. Mr. Edes stated draw down the water table and we start drying up. Mr. Golon asked the thought that we're using more water than the previous restaurant would be the concern? Mr. Edes responded right. Mr. Golon responded my understanding is these water usages being that there was a restaurant, it is going to be a restaurant, it would be fairly consistent, that is something that I would probably defer to a plumbing engineer to give us more of a verification as far as how much water is used by this intended development versus what was out there now. But I would say just by virtue alone if they had two wells and we're only going to have one, there is a little bit of a lessening affect there because I believe they were using them for different purposes. Mr. Murphy stated the major water uses in a restaurant are bathrooms and dishwasher, and the standards for dishwashing and bathrooms in terms of efficiency has really stepped up in the last few years. I can tell you that I would be very surprised if we were to use anywhere near the amount of water that the Weathervane was using. Just as an example, we specified that we will be using no flush urinals, that every time someone uses one of those facilities, it saves 1.5 gallon of water. That is just one example.

Mr. Edes stated this is great preparation, a lot of detail, but I have to tell you I am skeptical about the traffic analysis. I have full confidence that the Murphy's know how to run a successful establishment, I have enjoyed their establishment in Manchester numerous times, and what Mr. Murphy described is a bar I would be interested in going to and bringing my friends to. I have lived on Grey Rock Road for 25 years and I never once thought of going to the Weathervane to enjoy their bar. We are going to have Sunday night football, Monday night football and the gentleman here on the end of the panel was astute enough to say this right turn thing is going to be a big issue for us. Grey Rock Road is the first right after you take that right turn, and it didn't sound like the traffic study did any kind of consideration on what would happen when all of these cars that are heading towards Manchester leave the entrance, pick up somebody at the door and take a right out of there, see Grey Rock Road, which by some Planning Board 30 years ago they blessed us with no other way in or out of our neighborhood except onto Route 101, so we're going to have cars just flipping around to head back up Route 101. In my mind without that turning lane, this shouldn't happen.

Tammy Williams, 33 Grey Rock Road, stated I am an abutter right where they want to cut into the buffer zone and put that nice basin there of stormwater right behind my well, so I will start out with that. This project sounds wonderful, it sounds like a place I would love to go to and I just think it is not the right location for it. The way our street is, Grey Rock Road sort of wraps around

this property and actually starts coming back up towards Route 101. It is just such a large project and taking all of those trees down, especially all the way to my house. Right now what is there is untouched woods. There hasn't been anything there for decades I would guess and maybe longer than that. The Weathervane footprint and the parking lot there never bothered us, we never heard anything, and I think that is what we expected. There are 25 homes that wrap around this property and in the short notice that we were given to sort of prepare for this meeting, I did do some research and I looked at the Town of Bedford's master plan and open space plan as well as the Watershed Forestry Resource Guide. The most important thing I found is the open space plan of 2009 written by the Bedford Open Space Task Force, whose members were represented by different members of the councils, some of you are here today. I would like to read the charge of the task force for those people that don't know. "The Bedford Open Space Task Force shall identify and develop a prioritized list of agricultural, open and undeveloped land that should be protected from residential, commercial and industrial growth to preserve the Town's natural and cultural resources and agricultural character and quality of life. In subsequent efforts, the task force shall, in collaboration with other Town boards, commissions and staff, undertake other tasks identified in the Bedford master plan aimed at implementing the protection of the lands identified." What the plans first task was to identify the high value lands and there are three in Bedford. They identified Joppa Hill, Ash Bog and one other that allow the flow of wildlife throughout town; it allows green space for the enjoyment of the residents, but mostly habitat for the wildlife. I copied from the Town website the Bedford Open Space Plan and this commercial property is actually in the green zone along with our neighborhood. It is in the green infrastructure zone as shown in the open space plan because it is on the edge of the steep slope where watershed flows into the Ash Bog. And when you talk about the water that comes down the hill and where you're going to direct it, I'm not sure you can direct anything because it comes down everywhere across our properties, down our driveways, and when it rains, when the snow is melting, we have underground French drains that are constantly running because I think there must be underground springs, it is a big thing to disturb. Because of the grade of the slope that is why I think the Town committee added this commercial property to that green zone. And the report says that the expansion of existing foundation and parking lot of these places is just not supported to expand beyond that because of the importance of the land. In my backyard right now as it is where it is all woods, we see deer, we have a neighborhood bear, there are fox, fisher cats, wildlife through our yard, and that plan of taking all of that wooded trees, right now that kind of buffers Route 101 and we don't even hear Route 101. Our house is so quiet. I think that asphalt parking lot would send the sound right down across it and without all of those trees, it would really introduce a lot of noise so that is my main concern. I think the size and scope of Murphy's Taproom and Event Center project is unreasonable for our neighborhood and would create an unnecessary hardship for the residential property owners at this location. It is a great idea but the wrong location. If the project is allowed to continue and it is larger than what the footprint is, because I would love to see this go in with a similar footprint to what is there, then I would ask that the buffer zone that was meant to protect residential neighborhoods from commercial not be touched and that basin not be put in there. The definition of a buffer zone, from what I have read, is leaving the trees and natural vegetation as it is to have a buffer, and certainly putting lawn all the way down and a basin and taking all of those trees out, creates no buffer for us.

Mr. Golon stated if we can, I think there are a few things that I think would be helpful to address before we jump to the next person, if that is acceptable. Acting Chairman Newberry replied sure.

Mr. Golon stated I will definitely respond to some of Ms. Williams' concerns, and I think we can address a great many of them, but the prior resident has some traffic related items that I think Mr. Duval wants to take an opportunity to digest as well.

Mr. Duval stated I think it would be helpful to clarify the trips that we're talking about. The Weathervane was a 260 seat restaurant; this restaurant has 155 indoor seats, 40 patio seats and a 232 seat function room. So on an ordinary evening, which is most evenings of the week of weekday peak PM and there is no function going on, and let's say it is wintertime so there won't be any use of the outdoor patio, there are 155 seats of a quality restaurant which will actually produce substantially less volume than the 260 seat Weathervane would. If it is a nice day, not too hot, not raining, and not too windy in the summertime and the patio is full, then there could be a potential of 195 seats, still less than the 260 seats of the Weathervane Restaurant. So unless there is a function going on, which is most of the time in the PM, there will be substantially less peak hour traffic or otherwise than the Weathervane. When there is a function going on, other than as Ms. Bousa point out, you get more trips coming in at the end of the peak hour because they typically start after 7:00 p.m. or so, there would be leaving trips but it won't be during the peak hour so you're not going to have this level of service F and these difficulties getting out that you would have during the PM peak hour. So it is really clearly a fact of this proposal that peak hour traffic is going to be less than the Weathervane on a typical day, and only when you have full restaurant, full patio and a large function going on, will you be approaching a Weathervane level of traffic. I wanted everyone to understand that. Mr. Golon stated one of the things you have to remember too relative to that traffic study, that is one of the things we do first because we want to evaluate long lead items and for the same reason why you go out and establish your existing conditions, you look for wetlands, you want to define what the needs are for the project, whatever those long lead items and traffic is very much one of those. So those initial calculations that we've done were predicated off from the master buildout of this project, the biggest and best we hope it could possibly be. The project has been scaled down a little bit since we started. In part, we are limited a little bit on septic flows relative to the proposed uses on the site, so that drove down our numbers a little bit. The potential additional seats that we could enjoy for this establishment are driven by the extension of public water. It is noted clearly on the plan, and at the behest of Town staff because I don't think we have pointed it out as clearly as possible, when we talk about those number of seats, again, it is only 46 outdoor seats to start with. We would love to grow that to end up with a total of 120 but that can only be accomplished if municipal water is brought along. I hear a lot of concerns about the magnitude of the project, the project is too big, and it doesn't fit. The restaurant is smaller in seat numbers essentially than what there is now, so I want to make sure that that point is at least consumed a little bit more as far as what we're proposing.

