

TOWN OF BEDFORD
May 23, 2016
PLANNING BOARD
MINUTES

A meeting of the Bedford Planning Board was held on Monday, May 23, 2016 at the Bedford Meeting Room, 10 Meetinghouse Road, Bedford, NH. Present were: Jon Levenstein (Chairman), Harold Newberry (Vice Chairman), Chris Bandazian (Town Council), Melissa Stevens (Town Council Alternate), Jim Stanford (Public Works Director), Philip Cote, Mac McMahan, Alex Rohe, Charlie Fairman (Alternate), Jim Scanlon (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. Alternate Rene Pincince and regular member Karen McGinley were absent. Ms. Hebert reviewed the agenda.

II. Old Business - Continued Hearings: None

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

1. 393 Route 101 Associates, LLC (Owner) – Request to amend condition #16 of a previously approved Site Plan to remove the requirement for a right turn lane on Route 101 at the main entrance, at 393 Route 101 (former Weathervane), Lot 31-15 & 44-29, Zoned CO.
2. Bedford Carnevale, LLC and Carnevale Holdings, LTD (Owners) – Request for approval of a Site Plan to change the use of an existing 3,324 square foot guest house at the Bedford Village Inn to a salon and day spa, at 2 Olde Bedford Way, Lots 13-40 & 13-41, Zoned CO.
3. West Bedford County Farm, LLC (Applicant) and Michelle & Steven Meijer (Owner) – Request for approval of a Conditional Use Permit for a 20 square foot sign at the entrance to the Preserve at West Bedford subdivision at the intersection of Pulpit Road and King Road, Lot 16-17-6, Zoned R&A.
4. West Bedford County Farm, LLC (Owner) – Request for approval of a Conditional Use Permit for a 20 square foot sign at the entrance to the Governor's Ridge subdivision at the intersection of Pulpit Road and Governor's Row, Lot 6-9-12, Zoned R&A.

5. West Bedford County Farm, LLC (Owner) – Request for approval of a Conditional Use Permit for an 18 square foot sign at the entrance to the Governor’s View subdivision at the intersection of Pulpit Road and Indian Rock Road, Lot 6-34-13, Zoned R&A.

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. Before the agenda is accepted I would like to note that Items 3, 4 and 5 are conditional use permits of West Bedford County Farm, LLC for subdivision identification signs at The Preserve at Governor’s Ridge and Governor’s View subdivisions where all three applications have been requested to be postponed to the July 18, 2016 Planning Board meeting by the applicant and this will serve as public notice.

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. 393 Route 101 Associates, LLC (Owner) – Request to amend condition #16 of a previously approved Site Plan to remove the requirement for a right turn lane on Route 101 at the main entrance, at 393 Route 101 (former Weathervane), Lot 31-15 & 44-29, Zoned CO.**

A staff report from Becky Hebert, Planning Director, dated May 23, 2016 as follows:

I. Project Statistics:

Owners: 393 Route 101 Associates, LLC & Hamza K. Alam
Proposal: Site plan amendment to modify condition of approval
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:

On January 25, 2016, the Planning Board granted final site plan approval for 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.

III. Project Description:

This application seeks to amend a condition of approval to allow the Applicant to remove the requirement for the construction of a dedicated right turn lane at the main project entrance. The left turn lane and widened shoulder on the eastbound side of Route 101 would still be constructed. Please see the attached concept plan for the left turn lane. NHDOT is not requiring the right turn lane at the project entrance and after further review and discussion, Staff and VHB agree that the right turn lane could be eliminated. The existing paved shoulder on the west bound side of Route 101 is wide enough to accommodate right turns into the site.

The specific condition to be amended from the January 25, 2016 Planning Board decision is as follows:

- 16. Prior to the issuance of a building permit, a plan shall be provided for the construction of a left-turn and right-turn lane on NH Route 101 at the primary entrance to the site, the design shall be reviewed and approved by the NHDOT.*

If the Board approves the request, all other conditions of approval listed in the January 25, 2016 Planning Board decision would remain in full effect and the off-site improvements for the left-turn lane will need to be completed prior to the issuance of a certificate of occupancy.

IV. Staff Recommendation:

The Planning Staff recommends that the Planning Board amend the final approval for the Murphy's Taproom Site Plan at 393 Route 101, 393 Route 101 Associates, LLC & Hamza K. Alam (Owners) to modify condition #16 from the January 25, 2016 approval to read as follows:

- 16. Prior to the issuance of a building permit, a plan shall be provided for the construction of a left-turn lane on NH Route 101 at the primary entrance to the site, the design shall be reviewed and approved by the NHDOT.*

Mr. Stanford and Town Manager Sawyer recused themselves from this request for a condition amendment. Mr. Fairman and Mr. Scanlon were appointed to vote in their place.

Nick Golon, T. F. Moran, and Keith Murphy, owner, were present to address this request for a site plan condition amendment.

Mr. Golon stated if you recall when we last met with the Planning Board in regards to the Murphy's Taproom project, the conditions of approval were accepted universally, but we did note during the course of the presentation that in regard to the offsite improvements we would continue to work with the DOT, Town staff and their third party reviewer, VHB, on what the nature of those improvements really should be. We are at a point now where we have come to a consensus as a group, which is the plan that you see posted before you, which is for the inclusion of a full left-hand turn lane heading in the eastbound direction for the proposed project. The difference between this and what was being originally requested is that this does not include a right-hand turn lane. Previously we had stated there is existing 10-foot wide shoulder there that works perfectly fine. The cost to the applicant is not justified given the evaluation and the fact that a restaurant had been able to operate in that location historically. We are here to request an amendment to Condition 16 on the site plan such that it reads there just be an offsite improvement plan consistent of a left-hand turn lane on New Hampshire Route 101.

