

TOWN OF BEDFORD
August 15, 2016
PLANNING BOARD
MINUTES

A meeting of the Bedford Planning Board was held on Monday, August 15, 2016 at the Bedford Meeting Room, 10 Meetinghouse Road, Bedford, NH. Present were: Karen McGinley (Secretary), Chris Bandazian (Town Council), Rick Sawyer (Town Manager), Jim Stanford (Public Works Director), Philip Cote, Alex Rohe, Mac McMahan, Charlie Fairman (Alternate), Jim Scanlon (Alternate), Rene Pincince (Alternate), Becky Hebert (Planning Director), and Mark Connors (Assistant Planning Director)

I. Call to Order and Roll Call

Ms. McGinley served as Acting Chairman for this meeting, called the meeting to order at 7:00 p.m. and introduced members of the Board. Chairman Jon Levenstein and Vice Chairman Harold Newberry 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. Sherry Wilding-White Revocable Trust (Owner) – Request for approval of a residential subdivision of one lot into two at 147 Nashua Road, Lot 27-6, Zoned R&A.
2. Laura D. Clark Revocable Trust (Owner) – Request for approval of a residential subdivision of one lot into two at 38 Cortland Drive, Lot 17-38-68, Zoned R&A.
3. Hampshire Ventures, LLC (Owner) – Request for approval of a lot consolidation and subdivision into nine cluster residential lots and one open space lot, off of Stowell Road, Lots 41-8 & 30-16, Zoned R&A.
4. Dakota Partners (Applicant) – Request for a time extension to meet conditions of approval for a Site Plan approved on August 10, 2015, at 3 Kensington Lane, Lot 12-38, Zoned CO.
5. A.C.S Realty, LLC (Owner) and CMC Urgent Care (Applicant) – Request for approval of a waiver to Article 275-68 and Table 6, Performance Zone Sign Standards to allow three additional building signs at 5 Washington Place, Lot 46-51-1, Zoned PZ.
6. A.C.S Realty, LLC (Owner) and CMC Breast Care Center & NH Orthopaedic (Applicants) – Request for approval to modify a previously approved sign waiver to Article 275-68 and Table 6, Performance Zone Sign Standards to allow two building signs at 9 Washington Place, Lot 46-51-1, Zoned PZ.
7. Bedford Motor Sports Prop. LLC c/o Mini of Bedford (Owner) and Riley Enterprises (Owner) - Request for approval of a Site Plan amendment to expand the car storage area

and customer parking at Mini of Bedford and to fill a portion of the wetland area along the common property line between 209 & 213 South River Road, Lots 22-26, 22-27 & 22-28 Zoned PZ.

IV. Concept Proposals and Other Business:

8. HIR Realty, LLC c/o Jiten Hotel Management (Owner) – Request for a conceptual review of a proposed 150 unit multifamily apartment building at the Goffe’s Mill Plaza with associated access, parking, and site improvements, at 121 South River Road, Lots 12-32-3 & 12-32-4, Zoned PZ.
9. The Planning Board will review and comment on the proposed Capital Improvements Plan (CIP) for 2017.

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

MOTION by Councilor Bandazian to approve the agenda as posted. Town Manager Sawyer duly seconded the motion. Vote taken – all in favor. Motion carried.

Mr. Fairman and Mr. Scanlon were appointed to vote.

1. Sherry Wilding-White Revocable Trust (Owner) – Request for approval of a residential subdivision of one lot into two at 147 Nashua Road, Lot 27-6, Zoned R&A.

A staff report from Becky Hebert, Planning Director, dated August 15, 2016 as follows:

I. Project Statistics:

Owners: Sherry Wilding-White Revocable Trust
Applicant: Sherry Wilding-White Revocable Trust
Proposal: Request for final approval of a residential subdivision of one lot into two
Location: Lot 27-6, 147 Nashua Road
Existing Zoning: “R&A” – Residential & Agricultural
Surrounding Uses: Residential

II. Background Information:

The project is located at 147 Nashua Road and includes 10.8 acre lot with an existing residence and barn which was originally constructed in 1825. There have been no prior Planning Board or Zoning Board of Adjustment applications associated with this lot.

III. Project Description:

The proposal is to subdivide the property at 147 Nashua Road to create one new residential lot. The land is located on the west side of Nashua Road and has approximately 667 feet of road frontage. The existing house and barn are located close to the road and large hay fields surround

the property. The land slopes downhill from the roadway and drains towards Riddle Brook which cross through the rear of the lot.