Mr. Golon continued there were a couple of comments made by the next abutter in regard to the open space and the requirements for a residential buffer. I sit here before you and say we fully comply with the requirements of the residential buffer. There is a difference between talking about the residential buffer and a portion of this which is zoned residential. Whenever you have two uses that are abutting each other, such as commercial or residential, the Town has a process and a calculation that is required to make sure that you are providing the adequate buffer that's been deemed necessary. We are providing that in totality for this project and in most instances it is ten times that value. So I want to make sure that, again, I know this is a lot of information that we're throwing at you tonight and I can understand the desire to maybe have another meeting and let

more of this sink in, but there has been a tremendous amount of work done on this project to try and make sure that we could accommodate, to the extent practicable, that we are surrounded by some residential uses. The other thing that I kept hearing was my backyard, my backyard. I brought up the overall view and this plan was really intended to show how this driveway could potentially service the adjacent 12-acre lot talking about the green space requirements and the green infrastructure. Shown is Grey Rock Road, there are additional residences back here and then I believe back here is Ash Bog further beyond. There is currently development that sits between us and that bog. We are proposing some additional development but that is mitigated by the infrastructure that we're proposing through the drainage system that we are now going to improving the amount of stormwater that is being discharged onto these adjacent properties. We presently have septic systems, one of which is located within 30 feet of a property line, that is being abolished under this and is now going to be located over 150 feet away, and in the instance of that specific septic, 263 feet away, we are talking about over 200 feet further away. I can understand the concerns with not in my backyard, I can understand it and I can appreciate it, but our objective here is to show you the merits of the project and although there are concerns, we hope that we have addressed them. For the items that we haven't, we welcome the opportunity to come back to try and address those further. I want to make sure we give the opportunity for other abutters to speak, but I just wanted to clarify a couple of those components because I'm hearing that I just wanted to make sure I expanded a little on it.

Acting Chairman Newberry stated while you have that image posted, that little squiggly line is the current line of vegetation? Mr. Golon replied shown is the existing treeline, the darker line is where we are tying into it. So there is an area of trees that is being removed here, but this area shown there is presently no vegetation, just grass but no mature growth. Ms. McGinley asked and that is where the current septic is? Mr. Golon replied yes, and you can see the proximity. I can understand the concerns with that proximity, it is not something we designed but we know that is a known condition and we've designed around that. So I think one of the comments that was made earlier, it seems like you have done a lot of prognosticating here, you have seen ahead and understood what some of the abutter concerns are, this isn't our first site plan. We have the opportunity to know what those concerns would be and we have done our best to try and apply them to this project. One of which is making sure you abandon a septic that is located within 30 feet of the property line and finding a better place to put it.

Alan Goedecke, 16 Grey Rock Road, stated I am located where Grey Rock Road splits with Dearborn. I have the enviable position of having all of the water from that property drain right through the center of my land, a culvert going under Grey Rock Road. That has not, I don't think, been adequately addressed. I'm not too worried about it but that whole Grey Rock Road is like a big dam, so any water that comes from Route 101, and even across from Route 101 because there is a large culvert just to the west of this property that goes under Route 101 and that drains onto the property as well. It all goes into a ditch along the road and I think it goes both ways. I know a lot of it comes my way and some I believe goes toward the Edes property. In any case, I'm not sure if that is going to impact those ditches. It is something I think that maybe should be addressed.

Mr. Goedecke continued another thing that hasn't been brought up is that Route 101 is a 2-lane road there, but you have merging traffic, you have the raceway from Hannaford where everybody comes to merge and it is right there at the parking lots. If you don't have a lane there so people

understand that there is a turn there and there might be cars that are going to be turning in, it is going to be hard to prevent accidents. The statistics that say there weren't any accidents there are all well and good, but we didn't have that as a major intersection at Hardy Road before, so this makes it worse. I think the turning lane is really going to be critical. Also, my property on Route 101, which is not far from here, about 20 years ago I got a letter from the Town saying that I was going to be assessed for \$10,000 and all of the neighbors were and the State was going to put in a turning lane where we are. So 20 years ago they thought that was pretty necessary; the funding never came through and the project failed and I never heard anything else about it. But we have got this big widening at the other end of Route 101 from Route 114 to Wallace Road, that is going to do nothing but increase the traffic on Route 101 and I'm a little bit surprised that they didn't put in an extra lane going up the hill to Hannaford but certainly all of that traffic is going to be merging in right at that driveway. I think that is a bad situation and nobody has mentioned that at all. Mr. Golon stated I just want to make sure that we reiterate that although our traffic engineers maybe disagree as to the treatment for that left-hand turn, we are accepting of that condition as listed presently on the conditions of approval. We are not saying no we will not build, we're saying we just wanted to have the opportunity to continue to work with DOT, Town staff and VHB to make sure that is designed the most economical way to make sure that we don't have to downsize this project beyond what we need to. Those are really the options. So I hear the concerns again and again that we have to have that left-turn lane, no one is saying you can't have it. Acting Chairman Newberry stated I think it is clear that there are a number of interested and qualified parties who agree that that needs to be looked at and an adequate design developed.

Bob Carey, 57 Grey Rock Road, stated I am not an abutter, but I'm naturally a concerned citizen and wholly endorse and agree about the context that the speakers have presented before me. I think it was well done. That being said, I'm going to just touch a bit on the water issue again. I am not an engineer, don't pretend to be, unfortunately don't understand a lot of technology that the engineer has presented, however, I'd like to think I'm very pragmatic. We have the site up here and residential houses down here. My mother would say you can't get a 1.5 quart beer in a quart jar and the water is going to run downhill. I don't care what you do or how you do it, water is going to run downhill. If there is an effect of standing water, you are going to multiply the situation of it. If you can correct it, I'd be the first to shake your hand. The other thing is you can't compress water. I think I would have very few arguments on that. The other thing I'd like to bring up is the noise that we first alluded to. I see the outside pavilion as a potential money maker for this investment, nothing wrong with that, it is a capitalistic society, that is why we do things. I come from a business background, however, when we look at the number of seats, I teach skiing at an area that has an outside patio, it is called Pat's Peak. There have been some pretty cold nights up there, we jam that patio with people, so don't say that people don't go out to a patio because they do. The noise factor I want to bring up. When I briefly looked at the plan as it was presented, I think I saw a stockade fence that went around the back of the property; I thought that was written in on one of them. That may or may not be true. Mr. Golon stated I don't think so. Mr. Carey stated I'd be glad to look at it again. But for the noise it would seem like the State and Town have solved the problem for us. Why isn't some consideration or conversation given to putting those sound barriers up? We all drive by I293 from time to time and you see these big sound barriers that the State put up but they are obviously there for a reason. I see them in multiple locations so they must work. Why wouldn't consideration be given to do something to deaden the

sound, which would come from any kind of band or amplifiers. That is something I throw out, maybe have a conversation on how to block the sound coming on down. Thank you.