Chairman Levenstein stated Ms. Hebert; it is my understanding that our traffic consultant has reviewed this as well as the New Hampshire DOT. Ms. Hebert replied yes. DOT has reviewed the concept plan and discussed the scope of work for the offsite improvements with the applicant, and Robin Bousa, our traffic consultant, has also reviewed the concept plan. I handed out an email from Ms. Bousa that puts in writing that she has reviewed the plan and originally I believe

the DOT required the 12-foot right-turn lane, and after they got into some more detailed discussions with the applicant they reversed this decision and decided not to require the right-turn lane, and Ms. Bousa has reviewed the plan and feels that the plan retains the 10-foot paved shoulder, which is adequate to accommodate the right turns at the main site entrance into the site.

Chairman Levenstein asked for comments or questions from the audience.

Tammy Williams, 33 Grey Rock Road, stated I am very close to the project. My concern is safety. There was an accident right in front of this property just yesterday with nothing there. It is a 50 mph zone; I can't imagine not having a right-turn lane into that property. You can't always use the shoulder to turn into Grey Rock Road, for example, because of snow in the winter or just people right on your butt trying to go 50 mph down the hill. It is quite a dangerous area, and I know it would save money. It is not really a restaurant anymore; it is going to be a 512-seat event center and restaurant. The restaurant and the bar are going to be kind of a smaller portion really than the whole event center. I think it is a much bigger project and I don't think it can be compared to the Weathervane, and I hope you will consider this and stick with the original plan of the turning lane. Thank you.

Andrew Cutting, 23 Grey Rock Road, stated I am also an abutter. I tend to agree with Ms. Williams. It is tricky coming up from Hardy Road where it is two into one, where people always jockeying to get in that lane, so it becomes like a raceway even though it is a 50 mph zone and then you are trying to get off into the shoulder and then turn. We live further up where we jump on Grey Rock Road and as soon as you start to get over into the turning lane, people are trying to get around you already even with your directional on, and they certainly don't like it if you try not to use the shoulder so then you are kind of forced into the shoulder. I think unless that shoulder can be maintained to the same standard as the road in the wintertime, coming up from that 2-lane into 1-lane, hitting the brakes on a hill, trying to get in there it is going to be hazardous. I understand it saves costs but in the name of safety I tend to agree it is getting a lot of cars through there. Although maybe the event center is only used on the weekends, everybody is kind of coming at one time, so maybe there will be spirts of traffic and I think a right-hand lane makes a lot of sense right there. The alternative is to lower the speed limit, and I am not sure what is involved in doing that. If we could leave it to 40 mph up until past Grey Rock Road or something like that, it keeps the traffic hopefully at a slower pace allowing people to get successfully into the right-hand lane and then turn more safely if they are going to use the shoulder especially in some of the winters that we have. Those are my thoughts. Chairman Levenstein asked Ms. Hebert, the shoulders are plowed the same as the pavement? Ms. Hebert replied yes. Mr. Cutting stated I am not sure that they are sanded and salted to the same degree and maintained quite the same and they also don't get the same traffic as on the road, which also pushes the snow out of the way and dries it out a little bit.

Brian Driscoll, 45 Grey Rock Road, stated I am also an abutter. Just to reiterate, we are kind of speaking on behalf of the whole vocal group, but again, the danger is right at that particular area where it is a double yellow line and yet people have no regard for that. The instant you go to put on a signal to give them fair notice, they are really trying to get around you and not just at the speed limit of 50 mph, that would be a nice thing if it were 50 mph, they are accelerating past 50

mph. So the 50 mph is a posted limit but that really has no bearing to the driver that is trying to get around you. Again, I think it is a safety concern more so than anything else. Thank you.

Mr. Golon responded in regard to the design. This has been a meeting of the minds of not only T. F. Moran as the engineer of record here, but also Town staff, VHB, as well as the DOT to show that this is an appropriate design for this condition. One thing in particular I will point out is one of those concerns in regard to that double yellow line, one of the improvements that is going to be associated with this left-hand turn lane is that you are going to see a shadow lane opposite it, which provides additional maneuvering space for someone making that right-hand turn. So if you have someone within that 10-foot shoulder making a right-hand turn, they now have this shadow lane also, such that if somebody is trying to get around, they have a little bit of maneuvering space, which tends to open up the intersection a little bit wider. So in regard to that specific point, I would offer that as an answer. Although I appreciate the abutters' concerns, I think they have been appropriately addressed with the offsite improvements.

Mr. McMahan stated may I ask what the nature of the accident was and where it was located. Ms. Williams responded it was westbound. When I came up on the accident I saw two cars and the police car with the lights going. I didn't know what happened; I don't know if Mr. Cutting maybe saw more because he happened to come from the opposite direction and drove right by it. Could you tell at all? Mr. Cutting replied I didn't see it happen but I did come along right afterward. It was westbound, it looked like one car was maybe hit or bumped or lost control in some capacity and spun off, and it was actually down in the ditch just past the service entrance beyond the foundation, west of the foundation of the Weathervane site. I can't speak to exactly how it happened or why; I know traffic was light and it was a clear day, but things happen.

