

TOWN OF BEDFORD
May 9, 2016
PLANNING BOARD
MINUTES

A meeting of the Bedford Planning Board was held on Monday, May 9, 2016 at the Bedford Meeting Room, 10 Meetinghouse Road, Bedford, NH. Present were: Jon Levenstein (Chairman), Harold Newberry (Vice Chairman), Chris Bandazian (Town Council), Jim Stanford (Public Works Director), Philip Cote, Mac McMahan, Jim Scanlon (Alternate), Rene Pincince (Alternate), Rick Sawyer, (Town Manager), and Becky Hebert (Planning Director)

I. Call to Order and Roll Call

Chairman Levenstein called the meeting to order at 7:00 p.m. and introduced members of the Board. Karen McGinley, Alternate members Alex Rohe and Charlie Fairman and Town Councilor Melissa Stevens were absent. Mr. Pincince and Mr. Scanlon 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. WVZ Realty, LLC (Owner) and Bedford Fields (Applicant) – Request for approval of a site plan amendment to convert eight parking spaces to outdoor storage areas, at 331 Route 101, Lot 28-5, Zoned CO.

IV. Concept Proposals and Other Business:

2. Hampshire Ventures, LLC (Owner) – Request for a conceptual review of a lot line adjustment and cluster residential subdivision of one lot into eight residential lots and one open space lot, off of Stowell Road, Lots 41-8 & 30-16, Zoned R&A.
3. The Planning Board will elect its officers and appoint liaisons to other Boards and Commissions for 2016.

Ms. Hebert stated the posting for the conceptual discussion Item 2 reads as eight residential lots but it is actually nine residential lots. This is just a conceptual discussion so there are no notification issues. For the new business item the application is complete, abutters have been notified; it is the opinion of Planning Staff that this item is not of regional impact, and the agenda is ready for the Board's acceptance.

MOTION by Vice Chairman Newberry to approve the agenda as amended. Councilor Bandazian duly seconded the motion. Vote taken – all in favor. Motion carried.

1. WVZ Realty, LLC (Owner) and Bedford Fields (Applicant) – Request for approval of a site plan amendment to convert eight parking spaces to outdoor storage areas, at 331 Route 101, Lot 28-5, Zoned CO.

A staff report from Becky Hebert, Planning Director, dated May 9, 2016 as follows:

I. Project Statistics:

Owner: WVZ Realty, LLC (Bedford Fields)
Proposal: Site Plan Amendment to convert 8 parking spaces to outdoor storage
Location: 331 Route 101
Existing Zoning: "CO" – Commercial Zone
Surrounding Uses: Commercial and vacant land

II. Background Information:

The site was originally developed for an Agway store and garden center. This site plan was approved by the Planning Board on May 18, 1992. The ownership has since changed and the business is now known as Bedford Fields.

In September 2002 the Planning Board approved a two phased expansion of the garden center to add two greenhouses, a loading area, and additional outdoor storage and display. The plan also included a shared access drive between the Bedford Fields property and two adjacent commercial properties to the west (Bedford Crossfit and Wholistic Pet). The first phase of improvements were implemented. The plan depicted 41 new parking spaces and 13 future spaces along a new northerly driveway that were never constructed.

In 2011, the Planning Board approved an updated site plan for the rearrangement of outdoor display areas to include a variety of temporary structures which are broken down and stored each winter and the construction of 14 additional parking spaces. The Board also approved a waiver to reduce the required parking from 64 to 50 spaces.

III. Project Description:

This site plan outlines the conversion of eight parking spaces to two new outdoor storage areas. Four spaces are located on the north side of the building and four spaces are at the northeasterly corner of the parking lot. This project could have been approved administratively except for the fact that the Board has already approved a waiver to reduce the amount of parking onsite and the proposal further reduces the available number of parking spaces. The overall number of required parking spaces was calculated using the same assumptions from the 2011 site plan, which included a combination of retail, warehousing/storage and office uses because there is not a specific parking rate for garden centers in the Town's regulations. Today the site would need to have 59 spaces (using the 2012 parking rates) but in 2011 the Planning Board approved a waiver to reduce the required parking from 64 spaces to 50 and this proposal further reduces the parking to 42 spaces. The owner has an agreement with the adjacent property owner to use their parking lot during peak times, including every weekend in May and June, Memorial Day, Labor Day, and the four-day Thanksgiving holiday.

The site is also connected to the adjacent commercial properties with a shared driveway via a secondary access easement across Lots 28-5 (Bedford Fields), 28-6 (Bedford Crossfit), and Lot 28-7 (Wholistic Pet). The easement was required to create interconnected parking lots and to facilitate access to Route 101 for all three businesses.

The 2002 site plan approval also included a note on the plan stating that “Outside storage shall not be permitted in any area not previously designated for that purpose on the site plan.” The approval also required all outside storage currently located in undesignated areas to be relocated to the designated storage areas.

The Planning Department has received complaints that Bedford Fields is storing products on the west side of the building, between the building and the shared access drive. This area is also being used to load and unload bags of mulch and other materials into customer’s vehicles. This loading process is blocking the shared driveway and the area along the west side of the building has not been designated for outdoor storage. The owner is applying for approvals to correct the situation and create additional storage space. The customer loading would be moved to the main parking lot and products on the west side of the building would be relocated to the new storage areas. There is no additional paving or construction proposed as part of this proposal.

IV. Waiver Request:

The applicant is requesting (please see the attached letter from Bedford Design Consultants) the following waiver of the Land Development Control Regulation for which the Board will need to take action:

- 1. Section 322.2, Off-street Parking Requirements, to allow a 42 spaces where 59 would be required.*

Staff does not object to the waiver, as the business is able to use the adjacent parking lot during their busiest months and traffic to the site drops significantly during the off-peak times. Staff would recommend that a condition be included that “no stopping or standing” signs be installed along the shared access drive and the material stored on the west side of the building be relocated to designated storage areas (condition #2).

V. Staff Recommendations:

The Planning Board needs to vote on whether or not to grant the waiver from the Bedford Land Development Control Regulations, for Section 322.2 as described above.

The Planning Staff recommends that the Planning Board grant final site plan approval for the conversion of eight parking spaces at Bedford Fields, WVZ Realty, LLC (Owner), 331 Route 101, Lot 28-5, Zoned CO as shown on plans prepared by Bedford Design Consultants dated March 17, 2016 with the following precedent condition to be fulfilled within one year and prior to plan signature:

- 1. Any waivers granted by the Planning Board shall be noted on the plans.*

2. *The plan shall be amended to include “no stopping or standing” signs along the shared access drive and the material stored on the west side of the building be relocated to designated storage areas.*

David Morin stated I am here with Mr. Zeolie as a consultant. Mr. Zeolie is the owner of WBZ Realty as well as the operator of Bedford Fields.

Mr. Morin stated what we have before you today is an application to convert eight existing parking spots into storage area on the premises. You will see in your plan that is posted that the areas that we have identified in the back and in the far corner of the building, and those were previously parking spaces, but in reality they were used more for storage in the past. For some history: Mr. Zeolie purchased the existing Bedford Fields business about six years ago. He continued to run it as it had been operated for a long time, and just out of usage some of the areas that were designated either for easement or for parking spaces, historically or at least when he had purchased it, had been used for storage areas so he continued that use them that way without being aware that it wasn't “approved” per the previous site plan. Why we are here, and what we hope to achieve tonight, is to clean up the situation, go according to the special conditions on the last site plan, specifically designate storage areas on the premises, and ask for your relief as far as the parking is concerned. I think if you have done any investigation, you will find that there has never been a parking problem at Bedford Fields. It is a seasonal type of business and we feel that this will help clean up the situation as well as accommodate future traffic.