James Gary, 34 Grey Rock Road, stated just touching on the sound issue as the gentleman just mentioned. Whether it is a full band or two bands, it doesn't matter. What matters is the amplification and the speakers. What I would like to know is what is the maximum decibel level that would be allowed to play there, and then has there been any study done on how far that decibel level will carry into the neighborhood? Mr. Golon stated relative to the Town's noise ordinance, I believe you can't have a value exceeding 75 decibels to the property line. We will maintain that. We have a regulation in which we have to meet. I'm not in the music business so I can't speak to how loud the music could be or amplified, but I will agree that an amplifier is certainly going to be the governing factor to the noise that we make. Acting Chairman Newberry stated I thought I heard that there was no intention of having amplified music on the patios. Mr. Murphy responded we would not have amplified music; I wouldn't have full bands at all, no live music after 11:00 p.m. Typically when you have a solo or duo artist play they have one speaker. It is a guy with a guitar and a speaker, and there is a tremendous volume difference between a full sized band, which typically brings four to six speakers, versus one guy with a small amplifier. The noise ordinance in Manchester is that you can't have 75 decibels at the property line, which in Manchester is 6 feet away from the band and we have never crossed that line. Because of the way we have the band set up and play, we are very careful to make sure that we orient away from that property line. I want to emphasize to everyone in the room that I am always accessible and if there is ever any issue, I would absolutely address it immediately. I want to be a good neighbor to the people on Grey Rock Road; I want them to be good customers. I am not here to alienate the people next door. Mr. McMahan stated I would like to thank you, Mr. Murphy, for your respectful answer to the public out there. I appreciate that. And also, he is a businessman; he would like to have you into his establishment. I cannot imagine any of you logging a complaint against Mr. Murphy without him taking that seriously. It is bad for his business, and I understand where you are concerned about the noise and it may turn out to be exactly opposite of what you think. But if that is the case, I think it can be meliorated and solved to your satisfaction.

Andrew Cutting, 23 Grey Rock Road, stated I live here with my wife Julia and we have a 2-year old daughter and another one on the way and we abut this property. We moved here a little less than two years ago for the same reason Bob moved in 30 years ago because it is a peaceful neighborhood, and it is in this Town that we all live here for the same reasons. Again, when I read the article in the newspaper, I was excited too; I was enthusiastic about the Weathervane changing hands and then when it was demolished, fantastic and a nicer building going up. The Weathervane made for nice neighbors, it was an indoor establishment, and they kept reasonable hours. Mr. Murphy makes many valid points with regard to amplification; I think the decibel is something we need to explore. I have a single speaker in my living room that will make you deaf, so ultimately it is about the decibels. I have a pool right there, we spend a lot of time outside, and if it is nice music, I would enjoy that too. I have casement windows, I have to sleep with them open all summer long, and I enjoy peace and quiet. I knew moving in here this was zoned commercial, there is a residential buffer there, I was under the impression that is there for a reason to make good neighbors. Like Ms. Williams I would have the same concerns about the basin pond, although I echo everybody's sentiments here tonight, I'm not going to go through everything. The drainage in the ditch in front of my house couldn't keep up with the rain yesterday. What it kind

of sounds like with this watershed is a lot like a septic system, and I feel like Grey Rock Road is going to become the second chamber in this runoff situation as it flows downhill. It is unavoidable. I could go on and on about the traffic and turns; the Bedford Police Department will be the first to tell you that Route 101 is at capacity. It keeps them busy all of the time. So I agree with the turning lanes and what Mr. Goedecke said with that raceway coming up through there right to the mouth of the exit. Turning left out of Grey Rock Road is a nightmare, especially in the morning and the afternoons. It is the law of averages, I'm waiting for my ticket to come up and someone is going to catch me as I'm trying to get in and out of there. When I'm coming from the west I'm looking in my rearview mirror grinding my teeth as I can make a right-hand turn so a tractor trailer doesn't come through my trunk. It is a big problem and although the traffic study may show during normal operation hours it is going to be about the same as it was, but with this function hall that is where everything changes dramatically. I was quite surprised when I picked up the plans and I said "Wow" and if everything is going on at once, we're talking about 500 people there, deliveries from trucks on the gravel driveway behind there, people coming and going, there is no cab service here, there is not Uber, there is no public transportation, you're not walking to apartments, people are coming and going under their own means at 1:00 a.m. I love the idea of a family oriented establishment focused on food sales. I've been to your other establishment and it is a fun place to be. Maybe 10 years ago I was out until 1:00 a.m. but I'm not bringing my family there all night long. I think there is some middle ground that we can still address. I know it is kind of water under the bridge at this point, but I would have loved the opportunity to talk more about this prior to being here tonight, although approval tonight may have, as Ms. Hebert said, is unlikely, but there is potential for it. I work from home and I received from the mailman on Monday my certified letter. I have it here stamped the 30th and that gives me 7 days to scramble and dig and find as much information as I can so I can come prepared tonight and then alert my neighbors. My neighbor across the street had no idea, and I scoured the *Bedford Journal* and the *Bedford Bulletin* and there was no other notification about how this is developing and that it changed hands back in April. I have seen the engineer there more than once just asking about any new information, what can you tell me, I'd love to know ahead of time so that we could work collectively to find something that works well for the community. Like I said, I was quite surprised when I got the plans. The noise concerns me, definitely the buffer being cut way back. I find a lot of the answers quite frankly, and I'm sorry to say, insufficient and vague. We talked about the disturbance of the buffer cut back. The plan states 2/3, 6.6 acres, out of the ten acres. Part of the answer was part of the shared driveway. What does that represent; I can't see the scale of that even 1/2 acre we're talking about of nearly 7 acres? Noise carries and we are relying on a buffer from Route 101 and I get it, it is commercial property, you can ultimately do what you want, but we would like some more consideration about some of the buffer there due to the habitat, the water, our privacy, and the noise. If we can fill that treeline closer to the building, that might curb some of the noise for us. That is still a major concern. Lastly, something that hasn't been brought up at all that I am concerned about is my property value, quite frankly. I can tell you emphatically that I would not have even looked at this house two years ago had there been nearly a 22,000 square foot complex with weddings and outdoor seating and pictures being taken. I can see through up to the site from my house. It doesn't even take a minute to walk up there. As far as the clearings go, and that is an inadequate answer as well, quite frankly because you can't see them, you would be lucky to stumble upon them and the scale of this I don't think you can really tell. I am also a little disappointed in the notification process. I felt surprised with less than 7 days to get to know all of my neighbors and meeting with and share concerns and exchange information and meet with Ms.