Skip Williams, 33 Grey Rock Road, stated we have lived there about 15 years and whoever plows there they only plow the driving lane and they often don't plow that breakdown lane. So during an active snowstorm they plow that lane and then they will come back and plow the other side. So they will eventually get to that but it is not done at the same time. It will build up over there and it gets pretty slushy, and we can't use it to turn into Grey Rock Road because you will slide into the ditch, and there have been several cars that have slid off the road. I know Bedford doesn't like breakdown lanes as turning lanes, there are a couple of areas like Nashua Road where people want to turn, get into that breakdown lane, so that they can turn into the high school to get away from that light and the backup of the light. There is one instance there where the police patrol that and don't allow that. The other one is Boynton Street onto Plummer, where there is a sign, and this is a 35 mph zone, there is a sign that says no breakdown lane use and often we use that to go into town and you can't even get off the road to turn into Plummer so you have to stay in the main road. I think it is a whole new precedence that they are setting allowing this to happen. We do understand the cost of it and the savings, but safety-wise it just doesn't seem the smart thing to do.

Vice Chairman Newberry stated I think I understood you to say that there is going to be some painting associated with this. Could you review for the Board exactly what will be painted where? Mr. Golon stated on the posted drawing I am going to work you left to right, which would be the southerly end of the site. The entirety of the area they are working comes to just about 1,300 linear feet of improvement, a portion of which is being paving to expand the existing

roadway to provide that full width shoulder, which as far as materials of construction we were able to verify that the shoulder in this section is full depth, it is not a smaller cross-section that is used specifically for a shoulder, so that is of importance. That can also be seen within our typical roadway widening detail showing that this is a full depth construction off the edge of that pavement to make sure that the roadway cross-sections can be consistent with the DOT expectations. Starting on the far left side of the page we are matching those existing markings where we have that 10-foot shoulder, which transitions down to 4 feet at station 103+ 15 maintaining that full 12-foot wide travel surface with the 4-foot shoulder. As we transition to the existing driveway that is approximately offset from the right-in/right-out, we do provide a 10:1 taper to provide a 10-foot wide berth, that way if there is an issue or concern where someone is trying to pull off using that driveway, they have a little bit of a transition space to work with and that was a specific request of DOT. At that point you can see where we have the 11-foot center aisle, which then transitions into our left-hand turn pocket. There is the left-hand turn pock at 11 feet wide, 12 feet is your travelway, and then again, maintaining that 4-foot shoulder. So you have a little bit of a transition distance here, which is also encompassing over the deceleration, that opportunity to slow your vehicle, appropriately, turn into that lane, and then be prepared to make your left-hand turn off from the roadway. And then the last thing, the 25 feet of storage to provide ample queuing prior to turning into the lane. That is not where the limits of improvement end at the main intersection. You can see as you continue eastbound that there is an additional cross-section shown and that continues to maintain that 4-foot wide shoulder, and then again, we have another 10:1 taper at an existing driveway to make sure there is the ability for someone to turn off, and then entering back in to match the existing markings just beyond station 112+ 65. So for the full length we are just over 1,300 linear feet with the pavement striping, which also encompasses the area in which the pavement itself would be expanded. One of the things that I had noted in response to one of the concerns raised by an abutter is that shadow lane, which is the area that I am indicating on the screen at that entranceway. So as you are coming along, you have your 10-foot shoulder, where someone has the opportunity to turn off the travelway to make that turn, but also, if there is someone in a hurry to get by or otherwise, there is also this shadow lane that provides a little bit of maneuvering space within the intersection, which is an important feature as well. In regard to the need for that right-turn lane, it was something that we reviewed and we did accept with the conditional approval. I just want to reiterate that we did acknowledge that it was something that we felt was most appropriate to really accept that condition at that time and then work it through the appropriate channels to make sure we weren't rushing through our decision, whether it is based off cost or otherwise. It is not just a T. F. Moran design at this point; we now have the concurrence with DOT as well as the Town third party review. Those would be the limits of improvement that are being proposed.

Mr. Fairman stated I have a couple of concerns and one of them is relevant to the snow. If we have a heavy winter and snow encroaches on the breakdown lane, and I've been trying to think if the shoulder is wide enough or is there a bank right there or is it relatively flat beyond that area so that snow can be pushed back, even with a lot of snow. I just can't recall what that looks like. Something to think about is whether or not that should be leveled if it is a bank right there. The second concern I have is the two right-turn lanes. My concern really is if somebody gets in the queue to turn right, and it will be a queue because you have people turning left and right and they will kind of alternate hopefully, so you are going to have a queue turning into the first right-turn

lane, when all of a sudden a person gets impatient and they say there is another right-turn lane and cuts out of that queue into the main line to get up to the second one. I personally would prefer that you eliminate the second right-turn lane and only have the one right-turn lane into the property. I think it would make a safer situation as well as eliminate a little bit of cost of doing that, but I think it would be a better situation. You still have your right-turn lane exiting but the entrance to that second right-turn lane, I believe, would be better eliminated, and I don't see that it would cause any greater queue particularly, maybe but not much. That is just a thought. Mr. Golon stated I will take the last one first and then we will jump back to the snow removal item. In regard to the right-in/right-out: that was a condition of the approval essentially that that be installed as part of our offsite improvements, so I don't know that I can directly relate to that concern as far as removing cost or otherwise. It was something that VHB, as well as the DOT, thought was a necessity of the project as far as the traffic improvements, so it would be something that we would be inclined to keep to be honest, as far as moving forward with the application. We are not here tonight to speak to the right-in/right-out but in regard to your second concern: the first one that you mentioned being what is the nature of that area. At the limits of that 10-foot shoulder you do find a guardrail and there is a steep slope beyond, which is partly what is driving that cost for if we were to improve upon that area. It is a fairly steep slope beyond that as you work your way up and into the project area where we will be replacing a section of guardrail. Mr. Fairman asked it actually drops off doesn't it? Mr. Golon replied yes; so there wouldn't be so much a concern as snow piling in that area as it has the opportunity to fall over the guardrail and down the slope, so it wouldn't be something where you would likely see a pile of snow working up and around that area. It does have a relief valve, which is that slope. Mr. Fairman stated thank you.