Chairman Levenstein asked how many less spaces are you going to have? Mr. Morin replied there will be eight fewer spaces. Chairman Levenstein stated my understanding is that there was already less than is required. Ms. Hebert replied yes; using today's standards the site would need to have 59 parking spaces, and the Board approved a waiver in 2011 to reduce the parking to 50 and this request further reduces the parking onsite to 42 spaces but they do have an existing legal agreement with the adjacent property to use the parking lot on the adjacent property during their peak times. Mr. Zeolie stated we have an agreement with the health club next door for our employees to park there at our peak times, which are in May and June and then around December. You are talking about taking 12 – 14 cars out of our parking lot and putting them next door so that frees up the spaces for our customers. We have never really had any problems; we have never needed a policeman out front or had any traffic problems with customers. We usually have someone in the lot when it is busy and they direct people around. It seems to all work. Chairman Levenstein asked the loading of products is going to be moved from where it is now? Mr. Zeolie replied yes; that will be moved next to a storage trailer. We have already cleaned it out and moved the product in the last few days. The meeting coincided with our busiest weekend of the year so we were really scrambling but it is all done. So far it has been no big hassle; it will take customers awhile to get used to it as they have been doing it the other way for 20 years. There is still plenty of room for cars to get by where we are doing the loading. I don't really see any issues as we always have a staff member out there. A lot of our customers are older and some of them can't do the loading themselves, and being an independent business that is something that helps us compete with some of the places that don't offer that service like the big box stores, etc.

Vice Chairman Newberry asked you have a connection to the adjacent business and an agreement with them to take overflow parking? Mr. Zeolie replied yes we do. Vice Chairman Newberry asked has that ever happened? Mr. Zeolie replied we had our employees park there this weekend. The customers didn't have to park at the adjacent business. Some of the customers are only in the store for 15 – 20 minutes. It has not been an issue since I have been there. Vice Chairman Newberry asked you have actually been operating with the eight fewer spaces for some time? Mr. Zeolie replied yes. We cleaned it up, so we put some effort into it. Ms. Hebert came out and we talked about how we should do this and what is the best way to do this. Vice Chairman Newberry asked so your experience is that the spaces you have have proven to be adequate? Mr. Zeolie replied it is.

Mr. Pincince asked has it been discussed with the Fire Department about the storage of materials on the exterior of the building? Ms. Hebert replied the storage of materials next to the building shown in the picture posted on the screen shows the shared access drive with the 2-way arrows a few weeks ago. It has been the practice to store the bark mulch and soil and material that is needed to be loaded into customers vehicles along the side of the building, and these new outdoor storage areas are going to now be the location for that product, and the concern with the Planning Department was that the customers were queuing up here to be serviced, to have the products loaded in and out of their vehicles, and because it is a shared driveway with two other properties, it was sometimes causing some problems with people that wanted to cut through to the adjacent lots.

Chairman Levenstein asked for comments or questions from the audience. There were none.

MOTION by Mr. Cote that the Planning Board grant the waiver from the Bedford Land Development Control Regulations, for Section 322.2, Off-street Parking Requirements, to allow 42 parking spaces where 59 would be required. Mr. Scanlon duly seconded the motion. Vote taken - all in favor. Motion carried.

MOTION by Mr. Cote that the Planning Board grant final site plan approval for the conversion of eight parking spaces at Bedford Fields, WVZ Realty, LLC (Owner), 331 Route 101, Lot 28-5, Zoned CO, as shown on plans prepared by Bedford Design Consultants dated March 17, 2016, with the following precedent conditions to be fulfilled within one year and prior to plan signature:

- 1. Any waivers granted by the Planning Board shall be noted on the plans.**
- 2. The plan shall be amended to include “no stopping or standing” signs along the shared access drive and the material stored on the west side of the building be relocated to designated storage areas.**

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

- 2. Hampshire Ventures, LLC (Owner) – Request for a conceptual review of a lot line adjustment and cluster residential subdivision of one lot into eight residential lots and one open space lot, off of Stowell Road, Lots 41-8 & 30-16, Zoned R&A.**

A staff report from Becky Hebert, Planning Director, dated May 9, 2016 as follows:

I. Project Statistics:

Owners: Hampshire Ventures, LLC
Proposal: Conceptual review of a residential cluster subdivision of one lot into nine
Location: Stowell Road and Route 101, Lot 41-8 & 30-16
Existing Zoning: "R&A"- Residential and Agricultural
Surrounding Uses: Residential

II. Project Description:

This application is for the conceptual review of a proposed 9-lot residential cluster subdivision off of Stowell Road. The property includes two parcels, lot 30-16 & 41-8, with a combined area of 19.70 acres and frontage on both Stowell Road and Route 101. The land is forested and slopes uphill from Route 101 and Stowell Road with a high point along the easterly side lot line. There are two wetland areas on the site. A small pocket wetland is centrally located on the property and a larger wetland complex associated with Pulpit Brook runs along the westerly property line. The land is vacant and abuts several homes along Winchester Lane and Stowell Road.

The parcel is located in the Residential and Agricultural Zone. The proposed residential lots will be accessed off of a new road located approximately 200 feet south of the Route 101/Stowell Road intersection. The road will terminate at a cul-de-sac and is 1200 feet long, which is the maximum length permitted for a dead-end road. Stowell Road was reconstructed and relocated by the NHDOT as part of a Route 101 intersection improvement project and the remaining right-of-way is irregularly shaped and 130 feet wide at the entrance to the subdivision. There are no lots along the first 600 feet of roadway and the new homes will be centrally located on the property with open space surrounding the development.

The proposed road would be 24 feet wide with sloped granite curbing and a closed drainage system. There appears to be two detention ponds on the plan, one near the entrance and a second at the end of the cul-de-sac. The stormwater system will need to be designed to meet the NHDES Alteration of Terrain permit requirements. All utilities will be placed underground and the individual lots will be served by private onsite septic and wells.

The Applicant has stated that the density calculations would permit up to nine lots, which is the number proposed, however the density calculations will be reviewed as part of the final submission. The proposed lots range in size from 22,121 square feet to 47,695 square feet and all have at least 125 feet of road frontage with the exception of the two lots at the end of the cul-de-sac, which have 40 feet of frontage. The smaller lots are approximately the same size of residential lots within some of Bedford's denser cluster subdivisions.

The open space lot will be 14.1 acres which is 71% of the overall tract where a minimum of 25% is required. The Applicant has stated that the open space meets all of the Town's requirements for usable land and the project maintains the required 50-foot perimeter buffer around the property.

The application will need a waiver to Section 231.2.2 of the Land Development Control Regulations to permit less than 20,000 square feet of contiguous buildable area on the some of the proposed lots. Steep slopes or poor soils cross through some of the lots and the Applicant is

proposing to provide lot grading plans to demonstrate the 20,000 square foot minimum buildable area on each lot.

Technical review of the final subdivision plans will be conducted by the Town's consulting engineer for compliance with Town regulations after submission of the final application.

III. Staff Recommendations:

Staff recommends that the Planning Board provide the applicant with as much input as possible on the proposed subdivision.

Steve Keach and Jason Lopez, Keach-Nordstrom Associates, were present to address this conceptual review.

Mr. Keach stated the property that is before you this evening conceptually involves two parcels of land. If you look at the illustration posted on the screen, the building with the red roof is the Animal Rescue League and that street between the Animal Rescue League and the subject property is Route 101 and all the way to the right of the image is Stowell Road. This property sits at the southwest corner of the intersection of Route 101 and Stowell Road. There are two properties there today on the corner of Stowell Road and Route 101. There is a 1.92 acre lot that is owned by Hampshire Ventures, LLC and then there is 19.7 acres, a larger undeveloped piece in that area that generally sits on a promontory and a west facing slope, it is predominantly wooded at the present time and both parcels are undeveloped. The 1.92 acre parcel is about half field and half woods. It was re-graded at the time of the Stowell Road/Route 101 alignment back in about 1990 – 1991. The only usable frontage that the larger of the two parcels has is a roughly 50 foot strip of land between the 1.92 acre parcel and the adjacent house lot. What the proposal is is to consolidate and re-subdivide the two parcels. We started looking at this several months ago, we contemplated a conventional subdivision, we set that aside after working with staff for a couple of reasons, one of which is we really didn't want to have to build a house on that 1.92 acre lot out at the corner of Route 101 and have that house on display at Route 101. What this project will involve is moving the proposed road closer to Route 101, about 200 feet in, about splitting the difference between Route 101 and the driveway to the first house. The street would extend inward 1,200 feet, which is the maximum length of a cul-de-sac here in Bedford, and will have nine lots in cluster fashion. Of the combined acreage, which is 21.6 acres, 14.1 acres would be open space and the rest is the road and the lots. We arrived at the nine units of density under the Zoning Ordinance each of two ways. Obviously there is a computational method where you determine the net developable area and divide that by 1.5 acres and that takes us to 9+ lots and then of course a yield plan method, which takes us to the same density. Again, that yield plan was originally what we were going to propose as a straight subdivision and we abandoned that idea in favor of a cluster subdivision.