Hebert down at the office and try to do my research and learn about stuff I have no idea about. I am not an expert when it comes to open space and green space and watershed and infiltration basins. I have a full time job, I don't think I have slept in a week trying to figure out if this is going to work for me and my neighbors or not. Maybe I want to get my own counsel who can pull in professional guidance and experts to review the traffic study, someone who is an expert on noise, and someone who can assess my property value and potentially what this could do to it. If I need to move in a couple of years, am I going to take a bath on my property, perhaps? It seems like the market is going to go a lot smaller when there is something this big back there. I agree exactly with what Ms. Williams said. This is a great thing for Bedford. It's just not a good fit here. On a smaller scale, a lot of the concerns voiced tonight evaporate.

Julia Cutting, 23 Grey Rock Road, stated I also want to say, Mr. Murphy, I was very excited when I heard an awesome restaurant was going in there. I have also visited your establishment in Manchester, and I know a lot of my friends have spent a lot of time there also. I work in a school and I talk to a lot of people and everyone else was very excited. They live in Merrimack and they were excited because finally there was something on that end of Bedford to go to. We were happy about something we could walk to from our house, this is going to be great, and then when we received the plans, I think our hearts just sank that it is not just a restaurant, people are going to having weddings there all summer long. We are young, we have been to a lot of weddings recently and almost every wedding can be loud and is loud, there are French doors in the plan that open up to the banquet hall, it will get hot in there and people will want to come out to smoke or whatever they do, and the DJ noise travels outside whether it is meant to or not, and we have young children, we do like to spend a lot of time outside, and we do sleep with our windows open. I guess my biggest concern is I am thrilled to have a restaurant there; it is just the banquet part that is my biggest concern and with that gone or downsized, my concerns would be greatly diminished. I would be thrilled and excited to have a place close to home to go and take our families to eat and go with my friends, it is just the banquet facility part that took me aback and surprised me and just brought up a lot of concerns.

Mr. Cutting stated with regard to exchanging information prior to this; I did a lot of work all summer checking in with the Planning office, reading the newspaper or whatever, and when pushing my daughter on the swing set and I met some of the T. F. Moran surveyors and you mentioned earlier maybe that was an opportunity to speak to somebody and I did every time. I will tell you that the answer was the same, I don't really know what is going on. If they did have knowledge, are they qualified to represent and speak on your behalf and also for Mr. Murphy? I don't know but I didn't get a lot out of them and they weren't really interested in taking much time out of their day to talk to me about it.

Acting Chairman Newberry stated just a point of information; if you have a surveyor on an adjoining property to you, you can always inquire with the Planning Department and if they are aware of anything, they will be able to give you some information on it. Mr. Cutting responded I did, and for the record, Ms. Hebert has been very forthcoming and transparent in delivering information when it was available. There hasn't been a lot of information until tonight. I think everybody's hearts jumped when it said final approval, what did I miss, and we looked through the meeting minutes, we asked questions and apparently we didn't miss anything. The scale of

this project is just remarkable and to even have it on the docket as a possible checkmark I'm astounded.

Skip Williams, 33 Grey Rack Road, stated I am one of the abutters right downstream of the infiltration pond. I just want to echo the sentiment of the neighborhood. We were excited at first that there was going to be a restaurant and we were expecting a similar footprint to the Weathervane that was there before. We had no idea of the scope of this. Just to put it in perspective; the Copper Door is roughly 200 seats and Bedford Village Inn is roughly 200 seats. This is 2.5 times those two facilities put together. Those two facilities aren't open like nightclub type hours. Just down the road is Labelle Winery and it closes at 9:00 p.m. or 10:00 p.m. They don't have any outdoor or any live bands, any loud music or anything like that and they are not around a residential neighborhood. Bedford Village Inn closes at like 10:00 p.m. and the Copper Door is 12:30 a.m., which is in the center of Bedford and a commercial zone. What is being proposed here is kind of like The Yard in Manchester, which is in an industrial park area. This is right next to a residential area and it is kind of ludicrous the size and magnitude. The depth of the current Weathervane parking lot is 140 feet, this one is 340 feet. When they talk about clear cutting, 40 percent is residential; your plan says you're going to cut 6.76 acres, that is 67 percent of 10 acres, that is clear cutting at 67 percent of the property. Those evergreen trees that block the sound from Route 101 so it is a dull roar, we barely hear it in the wintertime. In the springtime when all of those saplings and trees bloom and leaf out, that blocks even more. We all notice it in that neighborhood, it really deadens the sound. When they come in and clear cut all of that, we are going to hear Route 101 huge. The volume on Route 101 has gone up tremendously in the past few years and just like Mr. Goedecke said, it is a race from Hardy Road intersection down that stretch to get to Milford or Amherst for some reason. So it may be 50 mph right before this, but people are already doing 50 mph 50 feet after that Hardy Road intersection. It always takes us probably 5 minutes to make a left turn out onto Route 101 because of traffic. Tonight alone it took 5 minutes. This establishment at dinner hours, which is when you have heavy flow when people are getting out of work, it starts around 3:00 p.m. and goes until like 7:00 or 8:00 p.m., a solid volume of flow from Manchester out. Then what happens is that light at Hardy Road is only red for about 30 seconds, so we get a short break but then it is coming up the hill from Amherst, so we're getting a solid wave in the morning and in the evening from Amherst and from Manchester. So without turning lanes, there is no way if you have a banquet facility there that you're going to be able exit that size parking lot. There are going to be accidents no doubt. Those service vehicles are going to pull out of there? There is no way a service truck can pull out of there with that kind of volume of traffic.

Mr. Williams continued the infiltration pond bothers me and the septic. I studied septic systems for years. I have a well that is just behind that, maybe 40 feet behind your line, and I have my well tested every year and I have a pretty high yield, I probably have 10 gallons per minute. I used to be in the well business too and my volume will probably go down. I have seen sediment increasing over the past years after the blasting for Hannaford construction. The last person on Grey Rock Road had their well fail after the blasting that was done at Hannaford, and the Town didn't help that person out when they had to re-drill the well at \$5,000. I can foresee well problems, all this infiltration, nine or 10 trees is really not enough, I would say three times that. So I would ask that the buffer zone not be touched and the infiltration pond be moved somewhere else under the parking lot. I would like to see the parking lot extended sideways and not depth so that you don't

have to cut into that hill and put in fill. How much fill are you going to have to bring in to level all of that? Huge amounts of fill. All this watershed that flows down into this natural environment that is Ash Bog is going to be affected by all of this fill; it is going to disrupt this entire flow into this wetland protected area. There is no doubt about it. It comes down that hill now, it is well controlled, I have several French drains, the drainage is beside my house, and it flows down into that trench along Grey Rock Road and makes its way down into the bog eventually. That bog is only about, I'll have to pace it off, but if you look on Goggle earth or even Google maps, you can see how close that bog is to Route 101; it is not that far. There is a stream that runs the entire length of Grey Rock Road back there that all these ditches flow into that go into this bog, it is maybe 600 feet back, so you're talking 340 feet of parking lot, that is halfway to the bog.