The land is located in the Residential & Agricultural District which requires a minimum lot size of 1.5 acres and 150 feet of road frontage. The existing house would remain on a 6.335 acre lot and the new lot would include 4.506 acres. Both parcels meet the required buildable area and can accommodate the buildable area rectangle with the dimensions of 100 feet by 75 feet, as required by Section 231.2.2 of the Land Development Control Regulations.

Area of Parcels for Subdivision (Acres)

	<i>Existing</i>	<i>Proposed</i>
<i>Lot 27-6</i>	<i>10.841</i>	<i>6.335</i>
<i>Lot 27-6-4</i>	<i>--</i>	<i>4.506</i>

The lots have been and will be served by on-site septic and private wells. Soils based lot sizing calculations have been provided and both lots meet the Town’s minimum requirements for lot sizing for a four bedroom house. The project also needs NHDES Subdivision approval. The permit has been approved by the state and the permit number is noted on the plan.

A drainage report was submitted and reviewed by VHB, the Town’s engineering consultant. The Applicant is proposing to construct a small infiltration trench on the new lot to control the run-off from the new development. With the construction of the infiltration trench, there will be no increase in peak stormwater flows off-site.

IV. Waivers:

There are no waivers requested as part of this application.

V. Staff Recommendations:

The Planning Staff recommends that the Planning Board grant final approval of the subdivision of Lot 27-6, to create one new residential lot, in accordance with the plan prepared by Sandford Surveying and Engineering, Inc. with a revision date of July 19, 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. A letter shall be submitted to the Planning Department by a Licensed Land Surveyor, certifying that all boundary monumentation has been set as noted on the approved plan, or in lieu of a letter, the final subdivision plan to be recorded may be submitted noting that the bounds have been set.*
- 2. The Planning Director and the Department of Public Works Director shall determine that the applicant has addressed all technical review comments to the Town’s satisfaction.*
- 3. All outstanding (if any) engineering review fees shall be paid to the Department of Public Works.*

4. *A note shall be added to the plan stating that prior to the issuance of a certificate of occupancy; School and Recreation Impact Fees shall be paid.*
5. *All recording fees shall be submitted to the Planning Department at the time of recording.*

Raymond Shea, Sandford Surveying and Engineering, Inc., was present to address this residential subdivision request.

Mr. Shea stated this application is for a 2-lot subdivision on the property located on the west side of Nashua Road, 147 Nashua Road, it is approximately 10.8 acres, it presently has a very large brick farmhouse and a pretty large barn just to the north of it. The property has approximately 667 feet of frontage and it goes westerly from Nashua Road back to approximately Riddle Brook and the old railroad right-of-way to the west.

Mr. Shea continued the proposal is to subdivide the property into two lots. The northerly lot with the existing house would be 6.3 acres with approximately 500 feet of frontage; the new vacant lot would be to the south of that and would have approximately 4.5 acres and have about 166 feet of frontage. I believe both lots meet all of the zoning and development regulations, I don't believe we are asking for any waivers on this subdivision, and we have obtained NHDES subdivision approval for the southerly lot that is less than 5 acres.

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

MOTION by Mr. Cote that the Planning Board grant final approval of the subdivision of Lot 27-6, to create one new residential lot, in accordance with the plan prepared by Sandford Surveying and Engineering, Inc. with a revision date of July 19, 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. **A letter shall be submitted to the Planning Department by a Licensed Land Surveyor, certifying that all boundary monumentation has been set as noted on the approved plan, or in lieu of a letter, the final subdivision plan to be recorded may be submitted noting that the bounds have been set.**
2. **The Planning Director and the Department of Public Works Director shall determine that the applicant has addressed all technical review comments to the Town's satisfaction.**
3. **All outstanding (if any) engineering review fees shall be paid to the Department of Public Works.**
4. **A note shall be added to the plan stating that prior to the issuance of a certificate of occupancy; School and Recreation Impact Fees shall be paid.**
5. **All recording fees shall be submitted to the Planning Department at the time of recording.**

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

2. Laura D. Clark Revocable Trust (Owner) – Request for approval of a residential subdivision of one lot into two at 38 Cortland Drive, Lot 17-38-68, Zoned R&A.