Mr. Keach continued in terms of the 14.1 acres of open space: that is represents roughly 71 percent of the area of the parcel that is affected where 25 percent is required. Two of the largest reasons that we opted to go with a conceptual discussion this evening involves two attributes of the proposal, each of which should this advance to an application for consideration of final approval, will be a waiver request. One of them relates to the configuration of two of the nine lots. Under the subdivision regulations, and the section is highlighted in Ms. Hebert's staff

report to you, there is a requirement that each lot contain a 20,000 square foot geometric shape of so called contiguous buildable area. Alternately with a waiver we can do a buildability plan for each of the lots. In that case that waiver would really apply to two lots but we are prepared to provide buildability sketches for all lots because of the way these lots are going to be configured and sited on the property. So if an application advances, that will be a waiver request that is implicit in that application. The second waiver request is really to do more than the minimum standards required, quite honestly. Under the road standards you have a 24-foot road with 3 feet of paved shoulder and we want to use sloped granite curb on the road in here for several reasons including aesthetics. The Town's modified cross-section, the urban section, has 28 feet when you use sloped curb but it was really intended for commercial areas, non-residential areas, so I guess while the waiver request would ultimately read pavement with 24 feet versus 28 feet for a residential application, most of the streets you see are 24 feet uncurbed. We just like to use curb to control drainage and create a better image and aesthetic. So those two items we have identified as ultimately being waiver requests that would be implicit in the application that would follow.

Mr. Keach stated the land itself is actually a nice piece of land. It is a piece that we have all driven by countless times. Topographically it rises quite a bit above Route 101, as you know, along and parallel to Route 101 and on much of its frontage there is a ledge cut that is probably 12 – 15 feet high in places and maybe not quite so high as you get over to the beginnings of the 1.9 acre lot. When you get up on top where the development is planned it is a mature oak forest in there for the most part and as the land drops away to the west and then towards Winchester to the south, you start to get into some more hemlock and evergreen, but this is a piece that doesn't look like it has been logged in a very long time and there are some very large oak out in there. One of the reasons for pursuing this as a cluster as opposed to a straight subdivision, there is an opportunity to build up on top of that while preserving the buffer area, particularly to the northwest and Route 101 so that we maintain as much woods as possible between Route 101 and the future home sites.

Vice Chairman Newberry stated looking at your proposed access street that ends up being quite a bit higher than Route 101; it looks like it is pretty tight. Will there be any vegetation left there? What I'm concerned with is how traffic on your street may impact traffic coming the other way on Route 101 and how much visibility there is. They are going to be 10 – 20 feet higher for most of the way. Mr. Keach responded at the point where Mr. Lopez is indicating on the screen where the curve begins, you are in that neighborhood in terms of a grade differential. I'm not precisely sure what the difference is but it is probably 15 feet and rising, and the road continues to rise in there. As you are coming into the road, I forget what the maximum grade is through that area, it is around 6 percent or something like that. Mr. Lopez stated it goes up to 8 percent for a short distance. Mr. Keach stated and then it levels where the houses would be. At that area there will not be a lot of opportunity for vegetation between there and Route 101 simply because there is none to preserve; there is none there now. That is the area at the top of the ledge cut that is sort of bald. If you are familiar with that area, there is something like a skidoo trail or something like that that goes out through there. Vice Chairman Newberry asked roughly what is the width between the edge of Route 101 and your street? Mr. Keach replied in terms of pavement to pavement it would probably be 50 feet or in that neighborhood. Vice Chairman Newberry asked do you anticipate that that is going to need some screening? Mr. Keach replied we will probably

do what we can there; the soil is kind of sparse in that area. It is at the top of the slope where when they reconstructed that length of Route 101 in about 1990 – 1991, they pushed that ledge cut back and then when they ran out of ledge, they sloped it back at about a 3:1 – 2:1 slope. We will do what we can in terms of opportunity in there because we would like to screen it. That is one of the reasons we want to do a cluster so that we are not building anything in that field. The first house doesn't show up until 600 feet into the development. Vice Chairman Newberry stated my concern is that it doesn't create confusion with traffic on Route 101. Mr. Keach responded I'm sure we can do something there.

Mr. Scanlon stated I have three questions. The first one deals with the fact that there is a severity of fractures in several pieces of that property, and I was wondering if you are accommodating 22,000 square foot lots. Has your line of sight on the siting for the houses been looked at with respect to the blasting that you might have to deal with? Mr. Keach replied looking at the road profile we don't anticipate a lot of rock removal. In fact, it was designed to minimize it for obvious reasons. One of the reasons for going to a curbed road is so that we don't have to excavate ditch lines and then come back up and do just that on the high side of the road or on the inside of the curve going in. It would be foolish for you to believe or for me to represent that developing this property there won't be any rock removal, but what we have done in terms of our design effort, is to advance a vertical and horizontal alignment of the road that minimizes it to the fullest extent practicable. I can't quantify it yet; we have done test pits out there both on the lots and along the thread of the road to know where bedrock is going to be. Mr. Lopez can probably talk more specifically as far as the cuts and fills of the road than I can since he was the design engineer. Mr. Lopez stated the test pits out there are quite variable, and we did try to place that roadway to minimize the cuts as we don't want to increase the costs any more than we have to. We have lots on what we will call the high side of the road and the low side. On the low side we are able to keep a lot of those lots up higher, we are going to put the septic in between the road and the house, be able to get a fill situation, walkouts in the back that will help minimize any ledge removal that may be needed. On the high side we are probably going to have to run some of those foundations a little bit higher to avoid a lot of ledge removal. Again, we tried to hold the road a little bit higher to watch for costs in that removal and trucking.

Mr. Scanlon asked how much thought has been given to blasting itself? It is not repetitive; I'm asking the question in the context of whether there is a normal amount of blasting that you anticipate because of the land configuration. Will there be a fairly heavy amount? Mr. Keach responded again, because of the efforts we have taken, we could have designed this so it would have been a larger amount but we approached the design and the grading selection of the road and the selection of where the houses will be on the property to, as Mr. Lopez indicated, avoid it to the fullest extent practicable. So I would suggest in terms of comparison between slight, heavy and large, it would probably be to the slight to modest amount. I actually anticipate the need maybe to do more rock removal for the construction of the homes than the road itself. The four lots that are on the inside of the curve, but as Mr. Lopez said, we have done a couple of dozen test pits out there and there is lack of predictability. You can go to a place where you have 4 feet to ledge and then go 30 – 40 feet away and we get 18 inches to ledge, and then there are some rocks out there too that we ran out of arm on the machine before we hit ledge. It is all over the place.

Mr. Scanlon stated the next question deals with the well radius. You have open space and 50 foot setbacks almost all around the properties, but do you anticipate any potential infringement on neighboring wells? Mr. Keach replied no. The way that Mr. Lopez has laid this out is some of the well radii extended to open space but not onto neighboring properties.

Vice Chairman Newberry stated I thought it might be helpful to the Board and the audience if you could kind of walk through the proposed street, where you have fills, your infiltration basins, etc. It looks like it is all fills there; I didn't see any that was obviously cut. Mr. Lopez replied right at the entrance we are going to have to do a little cut and reshaping of that front face along Stowell Road. We need to create more of a roadside drainage swale, that is going to direct some stormwater down to existing basins at Route 101 and Stowell Road. Then as we immediately cut in, this is going to be a deeper cut in the road, that is bulk material that was left over and placed and loamed and seeded when they were doing the Route 101 project. So we actually have to get through a lot of that material that was dumped there. Then we will taper out into an area where we are about riding grade and then we are going to get up into a fill situation on the corner, kind of the pinch point from the abutter's property and Route 101, and because there is rock there we are trying to get up and over that to minimize that blasting, we will make the swing around a slight corner and get into where the house lots are. A lot of that is because the way the land is out there we are trying to follow that contour and it is a little pit and mound so there will be a little bit of cut, a little bit of fill, and that continues all the way out to the cul-de-sac where we're actually pushing the cul-de-sac a little bit high and downslope, we're going to have more fill under the cul-de-sac because we don't want to get into that ledge and stuff on the easterly side of the cul-de-sac. That then raises that cul-de-sac pretty high and we're going to have to fill this first lot on the lower side of the cul-de-sac a bit just to fill the front yard, have a walkout in the back, then we have a couple of lots that extend out further, we call them back lots or pork chop lots, those are going to be an acre, we have to get a driveway out there, and those driveways will have some cuts and fills. I do anticipate closer to the cul-de-sac we will have blasting to get those driveways out there. This steeper slope has larger rocks on a face, so I do anticipate a bit there. Then back out to the beginning of the road again, just beyond the curve, is the high point in the road and from that high point we're going to pitch down towards Stowell Road. I have a closed drainage system, we'll pick up the stormwater, and we actually pick up some stormwater and run off on the easterly side of the road. We are going to have a wet pond as shown; the total area of disturbance on this project will be greater than 100,000 square feet so we will have an AoT permit, as part of that we will have to meet their stormwater requirements, and we have chosen a wet pond. I am going to work with DOT on the outlet of that to replace a culvert that currently takes this low spot and drains it into the State system; I'm going to work with DOT to make the connection from our pond to that existing catch basin. Then, again, towards the back of the property, we are going to run from that high point, again, closed drainage system, and we will come down and out back as shown we have quite a large, long, narrow pond that is going to be an infiltration basin. Requirements through AoT is that we have to have groundwater recharge so we will meet that requirement out there and provide access to get down there for maintenance. I think that gives a quick run through unless you have additional questions.