Mr. Fairman stated I'd like to make a motion that we table this application until such time as the applicant can meet with the abutters and perhaps resolve some of the traffic issues that we have all addressed. Acting Chairman Newberry asked could you reiterate exactly what you would expect to hear from the applicant if we were to table? Mr. Fairman responded I would hope that perhaps going through some details the applicant can resolve of these questions that the abutters specifically have, in more detail than what they have been able to show us here so that they can understand them better. I think the detail is fine, but I think that they could perhaps alleviate some of the concerns by going through them in specific detail.

MOTION by Mr. Fairman that this application be tabled to allow the applicant to further resolve some of the questions for the abutters.

Mr. Williams stated you are setting precedence in Bedford to allow a nightclub that is open until 1:00 a.m. If you want to put in a family restaurant, all family restaurants in Bedford close at 9:00 or 10:00 p.m., so that would be reasonable to a residential area. I don't think we need a nightclub open until 1:00 a.m. You know what happens at nightclubs; we have all been there. My daughter tends at Murphy's Tap Room in Manchester, she is 22, and you can't even hear the person next to you speak because it is that loud. It is going to get out of hand; there are going to be doors open, there are going to be people on the patio, the parking lot is going to have people beeping horns, there are going to be motorcycles going through there that are loud, all of that and then people drinking and pulling out onto a major highway. It just doesn't make sense.

Acting Chairman Newberry asked for a second on the motion to table this application. Ms. McGinley asked don't we need a more specific tabling time? Mr. Sawyer replied you do unless you want to require the applicant to re-notice, otherwise you should table it to a date certain. Ms. Hebert stated the next Planning Board meeting is January 25, 2016. Acting Chairman Newberry asked what does the applicant need to clarify this request? Mr. Golon replied we're not going to reiterate the points of the project. I think we have successfully done that. We respect the comments of the abutters and we'll continue to reiterate our project message.

Mr. Golon continued in regard to the items where resolution has been requested, and also I am going to harken back to Mr. Riley's comments as they surmised a great deal of what we have heard from our abutters. 1) The first is traffic and safety. There is concern with the left-hand turn lanes, whether or not they are going to be installed. I know I made a point to reiterate earlier that we are accepting of that condition although our engineers disagree. The only thing we were trying to

specifically state is we would like to continue to evolve that process, to see how those left-hand turn lanes are built, that we continue to work across that process to see how we can do it most economically without significantly shrinking the size of the project. I don't want to say that that is a moot point; it is an item that needs to be addressed. I want to reflect the fact that I feel we have addressed in the sense that we have agreed to that condition; we have said yes, this will be installed or we will come back to you with another alternative in which at that time you will have an opportunity to review it. So I just wanted to make sure relative to the traffic left-hand turn lane, right-hand turn lane, review what is presently being requested by Town staff, DOT and your third party reviewer, we are going to comply with that request unless we find a better solution. 2) Relative to the limits of tree clearing. Our apologies if we didn't have that specifically as to the amount of trees that are being removed. The number that was stated earlier, the 6.7 acres, if we want to try and make that a relationship of the Town, it is not fair because there is already an existing area of development that covers that property and that area is already cleared. We are not clearing 7 acres of trees. It is specifically the area in which the shovel will go in the ground and that earth will be disturbed, whether that is parking lot now, building or otherwise. 3) There was a concern raised as to crashes. We have done our research as far as our traffic study to identify what the concerns are. I'm not sure what more can be done there, but we will do our due diligence to see if there is more information that can be offered. 4) Relative to the stormwater. Perhaps I didn't spend enough time on that as far as our presentation. I thought we were very clear in stating relative to the runoff that leaves this property today, there will be smaller peak flow at every discharge location, and relative to the volume of stormwater that is leaving this site will be at or below the levels of what it is now relative the calculations and the engineering work that we have put together. 5) I hear a lot of concerns about the way things are now and that those are issues. We would love to be able to fix everyone's existing issues. I don't know that that is in our project budget and I don't know that that is the responsibility of the applicant. We would like to do as much as we can, but within the confines of what is necessary. So relative to stormwater; I would be happy to expand on what we need and perhaps that can take place in another meeting that we can break this down into smaller pieces because I feel like we are throwing a lot out here and we want to make sure the Town staff, the Planning Board, and our abutters, who we are hoping will be patrons, all have all the information they need. We are not trying to rush this project through; we can sense that feeling from the Board. Maybe you want a little more time on this. The one thing that we want clarification on, I know there is a motion to table, and I felt like I got some more generic answers like you need to resolve the problems. I hear a lot of comments but I don't hear a lot of problems. I hear maybe just some areas where there is some more information that needs to be explained. Mr. Fairman stated let me explain some of the problems because obviously you didn't answer the question. We asked you specifically how long you needed. The problems are you have not signed up specifically to put in a left-turn and a right-turn lane. Secondly, the hours of your restaurant are ridiculous for this Town. You need to address that with neighbors to get them happy with the hours. There are a whole bunch of issues that have been brought up that you haven't addressed. How long do you need to address those issues so that my motion can either be voted down or up and that is the question to you. Acting Chairman Newberry stated just so it is clear; Mr. Fairman is speaking for himself not necessarily for the Board. Mr. Golon stated I appreciate the passion and would like to think that we can resolve the items that have been identified in the course of the next two weeks.

Ms. McGinley stated Mr. Chairman, if I might say that the concerns of the abutters I know are very true concerns to the abutters. They are things that they are asking for that are not either required or permitted by law, so we cannot do some of the things that the abutters would like us to do in terms of solving problems that are preexisting on the property in the back. Our job is to address what is before us. I'm talking about the physical impact of the project and make sure that the applicant complies with the requirements of the Town and what the Board feels is reasonable, but we cannot solve all of the problems that are caused by, for instance, exiting on Route 101. I used to live on Weymouth off from Jenkins for 16 years so I know, and that was several years ago and there was a problem then and I know there is a problem now on traffic. But this project just has to address its impact on that traffic and it is not going to solve all of problems. Acting Chairman Newberry stated to expand a little bit on Ms. McGinley's comment: It is the Board's responsibility, and that is a limited responsibility, to review an application and whether it meets the requirements as documented, zoning requirements and the land control and other Town and State requirements. We can't say no to something that doesn't fall within those bounds. For myself I think the applicant has addressed the concerns here pretty well. What I'm not so sure that they have provided enough data to some of the things like Mr. Riley pointed out of some overlays that would help everyone in the room, everyone who is concerned, to understand exactly what it is that they are proposing to do. I think if this were to be tabled, and I'm not saying it is or it isn't, but if were to be tabled, what I would recommend to the applicant is that they provide a little more graphics and a little more data to help people understand exactly what they are doing so that the things like the detention basin, what the actual cutting on the site will be, I think you can probably fairly well document those things, probably graphically so that people can look at it and understand exactly what it is that you are proposing to do. Ms. McGinley asked are you talking about terrain cutting and/or tree cutting? Acting Chairman Newberry replied terrain and/or vegetation. We don't need to go back to the traffic thing; I think that is very clearly an issue that is still in development. Ms. McGinley stated and unless there is a no-cut right that an abutter holds, there is not a restriction on cutting these trees. Acting Chairman Newberry stated but I think you have made it pretty clear that your intent is not to cut anything more than you need to.