A staff report from Becky Hebert, Planning Director, dated August 15, 2016 as follows:

I. Project Statistics:

Owners: *Laura D. Clark Revocable Trust*
Applicant: *Laura D. Clark Revocable Trust*
Proposal: *Request for final approval of a residential subdivision of one lot into two*
Location: *Lot 17-38-68, 38 Cortland Drive*
Existing Zoning: *“R&A” – Residential & Agricultural*
Surrounding Uses: *Residential*

II. Background Information:

The property is located at 38 Cortland Road and includes an existing residence which was originally constructed in 2001. There have been no prior Planning Board or Zoning Board of Adjustment applications associated with this lot. However the land directly abuts the Preserve subdivision and the parcel has frontage on both Pulpit Road and Cortland Drive.

III. Project Description:

The proposal is to subdivide lot 17-38-68, at 38 Cortland Drive to create one new residential lot. The property is located on the south side of Cortland Drive, with frontage on both Cortland Drive and Pulpit Road. The lot contains 4.634 acres. The existing house is located close to Cortland Drive and the remaining land is forested with a small wetland area along the easterly side lot line. The land slopes downhill from Cortland Drive to Pulpit Road.

The property is located in the Residential & Agricultural District which requires a minimum lot size of 1.5 acres and 150 feet of road frontage. The proposed lots will be 2.232 acres and 2.402 acres. Both parcels also contain the required buildable area and can accommodate the buildable area rectangle with the dimensions of 100 feet by 75 feet, as required by Section 231.2.2 of the Land Development Control Regulations.

Area of Parcels for Subdivision (Acres)

	Existing	Proposed
<i>Lot 17-38-68</i>	<i>4.634</i>	<i>2.232</i>
<i>Lot 17-38-123</i>	<i>--</i>	<i>2.402</i>

The existing house will continue be accessed by a private driveway off of Cortland Drive and the proposed lot will be accessed by a new driveway off of Pulpit Road.

The lots have been and will be served by on-site septic and private wells. Soils based lot sizing calculations have been provided and both lots meet the Town’s minimum requirements for lot sizing. The project also needs NHDES Subdivision approval. The permit has been approved by the state and the permit number is noted on the plan.

A drainage report was submitted and reviewed by VHB, the Town's engineering consultant. The report demonstrated that there will be no increase in peak stormwater flows off-site as a result of the new construction on the proposed lot.

The Applicant will need to pay a fair share roadway contribution for the King Road/Joppa Hill Road improvements (condition #5). The rational nexus analysis was prepared by VHB and resulted in a payment of \$2,420 for the new lot (see attached).

IV. Waivers:

There are no waivers requested as part of this application.

V. Staff Recommendations:

Planning Staff recommends that the Planning Board grant final approval of the subdivision of Lot 17-38-68, to create one new residential lot, in accordance with the plan prepared by Sandford Surveying and Engineering, Inc. with a revision date of July 19, 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. A letter shall be submitted to the Planning Department by a Licensed Land Surveyor, certifying that all boundary monumentation has been set as noted on the approved plan, or in lieu of a letter, the final subdivision plan to be recorded may be submitted noting that the bounds have been set.*
- 2. The Planning Director and the Department of Public Works Director shall determine that the applicant has addressed all technical review comments to the Town's satisfaction.*
- 3. All outstanding (if any) engineering review fees shall be paid to the Department of Public Works.*
- 4. A note shall be added to the plan stating that prior to the issuance of a certificate of occupancy; School and Recreation Impact Fees shall be paid.*
- 5. A check made payable to the Town of Bedford Department of Public Works shall be provided for the Applicant's fair share contribution to the Wallace Road improvements.*
- 6. All recording fees shall be submitted to the Planning Department at the time of recording.*

Raymond Shea, Sandford Surveying and Engineering, Inc., was present to address this residential subdivision request.

Mr. Shea stated this is a proposed subdivision of a piece of property that is located on the southwesterly side of Cortland Drive and it extends to the southwest down to newly reconstructed Pulpit Road. There is an existing residence, which accesses onto Cortland Drive, of approximately 4.6 acres; it has approximately 219 feet of frontage on Cortland Drive, and approximately 535 of frontage on the new Pulpit Road. The proposal is to subdivide the property essentially in half. The existing house would remain on approximately 2.2 acres fronting and still accessing on Cortland Drive, and the new or vacant proposed lot would be approximately 2.4 acres and it would be accessed from Pulpit Road. We have obtained NHDES subdivision approval for both lots, and

I believe the lots are also subject to a fair share cost for abutting streets that have been rehabilitated in the recent past.

Mr. Stanford stated on the driveway permit I wanted to verify that you are 100 feet away from the intersection of Sprague Mill. Mr. Shea replied yes.