Mr. Rohe stated first and foremost I believe that T. F. Moran did their due diligence. I also believe that VHB did theirs and New Hampshire DOT did theirs. What I don't believe is being taken into account to the degree it should be is that we have people who live right in that area who deal on a daily basis with the traffic that is here. I think it is shortsighted to eliminate the right-hand turn lane in that area because at that point people are doing exactly what the homeowners are saying. You come off from the light at Hannaford and it is a race track, and you can deny it if you want to if you haven't experienced it, I am guilty of doing it myself, because you have to speed up because when they come through that intersection, they are coming through at 45, 50, 55, 60 mph coming through that intersection and they do not slow down in any capacity at all. Saying that a 10-foot wide shoulder is going to be adequate to turn in, especially in the winter months, late fall to early spring, it is not going to do us any good as a community if one person gets injured. I believe it is shortsighted to eliminate the right-hand turn lane in its entirety and rely upon a 10-foot wider shoulder when a main traffic area requires 12 feet in and of itself. It also further gives you the feeling of being more condensed because there is a guardrail there. So when you have guardrail there, people aren't going to hug the corner, they are going to stay away from it, their vehicle, more than likely, will be on the white line or into that area. Now you are saying there is a shadow or ghost area that people can get around. Relying on people to use a ghost or shadow lane at 55 – 60 mph to get around someone, in my opinion, is just poor design. Mr. Golon stated in regard to the commentary: I appreciate your concern. We certainly are not relying on it, it is more of an ancillary feature and we are not trying to guide people into that. The intent is not that you would drive through that shadow lane but it does provide a certain level of relief to widen that intersection. As you noted, one of the

concerns was if you have guardrail at the limits of a road, much like you would a curb or otherwise, the tendency of a driver is to stay a little bit further away from it. By providing that shadow lane, it provides a little bit more width to the intersection itself to provide that little bit more sense of comfort as someone is driving through that. In regard to the speeds: I think one of the things that you see universally as more development moves forward in given areas, people usually tend to slow down because there is more around them, there is more to catch the eye, versus a dead straightaway where there is nothing located, so we are hoping that people are slowing down through this intersection, seeing this great establishment, and having the opportunity to stop and enjoy what Murphy's Taproom has to offer. Mr. Rohe responded I understand what you are saying, but you can take any intersection out that way and they do not slow down in any capacity at all. It is nice to say we would hope they would slow down, that is fine and dandy, but you can't rely on hope. We have to take a look at this in this particular regard from a purely safety standpoint. You said earlier that you are not using that as part of your argument for the 10-foot wide, but if you constantly bring it up, then you are relying upon it as part of your argument. You pick your choice; either use the shadow area or don't use it, but don't say it is not part of my argument when it clearly is. Mr. Golon stated understood. Mr. Rohe stated I don't believe that we should get away from this contingency; I think it should be there and stay in full force and effect. Mr. Scanlon stated I struggle here listening to proponents of each side. I will discount the input of T. F. Moran just for the moment because you represent the applicant so I would expect you to support the application. But I believe that, with the exception of the Planning Board itself, the comments that have been offered have been offered by people with vested interest. Neighbors with a vested interest in what they hope to sell, which would minimize future accidents, and the proponent for the applicant, and then the input from the Planning Board pro and con. I understand fully why there are two different perceptions that the Planning Board is coming up with. But in point of fact, for me at least, I don't rely on any definition of the 10-foot area at all. What I am coming to rely on, and I will continue to do that, I will rely on an evaluation of comments from non-professionals; I will balance those out with comments from the professionals. The professionals in this case are constituted by VHB, which has been a highly successful relationship for the Town of Bedford for many years as they have done an excellent job in every venture they take on, and I will further rely on the input from the DOT. If the DOT and VHB can sit down with the applicant and have them walk away as professionals with the recommendation that this elimination of a right-turn lane is more than acceptable to them, then I am not challenged with having to define which argument from out of protagonist is satisfactory. I have the relief of relying fully on the advice, judgment and recommendation of the professional organizations and that should give us a lot of comfort, I believe. Mr. McMahan stated I don't know if the suggestion would meet with the approval of both sides of this, and I hesitate to bring it up because it is not within the purview of this Board, but we do have signs around Town that says caution merging traffic. I don't know whether or not that slows people down, and like I said, I hesitate to bring it up because that is not anything that we can do anything about but perhaps discussions later with the appropriate people. Chairman Levenstein stated I would imagine that is the State that controls signs on that road. Ms. Hebert stated that would be a State controlled sign. Mr. Fairman stated I believe there is a merging traffic sign there. As you come away from Jenkins Road, where it is two lanes merging down to one, I think there is a merging traffic sign. As expressed, it is a racetrack. When that light starts up, everybody races to get to the one lane when people are headed home and they are

in a hurry and that is going to be a busy part of the restaurant time, that is during the week, but that road on Saturday and Sunday is busy too.