Mr. Fairman amended his motion to include tabling the application to the January 25, 2016 Planning Board meeting and this would serve as public notice. Mr. Cote duly seconded the motion.

Mr. McMahan stated I would like to again back up what Mr. Riley said about the overlays. I think that may be able to help for the number of trees that are actually going to be cut and that may have an impact on how many more trees, if in fact that's what we're looking for, to be able to have a sound barrier. In other issues similar to this, we have concern about well contamination, that has been brought up. I don't know how to address it but obviously we have some people that believe that's what could happen here might have an impact. I know we have had hydraulic engineers come in and be able to explain or at least be able to alleviate the fears that your well is not going to be contaminated. There have been several times, and it continues to be brought up, but the traffic problem is going to be solved as far as the lanes go, so I think you can take that to the bank. But those are the things that I may want to throw out for what we may want to discuss, if in fact we delay.

Mr. Cutting asked are we in consideration with how much time is taken to come back? I don't have a lot of experience with this. If there is a continuance, is there a consideration to how much time we require? These are experts before us presenting this plan that they have been working on since April. I too am a simple person and I had 7 days to come up with concerns and questions and two weeks is not enough time because I am not done yet. I hope I can speak on behalf of my neighborhood. We're not done digging into this and making sure we fully comprehend the ramifications of a project of this scale. I will be gone for work all next week, I know other people are, and in two weeks what am I going to come back with. I need more time and I respectfully request that. Thank you. Acting Chairman Newberry responded the point of the continuation is to give the applicant an opportunity to provide a little more explanation of what they propose to do. At the end of the day, it is the applicant's responsibility to convince the Board and the Planning Department that their proposed development meets all of the requirements that the Board is responsible for determining have been met. Now, some of the things that you in the audience may consider to be things that need to be addressed may not be within the bounds of the Board's ability to say the applicant has to do X. I don't want to get into a debate. Mr. Cutting stated I wanted to say thank you for the clarification and ask you if there was another meeting, does every meeting come with the potential for approval like two weeks from now, for example. Acting Chairman Newberry replied yes it would. Mr. Riley stated Mr. Chairman, I think it may be noteworthy also to everyone in the audience who is not as familiar with the process as we are on the Board or the applicant is, that all of the procedural requirements as well as the procedures for approval, and if there was an objection to an approval or a denial, those are clearly stated on the Town's website. Mr. Cutting stated I do have a list of our concerns if I can leave that with somebody as that may help the process. Mr. Sawyer obtained the list from Mr. Cutting. Mr. Sawyer stated that will be on record and anybody that wants to see what was just submitted can come to the office and see that. Ms. McGinley stated also I might add that written submissions by anyone can be made to the Planning staff and you can request that they be given to the Planning Board. Acting Chairman Newberry stated typically the Planning Department makes available to the Board any written comments on any application. We get our packet that has the Planning Department's recommendations, all of the information from the applicant and any written comments that are made by citizens and our consultants. Mr. Sawyer stated and all of that also goes on our website that is linked to our agenda. So everything that the Board has is available to the public through the Town's website.

Mr. Driscoll asked in order to protect the septic systems, has any consideration been given to 100 percent chambered system including gray water? Regarding contaminating wells with the septic system? You could certainly pave over the parking lot with a chambered system. Acting Chairman Newberry stated I think that issue has already been addressed, but I will let the applicant respond. Mr. Golon stated relative to the area of the existing parking lot as well as to the vast majority of the parking lot as it extends, there is a ledge profile that is within 2 to 3 feet of the existing surface. We do not feel comfortable trying to promote any type of infiltration under that area where we have such a high ledge profile, which is why in turn it has been proposed in really four different locations, three septic and then the infiltration basin, where we have areas of lessening ledge or rock or in some cases one with better soils that are more suited to infiltrative capacity. Mr. Driscoll stated I'm not talking about the infiltration system; I'm talking about the leach field.

Acting Chairman Newberry stated I have a motion to table and a second and the Board is discussing it. We are not going to take any more comments from the audience at this point. if you have something that you would like the Board to be aware of that you have not stated this evening, I would recommend that you submit that to the Planning Department sometime between now and two weeks from now.

Councilor Scanlon stated may I suggest one more modification to that because the issue that was brought up does not go to the Planning Board. Mr. Driscoll you raised at the outset what I assumed to be a question and not a statement relative to an undue influence by one or more members of the Town Council on the outcome of this discussion tonight or in the future. If you think that is a question, which I will give you the benefit of the doubt for, I will answer it for you and you can reach me, you know how to find me, but that will not be discussed here, nor will I treat that as a statement. I give you the benefit of the doubt. Thank you.

Acting Chairman Newberry called for a vote on the motion as amended. Vote taken; motion carried, with Acting Chairman Newberry voting in opposition to tabling this application.

Mr. Sawyer stated with the motion serving as public notice that means that the abutters won't get another letter in the mail. You should just know that the meeting is tabled to the January 25, 2016 Planning Board meeting.

The Planning Board took a 5-minute break at 10:25 p.m.

4. The Planning Board will conduct 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.

Acting Chairman Newberry stated the Board has discussed and reviewed these proposed zoning amendments previously and this is the first of two scheduled public hearings. Mr. Sawyer stated there is only one resident in the audience, so I think we can dispense with the formal reading of all of the amendments. They have been posted, they've been available at the library, at BCTV, in the Town office building, and the Town website, they have been noticed in the newspaper, so unless there is testimony to take, I'm not sure that we actually have to read them all. They have been officially posted. Alternatively, I would not suggest that we do anything more than read the common English explanation of each one unless the Board has questions. Acting Chairman Newberry stated they will be part of the record. We should see if there are any specific amendments that our audience was interested in or would like to comment on.

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 275-6 Definitions to include the definition for Alternative Treatment Center, to amend Article 275-21 Use Regulations, and to amend Article 275-61 Performance Zone permitted uses, summarized as follows:

To establish use categories and Conditional Use Permit criteria for Alternative Treatment Center (Cultivation Location in the Service Industrial District and Non-Cultivation Location in the Performance District) in accordance with RSA 126-X.

[This amendment is intended to create a new use category and local standards for Alternative Treatment Centers for the dispensing and cultivation of medical marijuana as allowed under state law. Without the proposed amendment, the facility would continue to be permitted in all non-residential zoning districts as required by state law. The complete text of the 3-page amendment is on file for public viewing at the Town Clerk's Office and on the Town's Website]

Acting Chairman Newberry stated I would like staff to comment on Amendment No. 1 just so we have it in the minutes, and in case we have anyone still in the viewing audience at home or who may review the tape later on, I think it is important that people understand what is really driving this amendment.