Chairman Levenstein asked where is Pulpit Brook on this? Mr. Keach replied if you go all the way to the westerly boundary, it sits down where Mr. Lopez is indicating; it approximates that dogleg from where the old, long, historical right-of-way of Route 101 where the property kind of

meanders away from Route 101 as you are headed towards Amherst. That is where the brook crosses and then it runs effectively parallel to the property line off to the south.

Chairman Levenstein asked do you have any plans on doing anything with the open space? Mr. Keach replied putting conservation easements on it, building a detention pond on it down in the back where Mr. Lopez just described. There is a trail that goes through there; it doesn't seem as if it is used a lot but it doesn't seem if anybody takes credit for it, it is not part of a system that we know about, but it gets a lot of use. I thought it might be part of a system, but it doesn't appear to be, and if there was somebody whose system relied on it, maybe we could have a conversation, but I think it is more informal. Honestly I don't know where it ultimately goes. Chairman Levenstein asked is that going to be left? Mr. Keach replied basically we are building a road right over it. For all intents and purposes, once you get around the curve in the proposed road, the roadway more or less follows the alignment of that trail. I think the trail actually shows up on the survey. Mr. Lopez indicated the trail on the posted survey plan. Mr. Lopez stated there is another that heads out and I think it heads out to the project out back; I didn't follow it quite that far but there are a fair number of deer stands out there. Mr. Keach stated there is a historical railroad right-of-way out in that part of Town, and I wonder if this trail somehow links to that, the one that goes down through Camp Young Judaea and on into Amherst.

Councilor Bandazian stated on this topography diagram that is posted, in the lower left-hand corner, southwest corner, there is what looks like a lot line. What is that? Mr. Lopez replied that box is the minimum requirement for, I believe it is called usable open space. It has certain criteria based on slope, soil, to be considered usable and that rectangular box is how we comply with that regulation. Mr. Keach stated that will mean nothing on the ground.

Councilor Bandazian stated on Stowell Road there is eastbound and westbound turning lanes. Where does your proposed intersection with Stowell Road occur in relation to the turning lanes? It is a little bit to the south of those turning lanes. Mr. Keach stated it is right about in the taper section. We chose that location, or it was chosen for us maybe by the existing geometry of Stowell Road, in satisfying sight distance requirements. We were originally considering having the road further up but looking towards Merrimack there is a crest in the hill and you don't quite make the 400 feet of sight distance that we need to satisfy application local requirements, so by having the intersection where Mr. Lopez is showing it, it probably optimizes sight distance actually. You can see all the way to Beech Street.

Mr. Stanford stated I want to follow-up on what Councilor Bandazian asked, but as far as granite curbing goes I think that is probably a benefit to the Town in long-term maintenance. With a normal width of roadway for a low volume local road, I don't have a problem with the reduced width. I have been struggling with the location of the intersection in proximity to Route 101. In my opinion it is too close. I understand the constraints, not because of the turning lanes, but I just think 200 feet is what we would typically require for a driveway between commercial facilities. Here we have Route 101, which is a pretty major roadway, we don't know what the future is going to hold for that, but 200 feet just seems like not enough especially when you look at the turning lanes there, and then you add on the angle of Route 101. It is really a skew at Stowell Road, it is probably a lot better than it was 20 years ago, but I was hoping that you could get it a little further away from the roadway. Mr. Keach stated we will take a look at that. You

know what we are dealing with. Mr. Stanford stated I am familiar with it, again, I know the constraints, but really from my perspective it is too close to Route 101. Mr. Keach stated we will do the best balancing act that we can, and I know you will be fair.

Mr. Pincince asked has there been any conversation with the people in the neighborhood relative to the adequacy of well water in that area if you are driving nine new wells? Mr. Keach replied there probably has been no conversation but we have checked the State database and we are not aware of any particular issues with the yield, at least as has been reported in terms of well yield tests that have accompanied these houses. Of course the houses that were just built in the subdivision across the street, I can only comment to answer that question based on the empirical results of the wells that have been drilled over the period of 30 years or so since the DES starting requiring submission of those results from the well yield test at the time anybody installs a well.

Mr. Sawyer stated I had a question about the wet pond and the infiltration basin. Were those announced to be maintained by the Town? Mr. Keach replied the idea is to have a public road, whether historically has meant maintenance of drainage infrastructure by the Town, but we will necessarily have an association here. That is maybe a discussion we can have because these are wet ponds. Mr. Lopez stated I know with earlier discussion the intention was to have easements and have it go with the Town road, but I know Mr. Stanford had released a memo earlier discussing his stance on preferring not to have those ponds along with the public right-of-way, so that is something we will have to discuss more as we get into the final application. Mr. Sawyer stated I definitely want to have you follow up with Mr. Stanford on that, and if there are any special conditions that the State puts on you, especially for maintenance of those that the Town would be obligated for, I would certainly want to know about that early on and try to avoid that if possible. The depth of that wet pond right near the road seemed a little extreme to me. Is that going to be guardrail and fenced? What would be the aesthetics of that? Mr. Lopez replied a guardrail could be placed. I haven't looked at it to that detail yet but that is a wet pond. The wet pond requirement is to be 3 feet deep water surface elevation, and then that did drop down a couple of feet to the top of the water surface, so that is something that we would obviously be discussing with engineering review and also with Mr. Stanford. Mr. Keach state if the interest there was to keep people out, I would probably look for something more decorative. If it meets guardrail warrants, then it meets guardrail warrants and we'll put guardrail, but we were trying to kind of improve the aesthetics out here. I would really like not to have to have something industrial looking there if we can avoid it but more maybe something decorative. Was your concern primarily about people getting in there or was it about vehicles getting in there? Mr. Sawyer replied it is that it drops 10 feet or so off the edge of the road down to the bottom of the pond, it looks like and it is fairly close to the pond, but also just looking at it for how we would maintain it and how we would get to those depths in that area. Just the whole thing on that; how that would function in the future. Mr. Keach responded regardless of whom maintains it, we will be providing access to it with a work road. The reality is that you check them about every five years and make sure they are still there. There is not really a lot of active maintenance that goes on with that under a normal circumstance. Like you said, every now and then when for environmental reason the DES or others will look to have something special happen there. Some of the other towns I work for we have had a lot of manmade wetlands and things like that for stormwater satisfying those same criteria, and until those things get well established, I will tell you that there is maintenance and it is really not maintenance, it can sometimes take a year to get

to the levels of vegetation in there the way they need to be. It is more like deferred construction, but it does take some time sometimes to do that. Obviously, there would be a way to get to it for maintenance or construction, but as far as isolating it, I guess I would look to change the geometry if there was a concern about its proximity to the road to increase that distance a little bit. I would really hate to have guardrail at the entrance to that purely for aesthetic purposes. Mr. Sawyer stated but you do have guardrail down on the elbow small section. Mr. Keach replied that area that Mr. Scanlon asked about earlier, yes. Whether it meets warrant or not, that is just an invitation for someone to do something stupid. That is a little bit further in; it's not out in that field.

