

**TOWN OF BEDFORD**  
**June 27, 2016**  
**PLANNING BOARD**  
**MINUTES**

A meeting of the Bedford Planning Board was held on Monday, June 27, 2016 at the Bedford Meeting Room, 10 Meetinghouse Road, Bedford, NH. Present were: Jon Levenstein (Chairman), Harold Newberry (Vice Chairman), Chris Bandazian (Town Council), Rick Sawyer (Town Manager), Jim Stanford (Public Works Director), Philip Cote, Alex Rohe, Mac McMahan, Jim Scanlon (Alternate), Rene Pincince (Alternate), 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 and Town Councilor Melissa Stevens were absent. Mr. Scanlon was appointed to vote. Ms. Hebert reviewed the agenda.

II. Old Business - Continued Hearings: None

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

1. Carnevale Holdings, Ltd. (Owner) – Request for approval of a Conditional Use Permit for two additional freestanding signs at the entrance to The Grand at Bedford Village Inn at 12 Olde Bedford Way, Lot 13-41, Zoned CO.
  
2. Carnevale Holdings, Ltd. (Owner) – Request for approval of a Conditional Use Permit for an off-site sign for The Grand at Bedford Village Inn at the intersection of Olde Bedford Way and Old Bedford Road, Lot 10-23-2, Zoned CO.  
*[Postponed per request of the Applicant]*

IV. Concept Proposals and Other Business: None

Ms. Hebert stated the one new business item 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 Councilor Bandazian to approve the agenda as submitted. Vice Chairman Newberry duly seconded the motion. Vote taken – all in favor. Motion carried.**

- 1. Carnevale Holdings, Ltd. (Owner) – Request for approval of a Conditional Use Permit for two additional freestanding signs at the entrance to The Grand at Bedford Village Inn at 12 Olde Bedford Way, Lot 13-41, Zoned CO.**

A staff report from Becky Hebert, Planning Director, dated June 27, 2016 as follows:

**I. Project Statistics:**

Owners: Carnevale Holdings, Ltd.  
Proposal: Conditional Use Permit for two additional freestanding signs  
Location: 12 Olde Bedford Way (Lot 13-40)  
Existing Zoning: "CO"– Commercial  
Surrounding Uses: Hotel, restaurant, residential, office/mixed use

**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.*

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

*On May 23, 2016, the Planning Board approved the conversion of an existing guest house to a salon/day spa.*

**III. Project Description:**

*The Bedford Village Inn is located on Lot 13-41 which is a 5 acre parcel at the corner of Route 101 and Olde Bedford Way. The site includes an existing restaurant, bar, gift shop, inn (14 guest suites) and function hall (180 seats). The Grand hotel is located on Lot 13-40, immediately adjacent to the Bedford Village Inn, on the west side of Olde Bedford Way. Although The Grand hotel and Bedford Village Inn are located on separate lots, the sites share interconnected parking lots and facilities, and essentially function as one site. Staff has made the interpretation that when parcels have been subdivided for financing purposes or two lots essentially contain the same business, the location is permitted one 50 square foot freestanding sign, rather than a sign for each individual lot. An example of this would be the Goffe Mill Plaza or French Atwood Marketplace. The Applicant has installed a freestanding sign advertising both the Bedford Village Inn and The Grand along Route 101.*

*The attached Conditional Use Permit (CUP) application is for the two additional freestanding signs affixed to stone columns at the entrance to The Grand hotel off of Olde Bedford Way. The*

*stone columns were shown on the original Site Plan. The proposed signs are 8.3 square feet each and identify the “The Grand at Bedford Village Inn” with a pineapple logo beneath the text. Please see attached image of the sign.*

*The Applicant has provided a letter summarizing how the request meets the purpose statements of the sign ordinance and the CUP criteria (see attached). The Board will need to determine if the purpose statements of the sign ordinance and CUP criteria have been met. I would encourage you to review each of the eight criteria (a-h) separately prior to making a motion for approval or denial.*