Ms. Hebert stated Amendment No. 1 would create a new use category and local standards for alternative treatment centers for the dispensing and cultivation of medical marijuana as allowed under State law. Without this proposed amendment the Town would need to allow these uses in any non-residential zoning district as required by State law. So this proposed amendment establishes a conditional use permit process and local standards for the siting and placement of these uses in Town, so it offers another layer of protection above and beyond the State law as to where these uses could be sited in Bedford. Ms. McGinley stated I'd like to add that there are currently four that have been approved and they have all chosen sites. Ms. Hebert added there is no pending application for either a cultivation facility or a dispensary facility. Ms. McGinley stated that doesn't mean that it couldn't happen in the next legislative session. Mr. Sawyer stated right now they could go along Route 101. This amendment would dictate that the distribution area could only be on South River Road in the Performance Zone but also only in a limited portion that has a buffer of 1,000 feet to residential properties. We are further restricting what the State is mandating us to provide. The growing operations that have to be indoors, we're stating that that could only be in our Service Industrial district, which is really the warehouse area that you see essentially behind Market Basket in that part of town, otherwise those could have gone in any non-residential zone in the community. The Board through your workshops and working with staff identified that having those operations, for instance on Route 101, would have been detrimental to the community. Acting Chairman Newberry stated so without this amendment the Town really would have a lot less to say about the siting of one of these facilities within the town. Ms. Hebert replied that is right. We have had a couple of residents come in and ask us about this one.

Mr. Sawyer stated there will be a full second public hearing on January 25, 2016. We are required to have two meetings; you're not taking any action tonight unless the Board truly knows you don't want to move forward with one of the amendments right now, you could take that off the table right now. Otherwise unless you have changes to language, we will take this all up on the 25th and on the 25th you would move it forward to the ballot. Acting Chairman Newberry stated I think that since the Board has already looked at these twice before, unless there is something that the Board wants to discuss.

Mr. McMahan stated not betting on the attention span of voters by the time they get to the ballot for amendments, do you think there is a possibility that enough people will read marijuana in Amendment No. 1 and just vote no, and if they do, what would be the impact to our Town if that amendment was voted down? Mr. Sawyer responded there is no immediate impact given that the other locations in the State have already been identified. The distribution center in our region has been approved in Merrimack by the Merrimack Planning Board and they are moving forward with construction. We would have another chance, hopefully in a year, to bring this back to the ballot if we truly can't get that approved, but it will be important between now and March to get the word out that this is helpful to Bedford to approve it. It better protects our citizens and our businesses, in my opinion. Ms. McGinley asked can we add something to it now? Mr. Sawyer replied this is exactly how it would read on the ballot unless the Planning Board makes a change. Mr. McMahan stated maybe a letter to the editor can be published close to the voting date. Mr. Sawyer replied absolutely. The media policies allow for the Chairman of the Planning Board to pen such a letter, or the Planning Director, but if someone has draft language they want to provide to the Chairman and me, I'm sure between the two of us, we would appreciate it. We can look at it and try to have something ready for you in two weeks in terms of the explanation. As long as we're not changing the heart of the matter, we can modify the language just to tweak the understanding of it. Mr. Rohe stated maybe we could say, "To establish use categories and further limit the criteria for alternative treatment centers in accordance with RSA 126-X that creates a conditional use permit criteria for cultivation location in the Service Industrial district and non-cultivation location in the Performance Zone."

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 delete Article 275-21C(2) in its entirety and to amend Article 275-21 to add a new subsection I, Accessory Attached Apartment, and to amend Article 275-21 Use Regulations and Table 2 - Table of Uses to list Accessory Apartment as a permitted use in the Residential Agricultural (R&A) District and General Residential (GR) District summarized as follows:

To remove the requirement for a Special Exception and allow Accessory Apartments by right in residential districts subject to the same standards that exist today.

[This amendment is intended to remove the Special Exception requirement for accessory apartments and permit accessory apartments in residential districts subject to the same standards that exist today. The complete text of the 1-page amendment is on file for public viewing at the Town Clerk's Office and on the Town's Website]

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 amend Article 275-68A Definitions by deleting the words shown in the strikethrough and adding the words in bold below and to Amend Article 275-6 Definitions to add the same SIGN AREA definition.

SIGN AREA – The entire face including the surface and any molding, framing, and projections, but not including the base, wall or column supports. Individual letters and logos mounted on a building **without any distinguishing border, panel or background**, shall be measured by the area **of the smallest rectangle enclosed by four straight lines outlining enclosing each** all of the words, symbols and logos. **If the symbol or logo is irregularly shaped or taller than the text, the sign area shall be the area of the smallest rectangle enclosing the text plus the area of the smallest rectangle enclosing the logo or symbol.**

[This is a housekeeping amendment intended to clarify how sign area is measured.]

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 275-68 Attachment 6, Table 6, Table of Performance Zone Sign Standards, under *Maximum Number and Maximum Sign Area* and *Maximum Sign Height* as summarized as follows.

To amend the Performance Zone sign standards to allow first floor tenants with their own exterior public entrance a 32 square foot building sign and to allow upper story tenants or tenants without first floor public entrances to share up to four 32 square foot wall signs on a building and to remove the 12 foot height restriction on building signs.

[This amendment is intended to increase allowable sign area for multi-tenant buildings and to remove the 12-foot height limitation for building signs in the Performance Zone. The complete text of the 1-page amendment is on file for public viewing at the Town Clerk's Office and on the Town's Website.]

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 275-73, Signs, General Provisions, Subsection F and Article 275-74A(1) by deleting the words shown in the strikethrough and adding the words in bold below.

Advertising signs indicating the coming of a development and permanent subdivision identification signs shall not be allowed until final approval of the project by the Planning Board, ~~and the Planning Board may approve the signage specifications on an individual basis.~~

Allowable businesses, professions, or service enterprises, **and residential subdivisions or developments approved by the Planning Board**, shall be permitted one outdoor advertising sign on the premises, ~~advertising goods or services sold on the premises~~ This sign shall not total over eight square feet for said sign.

[This amendment removes the requirement for the Planning Board to approve temporary signs advertising the coming of a development or permanent subdivision identification signs.]

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 275-73, Signs, General Provisions, by adding new subsection T, as listed below.

In all zones allowable sign area for a building sign may be split into two signs and may be located on the same or different walls as the initial sign.

[This amendment is intended to allow the permitted building sign area to be split between two signs.]

Amendment No. 7

Are you in favor of the adoption of Amendment No. 7 as proposed by the Planning Board for the Bedford Zoning Ordinance to amend Article 275-22 Dimensional Regulations by adding new subsection D as listed below.

Accessory Structures shall comply with front, side and rear yard setbacks in accordance with Table 1 - Table of Dimensional Regulations: except within the General Residential (GR) District, one (1) accessory structure of 120 square feet or less, may have a minimum setback of 5 feet from the side or rear property line, provided the structure is not higher than twelve feet (12 feet).

[This amendment is intended to allow lots within the General Residential District to have one accessory structure that is 120 square feet or less to have a setback of 5 feet from the side or rear property line.]

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 Cluster Residential Development Article 275-34F(2)(a) Buffer Zone by deleting the words shown in strikethrough and adding the words in bold below.