Mr. Sawyer stated I just go on record that I support the waiver for the road width, if it is a waiver that Mr. Stanford mentioned as well. We haven't talked a lot about this second waiver but until we see the grading of those lots, it's hard to really give you a full opinion on it. My experience in the past is if the grading on the subdivision as a whole looks good overall, I would like to see that grading more of a condition of the subdivision that it be done as part of the road construction and not each individual lot. Mr. Keach replied in part because it is a cluster, in part for the reasons because when you were wearing your other hat, you sat and talked with us a lot on this and helped us with this. But part of it is I think any heavy lifting in terms of grading for lot development purposes will probably be done contemporaneously with the road construction. As Mr. Lopez indicated, there are areas on the lots we know we are going to need fill and areas where we know we are going to create fill, and if there is any rock removal, we want to do that before we create obstacles for ourselves. I think that is a good suggestion, and, again, the waiver would really only pertain to two lots that Mr. Lopez tells me, but we would provide buildability for all nine lots because they have to work together to do what we are trying to achieve here.

Vice Chairman Newberry stated we haven't talked too much about the proposed lots. At the end of the cul-de-sac I see you have a corridor to access the open space, which I think is a good idea, and I think I understood you to say that part of your intention in further developing this would be to include how you are going to grade out the various lots. In particular I'm looking at Lots 7 and 8 as looking like those are going to be pretty challenging. Mr. Keach stated I anticipate that, and question that Mr. Scanlon asked earlier, I could only answer qualitatively tonight will be asked again and he'll expect a quantitative answer. So we'll actually have to have some grading in order to give him a proper answer, so that is what the intent is. Ms. Hebert stated will you also show the proposed curb cuts and driveway locations? Mr. Keach replied yes, because of a curbed road they will have to be built when the road is built.

Chairman Levenstein asked for comments or questions from the audience.

Robin Davis, 3 Twin Brook Lane, stated I think I speak for people on Twin Brook Lane as well as Stowell Road at this point. We have a lot of concerns about having nine individual houses developed there with such short amount of spans of land when everything around us has to be 1.5 acres. This parcel can do more than just half-acre lots and acre lots, and I understand this might have been a great proposal for the builder, but we would have liked to have seen what the concept was for 1.5 acre lots. Did that parcel demand nine lots as a 22 acre parcel, which this really is combined. Can someone answer that? Chairman Levenstein replied they can put more lots than they would be able to put in if they did traditional 1.5 acre lots. Ms. Davis stated if you

had 1.5 acre lots on 22 acres, how would you know that all of those 22 lots could possibly perk? Mr. Keach replied as I had mentioned at the outset, when our client first brought this parcel to our office, he asked us to look at a cluster. My opinion was that it wanted to be conventional because everything else around it was conventional, and as we started working with it and working with staff, it became obvious for a couple of reasons. The first is the field, the corner lot, we did not want to have a house out at the corner of Route 101, but really this started and we proved out density at least to ourselves of nine 1.5+ acre lots, including test pits. That information by necessity, because a yield plan is necessarily part of the application for final, will be included and become a part of public record if it is not already on file in the Planning office if somebody wants to look at it. And if somebody wants to look at it and it is not available, they are welcome to contact Mr. Lopez or myself and come down and we will give them a copy. Ms. Davis asked with the nine lots that are here in the cluster, have those lots perked? Mr. Keach replied yes. Ms. Davis asked all nine? Mr. Lopez replied yes. Ms. Davis asked why do we have to have 20,000 square foot lots versus 45,000 square foot lots when what you possibly are going to build on a 20,000 square foot lot can't possibly be equal to what you put on a 1 acre lot? We are concerned about the size of housing that you are going to put there. We want something that is going to uphold the value of people who have invested in 1.5 acre lots when you are now taking them down to half acre lots and we want square footage to be commensurate with one acre lots minimum. Mr. Keach replied as far as what gets built on the lots, we are not looking at a low or even a modest-end subdivision here. We are looking at a fairly high-end subdivision. As far as the lot size, the building areas the way they have been devised, with the exception of the triangular shaped lot across from the Animal Rescue League, they are all ordinary shaped. The white lines that you see on the posted photo are the building envelopes and they can easily take a 3,000 square foot home with detached garages and things like that. Ms. Davis asked is that what your plan is? Mr. Keach replied I don't know the exact square footage, it hasn't been developed yet, but these are going to be, in terms of the point in the marketplace that our client is contemplating, well over a half million dollars.

Ms. Davis asked why is it that the Town is willing or the developer wants to take the width of the 28 foot road down to 24 feet? Why is that? Mr. Keach replied appropriateness. There are three standard cross sections in the Bedford road construction specifications and regulations document. There is the typical rural section, which is what you see in about 90 percent of the residential subdivisions in the Town of Bedford that have been built in the last 30 or so years, it is 24 feet of pavement with 3 feet of graded gravel shoulder left and right, has open drainage, i.e. ditch lines. It is a good standard for an open road situation, but in a neighborhood of higher-end homes, by going with a curbed section pavement is the same width as it would be in the other 90 percent of subdivisions of 24 feet. The other two sections are the urban and the modified urban. In the urban, Hawthorne Drive is an example off from Route 3/South River Road, which is 30 feet curb to curb. The modified and I can't think of a place that it has been used, is essentially the same thing with 28 feet of pavement. Because we want to use a curb section, it takes us from a standard that was originally developed for non-residential purposes and moves it away from a residential situation. So what we're trying to do through the waiver process is bring the width back to the same as the residential standard and basically substitute granite curb and closed drainage for graded gravel shoulders and ditches. Chairman Levenstein stated the road width is probably the same as what you have on Twin Brook Lane. Ms. Davis stated no it is not, but that is okay. We measured it. We have 25 feet right now on Twin Brook Lane. Mr. Keach stated it

was probably designed at 24 feet and they just went a little further. Ms. Davis stated we have measured it, so our concern is why is 24 feet acceptable when we have 28 feet. Mr. Keach stated 24 feet has been the standard in this town for decades. Chairman Levenstein stated the curbing will make it so that it won't drain off to the sides like the other streets. Ms. Davis stated no, it is going to drain into these detention basins; the runoff for the development is going to drain into the detention basins. Chairman Levenstein stated which is what you want.

Ms. Davis stated we have a big detention basin that sits high and goes down towards Twin Brook and Pulpit Brook. Mr. Lopez stated that is an infiltration system. That is designed to capture the area runoff that is going to flow in that direction through the closed drainage system in the road, it will pick up some of the house lots. The intent of that, again, is directed through an Alteration of Terrain, Department of Environmental Service permit that we need to obtain. They look for two things, which are treatment of stormwater and they are looking for the recharge of the groundwater. Because we are paving certain areas, driveways, the road, we're changing the coverage of woods to lawns that increases the amount of runoff and what they want us to do is to quantify volumes of water and to make sure that because we are making more water run off that we have to find a place on the property to infiltrate some of that volume, so they have guidelines that we need to follow to quantify that. So this has kind of a sand bottom raised up above the water table, much like you do with a septic system, raise it up above seasonal high so the water will go into the pond, and the outlets are very small. It traps the water, it will slowly infiltrate into the ground, recharge that groundwater, and we also have that sand separation between the infiltration surface and groundwater so we have treatment. So it is a combination of recharge and treatment. Ms. Davis asked is that sand basin contained by anything? Mr. Lopez replied yes. On the low side there is a berm and we are playing catch-up with the grade here. If you look at the grading plan in this area, this is the outside slope of the pond. So we are going to come down the slope and it will go down into the bottom of the pond with infiltration and recharge area and then it is going to come back up a little bit to create a berm to hold that water back into the pond, and then it will slope down to catch up to the existing grades. Mr. Keach stated I guess one of the things not to be overlooked in the DES criteria that Mr. Lopez indicated, is that it also avoids having a point discharge to Pulpit Brook and that is probably important to some. Ms. Davis stated that is one of our major concerns. We have enough water infiltration down there right now to take care of. We know that the State is going to be changing the culvert out under Route 101 that feeds Pulpit Brook from one side to the other, again, something else that impacts us, and what we're not looking for is more water to come down. Mr. Lopez stated the design criteria that we are going to be held to, both the Town has criteria and the State of New Hampshire DES Alteration of Terrain program, they actually have a little more of a stringent program, and that will go under review. It will be reviewed by DES and it will also be reviewed by independent consultant hired by the Town, paid for by the applicant to review all of that. That is the whole purpose and intent of that drainage analysis to make sure we are not increasing point discharge, increasing runoff, creating erosion, and flooding problems to surrounding properties. Ms. Davis asked what happens over 10 – 20 years to these detention basins? Who is responsible for maintaining them? On Twin Brook Lane we are responsible for maintaining our own fire ponds, the culverts underneath them, the guardrails, and everything. We have 100 percent responsibility for that. Why should we have 100 percent responsibility for all of that and the Town is now going to take over the detention responsibility for these detention ponds? Chairman Levenstein stated I don't think the Town has so far agreed that they are going

to. Mr. Keach stated I think that is a matter that we will work out with the Public Works Department as we always do. Ms. Davis stated therefore there may be an association that is ultimately responsible for that rather than placing it on the Town where we have to pick up the tax burden for these detention basins. Chairman Levenstein responded right.