Chairman Levenstein stated I am having a hard time with the fact that you can make this same argument for every turn that somebody has to make for a right turn on that road, and the same argument could be made at every intersection. With Grey Rock Road you said you have the same problem, and it seems to me that if we require this development to have a right-turn lane, any development that we hereafter have on that road we are going to have to require them to have a right-turn lane because the same issues are going to come up. I know that further on down in Amherst where I bring my dog to the kennel for daycare three days a week, it is the exact same thing. It is going 50 mph but everybody just manages to go into that shoulder and make the right-hand turn. I am having a hard time thinking why this establishment should bear the cost of that when nobody else has. The other thing is when you have a lot of people coming to this thing, they are not going to be going fast because they are going to be making the right turn, so traffic is naturally going to slow down. I think more of a problem is when fewer people are coming and it gives the opportunity for traffic to move fast, unlike at rush hour when everybody is pretty much going 35 – 40 mph because of the necessity, because of the amount of traffic. With that thought, and then with DOT and also with VHB's recommendations, I am having a hard time not granting the motion or at least voting for the motion. Mr. Fairman stated I think there are two differences here. One is the closeness to Jenkins Road and the two lanes merging down to one lane makes this one different than your kennel. Chairman Levenstein asked how far are we here from Jenkins Road? I don't think it is that close. Mr. Golon replied it is not. I want to say it is over a mile. We had looked at potentially extending water service and that was the depth in which we evaluated that. Mr. Fairman stated and the second difference is the number of people going in and out of here compared to the kennel. It is a magnitude of difference when you have an event going on. Chairman Levenstein stated again, I think that would probably slow traffic more than speed traffic up when you have a lot of people going in. Mr. Cutting stated I think the difference here to consider is the nature of this part of town. After Hardy Road and Jenkins Road there is really not much to Amherst and to Milford. People are coming and going, and I forget the number, is it 1,000 cars per hour, that is current traffic before we add a place to stop. While this facility is certainly closer to town, it is not in the area of kind of the hustle and bustle down by Harvest Market or anything like that where traffic is maybe a little bit slower and there are turning lanes and there is more commerce down there. But people don't really stop; they just come and go to work and from home and cut through. They know they probably have a half hour ride wherever they are going and once you come off from Jenkins Road and Hardy Road, it is a good distance of two lanes to pick up speed before it does come down to one lane and everybody wants to get to be first in line because they know they have a long ride on a 1-lane road with nothing more than a Dunkin Donuts and then the Labelle Winery if you are going to eat there, otherwise you are probably going home. It is a throughway and you have Gage Girls Road where people are trying to get off like Grey Rock Road, but other than that, it is not very far either from Jenkins Road to Amherst. It doesn't take long to get to Joppa and beyond that.

Vice Chairman Newberry stated it is a State road and as you were putting the design together, it was reviewed by New Hampshire DOT. In your initial discussions with them were they advocating a separate lane or were they waiting to see your design and your traffic study. Mr.

Golon replied the initial response we received did request the right-hand turn lane. After additional information was able to be provided, an elaboration of what the area was, they were able to evaluate those facts, as did VHB, and determined that a full right-hand turn lane would not be appropriate for this instance. Vice Chairman Newberry asked DOT after being satisfied with the information involved in your design and traffic, decided that they did not need a separate right-turn lane for the function and safety of their road? Mr. Golon replied that is correct. Vice Chairman Newberry asked do you have any insight into what in particular changed their mind? Mr. Golon replied as an engineer your first can of ethics is always the paramount of the public safety. I make no bones about that, that is priority one as an engineer. In regard to their further evaluation of the area, part of that was providing the supplemental information. Typically in an initial traffic study review they are looking at a concept plan of what a development is without specific details or dimensions in regard to what the project is proposing. Although we had originally noted that there was a passable shoulder there, I don't know if they had all of the specifics of the actual dimensions to know that there was a full 10-foot shoulder there and to know that there was also a shoulder on the opposite side. So I think the combination of providing those specific details as to the development is what allowed them to do their final review and agree that what is provided now is appropriate, and with the inclusion of this left-hand turn lane, that this facility will operate effectively and safely.

Mr. Cote stated something was mentioned about possibly lowering the speed limit. What is your feel on that? Mr. Golon replied that is a DOT call. It is a 50 mph speed limit through that area, and it is something I suppose someone could advocate for but you have to meet certain criteria in order to have a speed limit dropped. To my knowledge those conditions didn't exist at this intersection, although I can't say for certain. In regard to the speed, people note that people drive fast through this area, that type of information although can be helpful in working your way towards an appropriate design, we design based off the AASHTO standards, we use the engineering best practices we have, and those are the tools that we can always go back to and rely on to say that we did our due diligence as engineers, that we provided a safe design for this intersection. So we really have to rely on those facts and that basis of knowledge in making those determinations. Mr. Cote stated I agree with what others are saying. Even at the Hannaford site where the speed limit is 40 mph, people are going 55 – 60 mph through that intersection. If there was something you could do to calm the traffic down a little. Mr. Murphy stated for what it is worth, I certainly don't object to lowering the speed limit to 40 mph, and I would be happy to work with the neighbors if that is possible to perhaps speak to the right people and do whatever I can to push that in the right direction. I think it is probably a good idea. Mr. Cote stated like they said, if people actually went 50 mph through there instead of 60 mph.