Mr. Rohe stated this isn't so much a question for Mr. Shea as it is for the Board. In VHB's proposal they are looking at \$2,420 payable to the Town for the Wallace Road improvements. I am just wondering where they came up with the vehicle traffic as well as why are they being charged these fees associated with it. I know that is probably against a lot of people in Town on boards and commissions charging fees but in the past I have been on record that I don't like impact fees, and I want to know how these fees are calculated to be charged to the residents when if you look at it, the lot itself is on Pulpit Road, why is there an assumption that they are going to use King Road, Campbell Road and Joppa Hill Road when they could use New Boston Road instead? I agree with it if there were any fees associated with Pulpit Road, but I am having a hard time reconciling the other fees for the other road improvements for this lot. Ms. Hebert responded it has to do with Pulpit Road, a recent subdivision, and the new lots accessing directly onto Pulpit Road, and the Pulpit Preserve subdivision was assessed a fair share impact fee for additional trips introduced into the roads within the Pulpit/King Road corridor. It is assumed that this frontage lot essentially is being treated the same way that all of the other lots in The Preserve would be treated for a fair share roadway contribution. I am going to follow up with Mr. Stanford on that because I wasn't working with the Town when The Preserve was approved, but we do use the same calculation for determining the fair share roadway calculation for all fees that are paid in Town. The methodology doesn't vary from subdivision to subdivision. Mr. Stanford stated I can expand on that. That has been in place for probably over 20 years. I know it was in place long before I got here, which is 14 years ago. It is mitigating their offsite improvement. The Town spends public funds to upgrade roadways in anticipation of development and, again, here is a development. Had this been a few years down the road, I think it is after six years we do not collect impact fees, so if we had done the improvements to King Road let's say over six years ago, we wouldn't be requesting that they pay into the mitigation. I think earlier you said Wallace Road; the impact is to Joppa Hill Road and King Road. It is a split of the number of trips, and in this case it is a pretty small amount and an assumption is made as to what percentage of those daily trips are going to go into each split. VHB does this calculation, it is not something we do in-house, and I think because it is a small subdivision it is something whereby they just use the ITE numbers for households, individual lots. If this had been a larger development or a commercial development, typically it is the developer that is giving the split as well as the numbers of traffic. Mr. Rohe asked when the developer, whomever that was, built The Preserve, did they pay a percentage of that to the Town? Mr. Stanford replied yes. They used the same methodology; pretty much everything is the same with the exception of the trips per lot. Ms. Hebert stated so you are essentially adding a lot to that development and then capturing a fee from the new trips that are being introduced onto the roadway.

Acting Chairman McGinley stated I have to say having lived in northwest Bedford for 11 years, I don't know of anyone that goes the same way out, it depends upon where you are going, and I have driven these roads, not so much Pulpit Road because it was just built, but they do get used and you have to remember that over time we also repair all of the roads. Mr. Rohe responded I

understand that, but when they put in The Preserve, correct me if I'm wrong, they connected Pulpit Road all the way to King Road, and the developer did it. Councilor Bandazian stated Pulpit Road to Cortland Road to King Road. Mr. Stanford stated there was a realignment. Mr. Rohe stated Cortland is a loop that goes from King Road to King Road so it is further down and it almost joins into Joppa Hill Road. But if the developer built the road and then you assigned a cost associated for the number of trips, did you assign it based on number of lots? Mr. Shea replied this lot wasn't part of Pulpit Road. This is the back of an old lot on Cortland Road. Mr. Rohe responded I understand that, but when you charge the developer. Ms. Hebert responded it is not based on the number of lots; each lot needs to pay its fair share of roadway contribution. It is trips. If you add a new lot, you are introducing more trips. Mr. Rohe replied I understand that. How can you say in one instance where the developer is charged per lots and trips? You are charging them per trips based on the number of cars per lot. Town Manager Sawyer stated you come up with the number and divide it by the number of lots and you pay by lot. Mr. Rohe responded exactly, but the developer built the entire roadway. Is that correct? Town Manager Sawyer replied he did that, but there was also a portion that the Town was responsible for beyond the limits of the immediate frontage of that subdivision, which is where the previous subdivision and this one where those funds would be going to pay for that. I want to say they paid over \$100,000 in the original subdivision contribution, The Preserve subdivision. I do want to point out that paragraph #4 in the VHB memo does point out that they are not being charged for all ten trips; it is only for the five trips that they are accounting for going to Joppa Hill Road. The trips that go to New Boston Road there is no charge on that so it is only the five trips that they have used in their distribution that would go to the south that are being charged this fee. They are not being charged for all ten trips that the lot generates. Mr. Rohe asked isn't that arbitrary then? Town Manager Sawyer replied no because we didn't make any improvements on New Boston Road, that is a State road. We didn't have any physical improvements on New Boston Road for which to charge any applicants. We can only charge for our roads where we spend our money. Mr. Rohe responded I understand that, that if we didn't do any improvements on the road then we are not charging for them. Town Manager Sawyer asked is the distribution arbitrary? Mr. Rohe replied it looks in this manner to be arbitrary. Town Manager Sawyer replied no, they are using the same trip distribution that was agreed upon by the Planning Board for The Preserve subdivision at the time, which was based on a bigger analysis of where all the trips would be going. And it was agreed at that time that generally half of the trips would go north and half of the trips would go south.