Ms. Davis stated I want to draw attention to that lower dotted rectangle that one of you referred to at the corner of this property. I want to tell you that that abuts to the Dena Cola Trust land that the Town is responsible for. I do have a diagram here, but this is all conservation land, which abuts Twin Brook Lane and the Winchester Lane as well as the proposed property. Chairman Levenstein stated nothing is happening in that box. Ms. Davis replied no, but what is happening with the development that could impact what is happening with that conservation land, and the Town has a fiduciary responsibility to make sure that that is conservation land and maintained as such. I'm not saying they are not going to maintain it as conservation land, but I'm saying that anything you build there has the possibility of impacting that, and has the Town considered that is one of their responsibilities and do you even know about it, that it is there? When he was talking about trails, I'm sure those trails go right through this. Is anyone aware of the Dena Cola Trust property? Mr. Keach replied I was. Town Manager Sawyer replied absolutely. Ms. Hebert replied yes. Mr. Keach stated and I think from a conservation standpoint, abutting it with protected open space is perfectly compatible.

Ms. Davis stated one thing we also wanted to be sure of was that the open space that is here remains open space in its current condition, meaning that there aren't any clear cuts with ball fields that are going to be put in like at Greenfield Farms. We want to make sure that the root structure that exists there today helps with the water absorption and doesn't impact the problems that we have with Pulpit Brook. Chairman Levenstein responded I believe they said that that was their intent to just leave it. Mr. Keach replied that is correct.

Ms. Davis stated I think wells are the biggest problem that people in the area have. Stowell Road is not known for having a great well yield. There are people who have had to re-drill their wells and this blasting has everybody on edge, and rightly so, because if we don't have water, we don't have homes. And we have nine wells that are going to be put in a very small area considering the acreage and no one can guarantee us that the wells around there will not be affected. I know there is such a thing as a pre-blast survey, and I would suggest that that needs to be done for the majority of houses that abut this property. Chairman Levenstein stated if they are going to blast, there is no question, they have to do that. Mr. Lopez stated that is required by Town ordinance.

Ms. Davis stated I also understand there is a cistern that is involved in this, that the Fire Department is requiring a cistern on this property. Where the cul-de-sac goes in 1,200 feet and that is the maximum amount of what the Town's fire apparatus can handle, the two parcels that are at the rear or with long driveways on the diagram will be outside of those 1,200 feet. Chairman Levenstein responded it is the cul-de-sac that is 1,200 feet. Ms. Davis asked so then I would like to ask is that the case, is it one cistern, is it two cisterns, how is the fire protection going to be used for those properties without fire protection being taken from our ponds on Twin Brook Lane that we're responsible for and not the Town? Mr. Keach replied as the members of the Board understand, the matter of fire protection here is a question for the Bedford Fire Department. If Chief Wiggin requests a cistern, it would most likely be a single 30,000 gallon

cistern on the property. It would probably be at or about the cul-de-sac for no other reason than it is the most convenient location for them to do what they need to do when they draw from it. Because of the fact that we are looking at a conceptual plan this evening rather than a final plan, I don't believe Chief Wiggin has given you his final decision on what, if anything, that he is going to require, although we are anticipating because of the lack of availability of water for firefighting in that general portion of Town where there are no hydrants, that there will be some requirement for a cistern and that is all we can say right now because they haven't been told what we are going to do. Chairman Levenstein stated before the final plan is reviewed by the Planning Board, the Fire Department reviews it. Mr. Lopez stated last week I provided Scott Hunter with further information. He had some questions and he was going to be putting that information before the Chief, so it is in the process of being worked out of where and what and volume and all of that. Mr. Keach stated at the end of the day we will do what they ask. We have no choice. Mr. Lopez stated it is life safety and we have to do it.

Tonya, 27 Twin Brook Lane, stated the two concerns I have are with the elevation of the properties being so much higher than where we are in Twin Brook Lane. Our concern is things like runoff from people doing their lawns and chemicals and things like that coming down into that brook area. We already have enough issues with the water that we don't want to have to deal with that kind of runoff. Then if you are going to be putting in the cisterns, I know you said you are trying to limit the amount of blasting, but you are already talking about putting in nine septic systems, you are talking about drilling nine wells, if you are putting cisterns and drainage and stuff like that, you are doing a significant amount of blasting there. How concerned should we be about our properties and our wells and our foundations when it is being done so close to our houses? Chairman Levenstein responded the wells won't require blasting. Mr. Keach stated it is true what she said that we will certainly be doing a fair amount of excavation; excavation and blasting are two different things. One is a subset of the other and going back to Mr. Scanlon's original question, as we have worked with this piece of land for the last several months, we have endeavored it do it in a way that creates a tasteful outcome but does not necessitate more excavation, and that's not just for good neighbor purposes, it is just good land planning and it is good business for our client not to have to do more ledge excavation than is absolutely necessary. I will point out one thing about the property and those of you who know it or those of you who may be amateur geologists and look at the ledge cut across from the Animal Rescue League, this is mostly frangipane out here; the ledge is not one solid chunk but it is broken up. My sense is that some rock removal out here, particularly cap rock, is probably more apt to come out with a pin than it would with dynamite. If any of us believe that this subdivision will get built without the need for blasting, I don't think that is going to be true, but is it going to take a lot, and my answer to Mr. Scanlon's question earlier, I don't think it is going to be extraordinary. Mr. McMahan asked could you please explain to them the difference between blasting and taking it out with a pin? Mr. Keach replied if you look at that ledge cut across from the Animal Rescue League, you will see that rock in the profile is kind of fractured, it is not solid bedrock, each individual fragment is solid, but when you open that up and remove the overburden from it, on the end of an excavator it hammers away at the rock and breaks it up into smaller pieces so that it can be moved by mechanical means rather than by blasting. There is a tremendous cost savings for a contractor to do it that way as opposed to having to blast, if for no other reason than what you neighbor spoke about and it is required by Town ordinance, pre-blast surveys and all the things that go with it that are really logistics and incidentals for blasting. This

is why Mr. Lopez has worked so hard to go through the process he explained to the Board tonight about keeping the road up, positioning the road east and west so that it enables lots on one side of the road to be built and have walkout basements as opposed to having all nine lots potentially have excavation below grade. The four lots in the inside, I think it is probably reasonable to expect that with those there will need some rock removal. I would find it hard to believe that there is going to be necessity on the other three, and other than for the driveways on the two back lots, I don't anticipate a lot of rock removal there either. For the detention basin, maybe, but, again, Mr. Lopez has explained that that is going to be built up in elevation to achieve the groundwater infiltration with sand, almost like a septic system. Again, I don't know because this has only been submitted to the Planning Department in conceptual fashion. We have a lot more data than a conceptual presentation dictates that we submit but when we come in with a final application, there will be a tremendous amount of test pit data with individual test pit logs that have been recorded and their location on the ground to identify them. I'm going to suggest to my client, because there is going to be a little time between now and when we come in for final, that we furnished the abutters list to the Town, I might recommend to my client to have a neighborhood meeting so we can flush some of this out and you can ask all of the questions that you want and we can give you the information that we have. I think this might be one of those times where that would be a good thing. Chairman Levenstein stated the Town will also have its own consulting engineer look at all of this data to make sure that they agree with whatever Keach-Nordstrom comes up with. It will be reviewed. Tonya asked is there anything to address the chemical runoff? Chairman Levenstein replied I think that is where the detention ponds will be catching that. It is a long way for stuff to run down from those lots. Tonya stated between the detention ponds and that area, there are a lot of wetlands that are in there, so I guess that is my concern.