*Staff does not object to the proposed signs affixed to the columns. Together the signs are 16.6 square feet which is less than the maximum area permitted in the district for freestanding signs (32 square feet). The sign also complies with the Town’s standards for height and setback, and serve a directional purpose by leading patrons to the hotel’s main entrance. There are also no other freestanding signs along Olde Bedford Way for either the Bedford Village Inn or The Grand.*

**Conditional Use Permit Criteria: Article 275-73B (1):**

- a) *The modification complies with the Purposes of the sign regulations as noted in Article 275-73 A; (listed below)*
  - 1) *Encourage the effective use of signs as a means of communication;*
  - 2) *Prevent hazards to vehicular and pedestrian safety by regulating the type, number, location, size and illumination of signs;*
  - 3) *Protect the public from hazardous and distracting displays;*
  - 4) *Maintain and enhance the aesthetic character and scenic quality of the Town’s residential and commercial neighborhoods and limit visual clutter along corridors;*
  - 5) *Minimize potential adverse effects of signs on nearby public and private property;*
  - 6) *Support businesses and community vitality by informing the public of goods, services and activities; and*
  - 7) *Enable fair and consistent enforcement of the sign regulations.*
- b) *The applicant’s particular situation, taking into account the overall site plan, including, but not limited to, the use on the property, existing signs, and visibility of the businesses, justifies a modification to the requirements;*
- c) *The site is suitable for the proposed modifications;*
- d) *The modification will not alter the essential character of the locality;*
- e) *The modifications will complement the design of the building or site where the sign is located;*
- f) *The modification will not materially impair traffic or pedestrian safety;*
- g) *The aesthetic character of the site and the surrounding area will not be adversely affected; and*

- h) *The modification will be consistent with the spirit and intent of the Zoning Ordinance and Town of Bedford Master Plan.*

**IV. Staff Recommendation:**

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

***I move that the Planning Board grant the Conditional Use Permit and finds that the criteria have been met per our deliberations to allow two additional freestanding signs, as shown on the plans prepared by Sousa Signs with a revision date of June 15, 2016, for Carnevale Holdings, Ltd. (Applicant), 12 Olde Bedford Way, Lot 13-40, Zoned CO.***

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

***I move that the that the Planning Board deny the Conditional Use Permit and finds that the criteria have not been met per our deliberations to allow two additional freestanding signs, as shown on the plans prepared by Sousa Signs with a revision date of June 15, 2016, for Carnevale Holdings, Ltd. (Applicant), 12 Olde Bedford Way, Lot 13-40, Zoned CO***

Attorney Tom Quarles, Devine, Millimet & Branch, was present to address this conditional use permit criteria for Carnevale Holdings, Ltd. We are here today on just one relatively minor request for a conditional use permit under your sign ordinance for two signs at the entrance of The Grand at Bedford Village Inn. A photo of the signs is posted on the screen. You should have in your packet the letter from my law firm going through the individual factors that need to be found by you to meet the conditional use permit standards. There are seven of those standards, and we have outlined those in the letter. Again, it is a relatively minor sign in term of size and impact. It is a total of 16 square feet between the two pillars, and under your ordinance we would have the right to a sign up to 32 square feet. We at least think, and hope you share our opinion, that the signs are tasteful, they will be illuminated by mantle illumination over the top so there won't be any wide light beam or reflection, and we feel that they are appropriate and meet all of the criteria of the conditional use permit requirements for signs. I would be happy to go through each standard individually if anybody would like, but I don't see a need unless somebody has a specific question about any one of these seven factors.

Mr. Pincince stated in his letter he said that the modification will not materially impair traffic or pedestrian safety. Is that your opinion or is that the opinion of the traffic commission in Town or some highway consultant? Attorney Quarles replied again, I think as you know, this Board has extensively reviewed this project in all aspects including those. Just for context, these pillars are set back from Olde Bedford Way. Again, I don't have the figure in mind, but they are certainly not going to impair or be a visual distraction to traffic going down Olde Bedford Way, and to the flip side of that point, this is an important piece of signage for my client because it is the only bit of signage once you take the turn onto Olde Bedford Way from Old Bedford Road. As you may or may not know, the second application that was to be on for tonight was to cover the sign that you see in the photo simulation, the first sign to the left, and we can't move forward with that tonight because we have right-of-way issues. To put that within 10 feet of the pavement edge,

which we would like to do for visibility, we are going to need a license from the Town Council because that space is within the right-of-way for both of those roads. Again, we are moving forward incrementally tonight with just the signage on those two pillars, and again, we think we have met all seven standards and seek a finding from you that the modification will not materially impair traffic or pedestrian safety. Again, these pillars are set back from the road and have minimal or no impact on traffic or pedestrian safety.