Councilor Bandazian stated I have a question and a couple of observations because we are all lending personal experiences here. This particular right-in, left-out is the shared access with the abutting site. Am I remembering that correctly? Mr. Golon replied yes. Councilor Bandazian stated so if and when the abutting site is developed, it may very well be that the State will require a right-turn lane and it would depend on the intensity of the use of that property. So we may only be looking at this situation for a few years and that would be up to the State to make that determination. I frequently travel Route 101 to get home westbound and turn right onto Hardy Road. That is a 90 degree turn and because of the Beal's Insurance location, there is no turning lane, and that is an area where, while it is two lanes, traffic is competing to beat the stop light. I

don't know what the enforcement shows but I would say that it is accelerating before reaching the stop light. To my amazement I have passed safely through that intersection but that is a much more challenging intersection than this one is here to make that right turn safely, not that I'm comfortable doing that, but this one does seem to ease into the site more gradually than the right on Hardy Road. There are some turning lanes that have been mentioned. The one on Boynton Street is the way it is because there is on-street parking at Boynton Street, and that is why the Town Council made that an area that doesn't get used as a turning lane because it is available for on-street parking for the residents in that area. We have on Route 101 a least two areas where the shoulder can be used for right turns. If you are headed westbound on Route 101, you can turn right or get into the shoulder before Meetinghouse Road, and if you are headed eastbound on Route 101, you can get in the shoulder to turn right onto Nashua Road. When we were having discussions with the State about doing that and signalization of Nashua Road, this was back before 2008, one of the State's concerns is that the shoulder is not built to travel lane conditions and would not support heavy traffic in that location, either Nashua Road or Meetinghouse Road. The State's willingness to do it in this location suggests to me that they are comfortable that the traffic level will be much lower than it is for travel turning either right on Meetinghouse Road or right onto Nashua Road. I am persuaded by that history and by the State's willingness to do it in this location. Again, I think when the site adjacent to it becomes developed, we are going to be looking at this all over again and possibly then making those changes.

Mr. Driscoll stated that speed limit sign that says 50 mph is visible when people are coming out of Jenkins Road in accordance with that intersection, so it is that signal to say let me speed it up because there is really nothing after that to hinder me. I was just wondering whether the Board has any ability to include provisions at a future date based on accidents and/or fatalities. Chairman Levenstein stated I don't think we do, but I think the Highway Safety Committee probably does. Ms. Hebert stated I think that would probably be something the State would review as part of the driveway permit that they would be issuing for the site.

Ms. Williams stated if you look at the guardrail in this whole area where it merges into 50 mph right beside this business, you can see it is mangled because people are actually pushed off the road into that guardrail on a regular basis it seems like. I have seen a couple of people just smashed right into that. It really is a dangerous, dangerous place, and I would hope that the Board air on the side of caution and safety for the residents. I know some of you understand that and some of you just want to take the DOT's word for it with the planners, but it is a 512-seat event center and restaurant, it is not just the Weathervane and people are going to be drinking pulling in and out. The more lanes the better; it is just going to make it safer.

MOTION by Mr. Cote that the Planning Board amend the final approval for the Murphy's Taproom Site Plan at 393 Route 101, 393 Route 101 Associates, LLC and Hamza K. Alam (Owners) to modify Condition #16 from the January 25, 2016 approval to read as follows:

- 16. Prior to the issuance of a building permit, a plan shall be provided for the construction of a left-turn lane on NH Route 101 at the primary entrance to the site, the design shall be reviewed and approved by the NHDOT.**

Vice Chairman Newberry duly seconded the motion.

Mr. Rohe stated I just want to say that I think approving this is a bad idea. I understand the empirical data behind it, I understand that you can have numbers look how you want numbers to look, but I also believe that there is a human element that is not being taken into account here. And for that reason I think that I would like the Board to vote against this measure of taking it out. Mr. Scanlon stated in an equal conviction I hope the Board votes in favor, but based upon the authority of testimony from the DOT and VHB, that is what we hire people for, so we have them in office.

Chairman Levenstein called for a vote on the motion. Vote taken; motion carried, with Mr. Fairman and Mr. Rohe voting in opposition.

Mr. Stanford and Town Manager Sawyer returned to the meeting.

2. Bedford Carnevale, LLC and Carnevale Holdings, LTD (Owners) – Request for approval of a Site Plan to change the use of an existing 3,324 square foot guest house at the Bedford Village Inn to a salon and day spa, at 2 Olde Bedford Way, Lots 13-40 & 13-41, Zoned CO.

A staff report from Becky Hebert, Planning Director, dated May 23, 2016 as follows:

I. Project Statistics:

Owner: Bedford Carnevale, LLC & Carnevale Holdings LTD
Proposal: Request approval of a change of use from guest house to a salon/day spa
Location: 2 Olde Bedford Way, Lot 13-40 & 13-41
Existing Zoning: "CO" - Commercial
Surrounding Uses: Commercial, Residential

II. Background Information:

In 1984 the Planning Board approved the site plan for the conversion of the house and barn at 2 Olde Bedford Way to the Bedford Village Inn restaurant and function center.

In 2003 the Planning Board approved a plan for the construction of a proposed spa and inn, this plan also included the relocation and conversion of an existing colonial home on Olde Bedford Way into a three bedroom guest house. The guest house was relocated, but the inn and spa were never constructed.

On April 7, 2014, the Planning Board approved a site plan for the construction of a three-story, 55-room hotel with meeting room and associated site, parking and drainage improvements on Lot 13-40. Construction of the hotel is nearing completion.