Chuck Bobbins, 34 Twin Brook Lane, stated I have the same concern about the runoff but more with the concentration of septic systems on the high ground. You had already said that you were going to be coupling into the State drainage along the road and that all drains into the brook. Mr. Keach responded that is for stormwater. Mr. Bobbins stated I'm looking at the concentration of the septic systems there and if there were failure of the septic systems, it is all wetlands and it is through our backyards. I have close to 6 acres and by far the majority of it is all wetlands back there and that is only a few houses down. It is not abutting to the property but it is downstream. Just a concern is contamination of the wetlands. Mr. Keach responded where the cursor is indicating on the screen is the high point of the road, the linkage that Mr. Lopez mentioned to the State system is going to be as shown, so this is the high point in the road and this will flow to the northeast and this will flow to the south. So there will be no homes over here on the part that would tie into that. If there was a septic failure, it would be over here, which will go to the infiltration basin, but, again, obviously we don't plan for septic failures, we try to design around them by having good soils on the lots. Mr. Bobbins stated just to the southwest of that starts our backyards along the wetlands. Mr. Keach stated that is understood. Chairman Levenstein stated all of the septic systems have to be approved by the State.

Curt Davis, 3 Twin Brook Lane, stated I want to draw your attention to the upper north corner of the first lot on Stowell Road. Looking at the new road there seems to be some complexity in that corner area as far as activity occurring within setback lines or possibly the need for variances, etc. Can you kind of talk to that point to help me understand if there is any kind of complexity or

any other need for a variance in that spot? Mr. Lopez replied there is a 50-foot setback from the parent property line, so the abutter's lot line shown and out on Route 101, that right-of-way line, once we combine these two lots, we have to put a 50-foot setback. We already went through this with staff, this came up as a question when we were converting from the conventional subdivision to the open space, is how do we get a road through here. We looked at the regulation and you are allowed under the ordinance to pass through that setback area to get to a buildable area much like we have the same issue right out at the entrance to the road. We come through that 50-foot buffer setback, again, to get to buildable area and we go through that again. There is a reason why my pond is here. I originally wanted to put the pond down on the low side of the road but a detention pond is not an allowed use within that buffer but the roadway crossing through is. So a variance is not needed for this location and the position of this pond was chosen so we did not have to go for a variance for work within that buffer. Mr. Keach stated one thing I want to make sure is understood because the gentleman used the word lot. It is not a lot; it is open space on both sides of the road. There will be no homes built down there.

Chris Slusher, 14 Twin Brook Lane, stated what is the timeline you are looking at. When do you want to start blasting and building? Mr. Keach replied the first thing we have to do is put together an application for final approval in the coming weeks and submitting that to Ms. Hebert for formal consideration by this Board. I would anticipate during the course of the summer that you will get a certified letter in the mail of notice of another meeting, of which case the Board will consider that application for final approval. Once it is approved, depending upon where we are in the calendar, our client may or may not opt to commence construction this year. I think he would like to, and most likely would if the approvals were given timely by the end of the summer, during the summer, but I don't know for certain. It would certainly be within a calendar year, probably less.

Mr. Slusher stated I'm not feeling very reassured about your thought that our wells won't be affected. I already have a pretty low output well, so let's say everything is put in and all of a sudden I don't have adequate water. Do you take responsibility for that? Mr. Keach replied it depends on the cause of the situation. I consider that a loaded question because of the fact that there has to be a nexus between the cause of your failure. I don't know how little or how much blasting we are going to have here. I can tell you that there is going to be some rock removal, and it may be a majority of it is done mechanically, which there would be no opportunity for impact. I would also tell you that because of the fact that you live on Twin Brook Lane and you have an intervening brook in here, that in terms of the vibration caused by blasting there is going to be dampening effect of that brook, which is just a matter of pure science that that is going to be the case. I don't anticipate that even if there is some blasting occurring here, you might hear it, but in the subterranean sense, I don't think there is going to be a lot of acceleration down there. Chairman Levenstein stated I think his concern more was with putting nine wells and what the effect of that is going to be on them. We have had experts come in to speak to us on this a number of times, and there is no way of knowing and you could be in one spot on your lot and get nothing and you can move over 10 feet and you can hit a gusher. There is not a lot of science to it.

Mark Nadeau, 11 Stowell Road, stated I think that is the point he is trying to make is some of our wells are at best limited in a lot of cases. We have had to redo our well already; spent thousands

of dollars to redo it. The point is that there is going to be a lot of blasting, and the reality is, how are you going to prove it. You are not going to be able to prove it. Chairman Levenstein stated I know we have had other situations where blasting has caused problems and the Town has actually gone in. Ms. Hebert stated the Fire Department administers the blasting permit for any blasting activity in the Town, and we can follow up with the Fire Chief to talk about what types of precautions or conditions could be attached to a blasting permit that would provide additional projections for the wells in the neighborhood. Ms. Davis stated I think that would be a must. I hear you people up there and I feel like this is already a done deal, and we are here because we pay this town taxes to live here for the enjoyment of Twin Brook Lane and Stowell Road. We like where we live; we don't want to see it damaged. I was very happy to hear we are going to get half million dollar houses; I hope we can do that on half-acre lots, but we all have wells and they don't have a great yield and our concern is that with nine more wells, you are right, you can hit a gusher 10 feet away from a yield that is 2 gallons per minute, but for us, we have lived here for 30 years and that development in Twin Brook Lane has been here from 30 years, Stowell Road a lot longer and to have a development come in, a cluster development, with nine holes very close together with no guarantee to any of the residents that are around there, does not seem fair. What Ms. Hebert is saying is there has to be something that is attached to this that gives us the peace of mind that our wells are going to perform the way they do now. To say that you never know, well you do never know but in order to put the development in, somebody has to bear that responsibility if we end up with no water. Ms. Hebert stated it is something we need to look into. The blasting permit depends on what type of rock you are blasting, what type of explosives you are using, and for each type of blast the protective radius that they do these pre-blast surveys and I would suspect you would all fall within that radius. Ms. Davis stated with the potential of 11 Stowell Road, we will probably all fall outside of that because it is just clustered in such a small area. Mr. Keach stated the thing that is in control the charge of a blast out here has nothing to do with anything that is built out here. It is Route 101. Because of this site being higher than Route 101, if there is blasting done on this particular piece of property, that will control the size of the charge of the blast that would ever be done out here. Chairman Levenstein stated right; how often you can blast because they are going to want you to shut down Route 101 while you are doing it. Mr. Lopez stated we dealt with another site just recently adjacent to the FE Everett turnpike and that was a very big issue out there. There are a lot of contingencies put on the blasting permits. Mr. Keach stated geologically with a blast, interruptions of water supply is all acceleration of seismic activity through the rock that can harm, and the larger the energy that is introduced through the blasting agent, the more opportunity there is for damage and distance of travel, and what I'm going to tell you tonight is that I don't believe that this subdivision will get built without some blasting, there is certainly going to be some rock removal, and the reasons that are several, we have mentioned most of them tonight, why we have endeavored to design it to minimize the amount of rock excavation that is necessary to build it, both in terms of its infrastructure and on the lots themselves, part of that with keeping in mind really dealt more with knowing that this would be a very expensive site to do rock removal on by chemical means, blasting agent, because of the proximity to Route 101. Other than that, basically the site is out in the woods. With regard to the homes, the drawing that you see is 100 scale; there are really not a lot of homes in real close proximity to where the work area will be on this site. I believe that the dimension that the Fire Department typically would use to require pre-blast survey is in the order of 2,000 feet, if I'm not mistaken, depending upon the size of the charge. If that day comes there may be one or more people here this evening that might get a

knock on their door, but we are not going to walk into this, whether it be tonight or when we come back, and say we know we are going to blast 17 yards on August 28th, if and when it is discovered, that is when that protocol that Ms. Hebert has described commences as it is on an as needed basis. Again, from our perspective we know that there is bedrock out there, we are designing a site where we know there is bedrock and that is one of the reasons that we have made a more compact site, by going to the cluster as opposed to spreading it out all over and using the entire 22 acres, as well as doing it in a fashion where we have thought out not just building a road and creating a piece of land that somebody can build a house on, but how the house is going to be built on the lot that we create. Again, we will show you that when we come back. Tonight is a conceptual hearing; we're not asking you to approve anything tonight.

Ms. Davis stated I'd like to ask that we do take you up on a meeting with you and the builder if he chooses to have you there, and that we as a community get together with him and you before this goes for final approval. Can we do that? Mr. Keach replied yes. There are names on the abutter list, there are some of you that live on Twin Brook Lane that clearly are not direct abutters so you will have to rely on those neighbors. Ms. Davis replied that's right, but we are an association so when one person is notified of something, he will get it and he will let us all know.