Chairman Levenstein asked for comments or questions from the audience.

Jack Carnevale, Bedford Village Inn owner, stated I think this is very important to us that we have a branding sign in front of our building since we have no left-hand turns into the building. People coming from the west are very confused as to where to go at this point. When they go to the traffic signal, we still have no signage. We are applying for State sign permits for Route 101; I think those have been approved, so hopefully we will get those sign permits. But I think it is very important for us to have that signage on the pillars so people turning left at the traffic light will then know where to go and how to get to The Grand. I think the other sign is very important to us on a piece of land that I own, the triangle piece. Chairman Levenstein stated we are not hearing that conditional use permit request tonight.

Vice Chairman Newberry stated my reading of the addressing of the criteria from the applicant of June 3<sup>rd</sup> does a reasonable job of addressing the criteria.

**MOTION by Mr. Cote that the Planning Board grant the Conditional Use Permit and finds that the criteria have been met per our deliberations to allow two additional freestanding signs, as shown on the plans prepared by Sousa Signs with a revision date of June 15, 2016, for Carnevale Holdings, Ltd. (Applicant), 12 Olde Bedford Way, Lot 13-40, Zoned CO. Councilor Bandazian duly seconded the motion. Vote taken - all in favor. Motion carried.**

**2. Carnevale Holdings, Ltd. (Owner) – Request for approval of a Conditional Use Permit for an off-site sign for The Grand at Bedford Village Inn at the intersection of Olde Bedford Way and Old Bedford Road, Lot 10-23-2, Zoned CO.**

This request is postponed per request of the Applicant.

V. Approval of Minutes of Previous Meetings:

Town Manager Sawyer stated I wanted to make a statement about something that is raised in the minutes. It is not a correction. A member of the public did come forward and ask why I recused myself from a case that is on Page 3 of the May 23, 2016 Planning Board minutes, which is the Murphy's Taproom case. I wanted to state publicly for the record that I was not a member of the Planning Board when that application first came before the Planning Board. I was staff and Acting Town Manager at the time and we had an agreement in place that I would not vote on any projects that were before the Planning Board that I had also advised the Planning Board on and written staff

reports or reviewed staff reports. Plus, I also wanted to be clear that I was not voting on any project that was to the benefit of what could be perceived or is my direct supervisor.

**MOTION by Vice Chairman Newberry to approve the minutes of the May 23, 2016 Planning Board meeting as written. Mr. Scanlon duly seconded the motion. Vote taken - all in favor. Motion carried.**

#### VI. Communications to the Board:

Ms. Hebert stated you have a communication from an abutter to the Murphy's Taproom project regarding concerns about the Board's decision to eliminate the right-turn lane. You have a copy of the email; the abutter references an accident that occurred on Route 101 shortly after the Board's vote, and I also included an email from Captain Doudi of the Bedford Police Department describing the cause of the accident. If you have any questions about the email or the Captain's response, please let me know. The emails will be included in the file for the Murphy's Taproom project.

#### VII. Reports of Committees:

Ms. Hebert stated the Performance Zone Subcommittee is scheduled to meet on July 21<sup>st</sup>, and the committee is in the process of talking with landowners and business owners within the Performance Zone to get some feedback on development within the district. We hope to report to the Planning Board in August.

#### VIII. Adjournment:

**MOTION by Vice Chairman Newberry to adjourn at 7:15 PM. Town Manager Sawyer duly seconded the motion. Vote taken – all in favor. Motion carried.**

Respectfully submitted by  
Valerie J. Emmons