On June 2, 2014, the Planning Board granted final approval of the subdivision of Lot 13-40 into two condominium units

III. Project Description:

The attached application is for the change of use of the existing 3-bedroom guest house at the Bedford Village Inn to a salon and day spa. The facility will include 6 hair stations, 4 pedicure stations, 2 manicure stations and 4 treatment rooms. The proposal is to repurpose the historic guest house to the salon use and there are no proposed changes to the exterior of the building.

The Bedford Village Inn is located on Lot 13-41 which is a 5 acre parcel at the corner of Route 101 and Old Bedford Way. The site includes an existing restaurant, tap room, gift shop, inn (14 guest suites) and function hall (180 seats). The Bedford Grand hotel, which is currently under construction is located on Lot 13-40, immediately adjacent to the Bedford Village Inn site on the west side of Olde Bedford Way. Although the Bedford Grand Hotel and Bedford Village Inn are located on separate lots, the sites share interconnected parking lots and essentially function as one site.

The change of use to the salon/day spa requires 12 parking spaces. Between the two sites, 294 spaces are required and 306 spaces (including 9 handicap spaces) are provided. The application includes the construction of 4 new spaces (1 handicap space and 3 standard spaces) and an accessible walkway connecting the new parking spaces to the building entrance.

The Applicant has applied for a waiver to allow the parking to be within 30 feet of the lot line (waiver #1). The guest house is located on Lot 13-41 and the proposed parking spaces are partially on Lot 13-41 & Lot 13-40. Given the existing interconnected parking lot and shared facilities, Staff does not object to the waiver request but is recommending that a written agreement be established to formalize the shared parking between the two properties (condition #5).

A trip generation report and rational nexus analysis (see attached) have been prepared to calculate the project's fair share contribution to the Olde Bedford Way road improvements. It was determined the fair share amount is \$1,010, which would need to be paid prior to the issuance of a building permit (See condition #6). The trip generation report indicates that the site will generate 5 trips (1 in/4 out) during the weekday PM peak hour and 17 trips (6 in/11 out) during the Saturday peak hour. VHB has reviewed the analysis and agreed with the findings (see attached memo).

The salon will be served by municipal water and sewer. The applicant will also need to pay a sewer accessibility fee for the increased flow (condition #7).

There are no new landscaping or lighting improvements proposed. The guest house has existing landscaping around the base of the building and no plantings need to be removed for the construction of the new parking spaces (see attached photos). The salon will store trash inside the building and will also have use of the Bedford Village Inn dumpsters for trash disposal.

IV. Waiver:

The applicant is requesting the following waiver of the Land Development Control Regulations for which the Board will need to take action (see the attached letter from TF Moran):

1. *Section 322.1.9, to permit parking and circulation driveways within the required 30-foot setback to the property line.*

As stated above, staff does not object to the waiver because the existing parking lots between the two properties are interconnected.

V. Staff Recommendations:

The Planning Board needs to vote on whether or not to grant the waiver from the Land Development Control Regulations Section 322.1.9 as previously described.

Planning Staff recommends that the Planning Board grant final approval of a Site Plan for the conversion of the existing 3-bedroom guest house at the Bedford Village Inn to a salon/day spa at 2 Olde Bedford Way, Lots 13-40 & 13-41, in accordance with engineering plans prepared by TF Moran last revised May 12, 2016, 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 waiver, the plan shall be updated to list any waiver granted as approved.*
2. *All outstanding (if any) engineering review fees shall be paid to the Department of Public Works.*
3. *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.*
4. *A written agreement shall be established between the owners of Lots 13-40 & 13-41 to formalize the use of the shared parking and access driveways and a copy shall be provided to the town.*
5. *Prior to a building permit being issued, a check made payable to the Town of Bedford Department of Public Works in the amount of \$1,010 for the Applicant's fair share contribution to the Olde Bedford Way improvements shall be paid.*
6. *Prior to the issuance of a certificate of occupancy for the building, the sewer accessibility fee shall be paid.*
7. *Prior to the issuance of a certificate of occupancy for the building, all site improvements depicted on the plan shall be completed.*

Chris Rice, T. F. Moran, was present to address this request for a change of use. The hotel that is being constructed is anticipated to open early next month and is shown on the posted drawing, the existing Bedford Village Inn is as shown, and the cottage that we are referring to is the house that was moved roughly in 2004. It used to sit in the area shown and in preparation of the hotel it was moved to this location. It currently serves as a 3-bedroom guest house, it is about 3,300 square feet in total, and we are proposing to change the use to a salon, which will have some hair and manicure/pedicure treatment stations and some wax and massage options as well. We exceed the parking requirement on site even with the proposed change of use. We have met with the Building Department and Fire Department and we are aware that there are some internal issues that we are going to have to address to fire code and ADA accessibility issues, and we are looking at those and trying to see how to best address them. We are here tonight to request the change of use for what has been stated.

Vice Chairman Newberry stated when you say internal use, you mean within the structure? Mr. Rice replied yes, within the building itself. We did add one additional ADA parking space to get them to the door indicated on the posted plan, so we did provide an ADA accessible parking spot. The ADA issues I am referring to are inside of the building because there are different levels of flooring. There is a step inside the building so whether or not you do ramps or raise the finished floor, those kinds of issues are still things we are dealing with. The house is on municipal water and sewer.