All single detached dwellings, together with any accessory buildings, structures, ~~driveways~~, and other man-made improvements, shall be located a minimum of 50 feet from the external boundary of a cluster residential development. The fifty-foot perimeter buffer shall be comprised of existing vegetation and shall be included in the square footage of each lot area. **The Planning Board may permit roads, driveways and utilities to cross through the buffer as needed to access lots within the development.**

[This is intended as a housekeeping amendment to clarify that roads, driveways and utilities may cross through the buffer to access lots within the cluster residential development.]

Amendment No. 9

Are you in favor of the adoption of Amendment No. 9 as proposed by the Planning Board for the Bedford Zoning Ordinance to delete Cluster Residential Development Article 275-32, Subsection D Bedroom Limitation in its entirety as shown in the strikethrough below:

~~Bedroom limitation. In the absence of municipal sewer system to service the cluster development, the number of bedrooms per unit shall be determined by the Soils and Steep Slope Regulations within the Bedford Subdivision Regulations.~~

[This is intended as a housekeeping amendment to correct an existing conflict within the ordinance which states that cluster residential development have no minimum lot size but must comply with the New Hampshire Department of Environmental Services Subdivision and Individual Sewerage Disposal Systems Design rules.]

Amendment No. 10

Are you in favor of the adoption of Amendment No. 10 as proposed by the Planning Board for the Bedford Zoning Ordinance to amend Cluster Residential Development, Article 275-34G(2) by adding the words in bold below.

The road frontage for individual building lots within clusters shall be negotiated between the Planning Board and the developer in the interest of encouraging flexibility in site design, **but road frontages on individual lots shall not be less than 25 feet.**

[This is intended to provide a minimum road frontage requirement for lots within cluster residential developments.]

Amendment No. 11

Are you in favor of the adoption of Amendment No. 11 as proposed by the Planning Board for the Bedford Zoning Ordinance to amend Article 275-62A(1) Table 3, Table of Performance Dimensional Standards, to amend footnotes 7 & 8, and to amend Article 275-62, Dimensional Performance Standards, Subsection B(3)(d) summarized as follows:

To reduce the front setback for structures in the Performance Zone from 1:4 to 1:2 (building height to setback ratio), to create a maximum side setback of 20 feet and to remove the 50-foot minimum front setback along South River Road and the 30-foot minimum setback along local roads.

[This amendment is intended to reduce the front setback for structures in the Performance Zone from 1:4 to 1:2 (building height to setback ratio) and to set a maximum side setback of 20 feet. The complete text of the 1-page amendment is on file for public viewing at the Town Clerk's Office and on the Town's Website]

Susan Tufts Moore, Bedford Center Road, stated I have read through all of the information that was available on the website, which is very helpful. The one amendment I was puzzled about was Amendment No. 11 with the ratio of 1:2 and 1:4. I have been talking to Ms. Hebert about it and she was explaining that it will provide more flexibility for designs down in the Performance Zone. Everything else was pretty self-explanatory. I was curious about the ratio including the fact that I

think the side setback is just 20 feet, which doesn't seem like very much. I am here for educational purposes.

Ms. McGinley stated I was on the committee that originally came up with some ideas for changes. We looked at the Performance Zone and a lot of what we see in our development because it is deemed to be in the ordinance, is structures set far back from the road with a sea of parking in front. We wanted the ability of a landowner or an applicant to be more creative in their placement of buildings so that we had more of a Town feel to the area. This obviously is not going to happen instantaneously because we have a lot of developed sites but it won't happen if we don't put it in there at all. So as we develop in the future, or redevelop as needed, this would give more flexibility on placement of buildings in a manner that would be more attractive than seeing big parking lots.

Ms. Tufts Moore stated one reason I was especially interested in that one is that I know the Planning Board for a number of years has tried to emphasize not having a sea of parking lot right along the road, which I think is a wonderful step forward to try to put it out back and maybe along the side so you don't see all the parking lot like as we see at Macy's now. So I was curious as to whether that would enhance that goal of the Planning Board. Ms. McGinley responded yes it would.

Ms. Tuft Moore stated because of the clarification of the language on Amendment No. 1, I'm wondering if the language for Amendment No. 11 could be made a little bit clearer also. It says, "The amendment also removes the incentive to provide parking to the side and rear of a building in exchange for a reduced 1:2 front setback." I understand that, but upon first reading that it says it removes the incentive to provide the parking to the side and the rear. I understand it but I think it can be confusing if you haven't studied it. You could say it enhances the ability of the developers to locate parking to the side and rear of the building, just to make it clearer that it is an advantage to the Town by trying to dissuade developers from putting all of their parking out along the road. Mr. Sawyer stated she is reading the staff report, but it is a great point.

Councilor Bandazian stated I am reading Amendment No. 11 and it indicates that there will be a maximum setback of 20 feet for structures, and maybe it is ambiguous but it is reading to me like if a landowner wants to put his building 25 feet from the sideline, they would not be allowed to. Ms. Hebert responded that is not the intent. Councilor Bandazian stated it is how it would read to me if I was in the voting booth. Ms. Hebert stated I think it is a not to exceed for the minimum requirement. Mr. Sawyer stated because it is a ratio, it is saying that if your ratio gets to be so that your setback would be 25 feet of 30 feet, we're not going to require that. The most we would ever require would be a 20 foot setback. Mr. Cote stated what if you put maximum required side setback. Acting Chairman Newberry stated this is simply a change to the explanation of the amendment. Mr. Sawyer stated it is in the amendment part as well in the bold. Ms. Hebert stated the language in the amendment changes a footnote to state that no side structure setback shall be in excess of 20 feet. Ms. McGinley asked doesn't that mean it is going to be 20 feet or less? Ms. Hebert stated it is the setback not the structure. Mr. Fairman asked but if they want to be more than 20 feet they can be? Ms. Hebert replied yes. Mr. Sawyer stated the wording is correct. Ms. Hebert stated when you're reading the table of dimensional requirements, it does make sense. Mr. Sawyer stated we could tweak the common English explanation to clear that up.

Acting Chairman Newberry stated the majority of the amendments are housekeeping. Mr. Sawyer stated the biggest impactful one visually will probably be the sign standard change in the Performance Zone where clearly there are going to be some more signs permitted and at higher heights on buildings. That will be the biggest visual impact to the community. Ms. McGinley stated and from the committee that talked about this, a lot of our reasoning was to help promote businesses and respond to the requests that we have had of many of the businesses.

V. Approval of Minutes of Previous Meetings:

MOTION Councilor Bandazian by to approve the minutes of the December 21, 2015 Planning Board meeting as written. Councilor Scanlon duly seconded the motion. Vote taken; motion carried, with Mr. McMahan and Mr. Riley abstaining.

VI. Communications to the Board: None

VII. Reports of Committees: None

VIII. Adjournment:

MOTION by Ms. McGinley to adjourn at 10:50 p.m. Mr. Riley duly seconded the motion. Vote taken – all in favor. Motion carried.

Respectfully submitted by
Valerie J. Emmons