Ms. Margaret O'Neil, 25 Stowell Road, stated my well is 660 feet deep. I have replaced it twice and they are going to have an awful lot of blasting because once you start digging, the boulders are enormous. I can attest to that because my whole yard whenever they dig and replace the well, they still come out with massive boulders that have settled. Every winter the boulders rise under my driveway. There is going to be a surmountable amount of blasting going on to get those houses in. It might look like nice land right now, but once they start to dig, I can attest there will be a lot of blasting.

Mr. Slusher stated I know we spoke about the ledge along Route 101 but feel free to come onto my property. You will see a big sheer piece of granite there. It is not fragmented in any way. My well is 700 feet deep, and I just anticipate there is going to be a lot of blasting. I have had excavators on my property and they couldn't even put the teeth of the shovel in because there is a lot of ledge back there. We understand the precautions that you have to take, but the bottom line is when the wells dry up and they don't produce water, how are we going to be protected from that. The other thing is that I own the property at 11 Stowell Road where that narrow passageway, and that is a narrow line, and as they indicated, there is some ledge there I believe, so my concern would be that additional noise factor but also it is going to be hard to plan any additional vegetation there as a buffer if there is ledge. I support many of these people's concerns but I know the detention pond they have on Beech Street and they are not very aesthetic. Over the years they get overgrown and attracts insects. Mr. Keach stated Beech Street was a fire pond. Mr. Slusher asked what would be the difference between that pond and the detention pond? Mr. Keach replied order of magnitude. This would be about a tenth of the size. Mr. Slusher asked the other thing is how much additional vegetation would be taken out to put these homes in? It is really not that dense back there. Mr. Keach replied there are a lot of large trees back there because of the oak. I can't tell you in terms of numbers, but in terms of area I would say probably with the rectangles on the smaller lots, we would probably end up clearing 75 percent to be conservative just to get the house, the septic, the well, the grading, and

everything that goes with it because of the size of the lots. Mr. Slusher stated that is something I would like to see maybe before we go forward. Mr. Keach responded that would be on those buildability plans that we are going to submit to the Board with the final plans. Mr. Slusher stated when you put nine homes on top of that knoll it is going to be very visible. We talked about the drainage going into the detention ponds, the fertilizer from the lawns aren't going to run down the roadway into the detention ponds. It is going to run down into our properties and possibly into our wells. The water that comes down the roadway is from the driveways and the road itself. The lawn and the fertilizers and maybe a failed septic is going to come onto our properties.

Mr. McMahan stated I would like to address one of the comments that was made about the fact that it would appear as though the Planning Board has already made a decision. That can easily be misinterpreted. Everything that is being said tonight is going to be recorded and it will come out in minutes. Ms. Hebert has several pages of notes and other people who have concerns in different areas are all taking this down. The reason that you may have that opinion as we're sitting here fairly placid and the reason why is that this is called the initial take on this. If you are going to put a soccer team together, we haven't even really selected players yet let alone the league they are going to go into and where they are going to play. We understand on the Board that this is the initial presentation. A lot of the stuff that you have said and other things are being recorded so that when they come back next time, and you will get those certified letters, you will be able to come back and find further details and we would hope that the questions you have asked tonight are going to be answered by the experts. Did that help you? Ms. Davis replied yes it did, but I also will say this, we know the builder is Lamontagne, we know he is very well established in Bedford, we know the type of houses he builds, and there is a rapport that obviously has been established. We don't have that rapport but we are the townspeople so I appreciate what you said, and I hope that that is true.

Vice Chairman Newberry stated I think the Board may want to consider a site walk out here once some of the initial staking is done just to get a clear picture. Chairman Levenstein stated we will have to wait until we get an application so we know what they are doing. Vice Chairman Newberry stated obviously now is not the time, but before you come back with your final. Mr. Keach stated I think that is a good idea.

Tim Fountain, 17 Winchester Lane, stated wells are my primary concern. I just wanted the opportunity to comment on it. During the presentation, and I may have misunderstood, you mentioned several times about improving the aesthetics. You have a 20 acre parcel; you are going to put a road in, nine houses, so how does that improve the aesthetics of a nice wooded lot? Mr. Keach replied in the context of what we envision for the property; there is a right way to do it and a wrong way to do it. The way I think we are doing it is the right way is that we are building using the cluster residential ordinance, which is part of Bedford's Zoning Ordinance, to situate homes on an area leaving 14 acres untouched for the most part, preserving in the buffer areas around not only the 50 foot perimeter buffer, which is required, but to the extent that it deals with the homes on Winchester, Twin Brook Lane, and Stowell Road, significant open space that won't be touched, with the exception of building one pond down in that corner, having the grade of the lots at or about the same grade so you don't have houses next to each other where one is up here and one is down here, that type of thing, and then not building anything

other than the curbed street coming through the part that can be seen from the outside world, doing the best you can to have a good outcome. I think this can be done very tastefully. I think if this had been done as a conventional subdivision, we would be having a different conversation. Mr. Fountain stated I would agree with that. But, again, do you feel this is going to improve the aesthetics of that lot? Mr. Keach replied yes, we are improving the lot. It is like every other piece of land around it that has been improved. Just because this is the last piece to be developed in that area doesn't mean that it should have any disadvantage because the landowner chose to develop it later in life as opposed to the time when all the rest of your houses were built.

Town Manager Sawyer stated I would like to clarify one thing on the abutter notices. If anybody is sitting out there wondering why they didn't get a certified letter, the Town doesn't do certified mail on concepts, so you just got regular mail for this one. When they come in for final, it will be certified mail where you will be asked to sign for it. And then just because of the audience that is here tonight, it did come up that the State is going to be working on Route 101 at the bridge crossing for Pulpit Brook and they are holding a public hearing in this room at 7:00PM on May 18, 2016. Hopefully the State notified you but I don't really know who they notified and who they didn't. Anybody who is interested in that bridge replacement project be in this room at that time.

3. The Planning Board will elect its officers and appoint liaisons to other Boards and Commissions for 2016.

Mr. Cote will remain the Planning Board liaison to the Conservation Commission.

Mr. Fairman will remain the Planning Board liaison to the Historic District Commission.

Chairman Levenstein will remain the Planning Board liaison to the TIF Advisory Committee.

Chairman Levenstein stated the Planning Board needs to make a recommendation to the Town Council a representative to the Southern NH Planning Commission. Ms. Hebert stated Ms. McGinley's term expires in July, and I spoke with her and she is interested in remaining on the Commission. Vice Chairman Newberry stated I think Ms. McGinley is an excellent choice.

MOTION by Town Manager Sawyer that the Planning Board send a favorable recommendation to the Town Council that Karen McGinley be appointed to the Southern NH Planning Commission for a 4-year term expiring in 2020. Mr. Scanlon duly seconded the motion. Vote taken - all in favor. Motion carried.

MOTION by Town Manager Sawyer to approve a slate of officers comprised of Jon Levenstein as Chairman, Hal Newberry as Vice Chairman, and Karen McGinley as Secretary to the Planning Board for the 2016 – 2017 term. Mr. McMahan duly seconded the motion. Vote taken; motion carried, with Mr. Levenstein and Mr. Newberry abstaining from voting on their positions.

V. Approval of Minutes of Previous Meetings:

MOTION by Vice Chairman Newberry to approve the minutes of the April 25, 2016 Planning Board meeting as written. Councilor Bandazian duly seconded the motion. Vote taken; motion carried, with Chairman Levenstein abstaining.

VI. Communications to the Board:

Ms. Hebert stated in addition to the meeting on May 18th to discuss the Pulpit Brook bridge rehabilitation with the DOT, which is a red listed bridge; the DOT is also hosting a meeting in this room on May 12th at 7:00PM to review the plans for the rehabilitation of the Route 114 bridge over Bowman Brook. Town Manager Sawyer stated we hope this will have a fairly limited impact on traffic but until we see the plans for sure we won't know. My understanding is that their current proposal is to do a slip lining of the existing culvert that has failed. It is a red listed bridge.

VII. Reports of Committees:

Ms. Hebert stated the Performance Zone Subcommittee is meeting later this month, and I expect they will have a report in June.

VIII. Adjournment:

MOTION by Vice Chairman Newberry to adjourn at 8:47PM. Town Manager Sawyer duly seconded the motion. Vote taken – all in favor. Motion carried.

Respectfully submitted by
Valerie J. Emmons