Mr. Fairman stated I have no objection to the plan but this is a historical home in Town. Are you going to be doing anything major to the internal part of this home that would destroy the significance? I haven't been in it since you changed it to a guest house. Mr. Rice replied I know that when it was moved they had to put a new foundation in because it was on an old stone foundation. Andrea Carnevale stated we will definitely preserve as much as possible of the historical integrity of the building. Obviously you do have to provide some updates, people want new, they want fresh, but there are a lot of great characteristics that we will keep because it will make it that much more special rather than building a brand new building. We don't have a design, we are working on some ideas, but based on the outcome of this meeting and looking forward to how we are going to address some of the ADA issues and that type of thing, we will determine what to do. Right now it is pretty well preserved. There is wide-plank flooring we want to keep and things like that, so as much as possible we would love to keep that historic integrity.

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

Vice Chairman Newberry stated looking at the staff memo, they cite a written agreement between Lots 13-40 and 13-41. Mr. Rice responded the hotel and the existing Bedford Village Inn are on two separate lots, but when the hotel was approved, there was a document prepared that basically dealt with cross-access, cross-parking, cross-utilities, so I believe that comment is intended just to make sure that those documents are updated to reflect this change of use, which we will provide as a condition of approval. Ms. Hebert responded that is correct. Mr. Rice stated just to be clear, we may not have to provide anything. I believe the attorney is verifying now if it is already included for what we are talking about. If it is not, we will add whatever is necessary. Vice Chairman Newberry asked so the issue is going to be addressed? Mr. Rice replied yes. Ms. Hebert stated we would like to have a copy of the agreement, have it be updated for this file and make sure that we are taking into account the cross-use where the four new spaces are partially located on the Bedford Grand site and the salon itself is on the Bedford Village Inn site. Chairman Levenstein stated if for some reason the old agreements do apply, just a letter from your attorney. Mr. Rice stated yes, we will provide to staff that either says it is already in there or will provide the new documents.

Chairman Levenstein stated Mr. Stanford and Town Manager Sawyer have returned to the meeting as voting members. Regular member Ms. McGinley is absent, therefore Mr. Fairman will remain a voting member in her absence.

Mr. Rice stated there is one waiver as part of this application. The property line that separates the two parcels is as shown on the posted plan and we have parking within the 30-foot property line setback, which is similar to the parking in the rear that is shared parking between the two uses. Chairman Levenstein stated but it is not within the setback of anybody other than the owners of the two properties. Mr. Rice replied that is correct.

MOTION by Mr. Cote that the Planning Board grant the waiver from the Bedford Land Development Control Regulations Section 322.1.9, to permit parking and circulation driveways within the required 30-foot setback to the property line. Councilor Bandazian duly seconded the motion. Vote taken - all in favor. Motion carried.

MOTION by Mr. Cote that the Planning Board grant final approval of a Site Plan for the conversion of the existing 3-bedroom guest house at the Bedford Village Inn to a salon/day spa at 2 Olde Bedford Way, Lots 13-40 and 13-41, in accordance with engineering plans prepared by T. F. Moran last revised May 12, 2016, 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 waiver, the plan shall be updated to list any waiver granted as approved.**
- 2. All outstanding (if any) engineering review fees shall be paid to the Department of Public Works.**
- 3. 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.**
- 4. A written agreement shall be established between the owners of Lots 13-40 & 13-41 to formalize the use of the shared parking and access driveways and a copy shall be provided to the town.**
- 5. Prior to a building permit being issued, a check made payable to the Town of Bedford Department of Public Works in the amount of \$1,010 for the Applicant's fair share contribution to the Olde Bedford Way improvements shall be paid.**
- 6. Prior to the issuance of a certificate of occupancy for the building, the sewer accessibility fee shall be paid.**
- 7. Prior to the issuance of a certificate of occupancy for the building, all site improvements depicted on the plan shall be completed.**

Vice Chairman Newberry duly seconded the motion. Vote taken - all in favor. Motion carried.

- 3. West Bedford County Farm, LLC (Applicant) and Michelle & Steven Meijer (Owner) – Request for approval of a Conditional Use Permit for a 20 square foot sign at the entrance to the Preserve at West Bedford subdivision at the intersection of Pulpit Road and King Road, Lot 16-17-6, Zoned R&A.**

4. **West Bedford County Farm, LLC (Owner) – Request for approval of a Conditional Use Permit for a 20 square foot sign at the entrance to the Governor’s Ridge subdivision at the intersection of Pulpit Road and Governor’s Row, Lot 6-9-12, Zoned R&A.**
5. **West Bedford County Farm, LLC (Owner) – Request for approval of a Conditional Use Permit for an 18 square foot sign at the entrance to the Governor’s View subdivision at the intersection of Pulpit Road and Indian Rock Road, Lot 6-34-13, Zoned R&A.**

Ms. Hebert stated per a request from the applicant, Items 3, 4 and 5 have been postponed to the July 18, 2016 Planning Board meeting and this will serve as public notice.

V. Approval of Minutes of Previous Meetings:

Amendment: Page 10, line 2, replace first word “cold” with “could.”

MOTION by Vice Chairman Newberry to approve the minutes of the May 9, 2016 Planning Board meeting as amended. Councilor Bandazian seconded the motion. Vote taken; motion carried, with Mr. Rohe and Mr. Fairman abstaining.

VI. Communications to the Board:

Ms. Hebert stated we did not get any new applications for either of the June Planning Board meetings. I will notify you of the cancellations.

VII. Reports of Committees:

Ms. Hebert stated the Performance Zone Subcommittee met and discussed setting up some business visitations and visitations with some property owners in the district. I expect they will be doing that between now and July and will be reporting back to the Board maybe at the August meeting.

VIII. Adjournment:

MOTION by Vice Chairman Newberry to adjourn at 7:55 PM. Councilor Bandazian duly seconded the motion. Vote taken – all in favor. Motion carried.