Mr. Rohe stated Condition #5 in the staff report does indeed say that the applicant's fair share contribution to the Wallace Road improvements. Mr. Stanford responded I think that is a typo. Ms. Hebert stated that is a typo. That should be for the King Road and Joppa Hill Road improvements.

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

MOTION by Mr. Cote that the Planning Board grant final approval of the subdivision of Lot 17-38-68, to create one new residential lot, in accordance with the plan prepared by Sandford Surveying and Engineering, Inc. with a revision date of July 19, 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. A letter shall be submitted to the Planning Department by a Licensed Land Surveyor, certifying that all boundary monumentation has been set as noted on the approved plan, or in lieu of a letter, the final subdivision plan to be recorded may be submitted noting that the bounds have been set.
2. The Planning Director and the Department of Public Works Director shall determine that the applicant has addressed all technical review comments to the Town's satisfaction.
3. All outstanding (if any) engineering review fees shall be paid to the Department of Public Works.
4. A note shall be added to the plan stating that prior to the issuance of a certificate of occupancy; School and Recreation Impact Fees shall be paid.
5. A check made payable to the Town of Bedford Department of Public Works shall be provided for the Applicant's fair share contribution to the King Road and Joppa Hill Road improvements.
6. All recording fees shall be submitted to the Planning Department at the time of recording.

Town Manager Sawyer duly seconded the motion. Vote taken - all in favor. Motion carried.

3. Hampshire Ventures, LLC (Owner) – Request for approval of a lot consolidation and subdivision into nine cluster 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 August 15, 2016 as follows:

I. Project Statistics:

Owners: Hampshire Ventures, LLC
Proposal: Subdivision approval of a residential cluster subdivision of 9 residential lots and one open space lot
Location: Stowell Road and Route 101, Lot 41-8 & 30-16
Existing Zoning: "R&A"- Residential and Agricultural
Surrounding Uses: Residential, highway (Route 101)

II. Project Background:

On May 9, 2016, the Planning Board reviewed a conceptual plan for the proposed subdivision.

III. Project Description:

This application is for final subdivision approval of a cluster subdivision with nine new residential lots and one open space lot. The property includes two parcels (Lots 30-16 & 41-8) with a combined area of 21.6 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 property is located in the Residential and Agricultural Zone. The proposed lots will be accessed off of a new public road (Huntington Ridge Road) located approximately 260 feet south of the Route 101/Stowell Road intersection. The road is 1200 feet long, with a maximum grade of 9%, and will terminate at a cul-de-sac. 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 will be 24 feet wide with sloped granite curbing and a closed drainage system. The Applicant has applied for a waiver to the figure in Appendix A of the Land Development Control regulations to modify the Town’s typical roadway cross section for rural roads (waiver #1). Staff does not object to the proposed sloped granite curbing and closed drainage.

The density calculations indicate that up to nine lots would be permitted, which is the number of lots proposed. The lots range in size from 36,296 square feet to 51,337 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 25 feet of frontage.

The open space lot will be 10.74 acres which is 49% of the overall tract where a minimum of 25% is required. 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. Additional plantings are proposed to fill in gaps along the perimeter buffer between the proposed roadway and Route 101.

Area of Parcels for Subdivision (Acres)

	Existing	Proposed
Lot 30-16 & 41-8	1.618	--
Lot 41-8-1	--	0.895
Lot 41-8-2	--	0.833
Lot 41-8-3	--	0.900
Lot 41-8-4	--	1.465
Lot 41-8-5	--	1.740
Lot 41-8-6	--	0.979
Lot 41-8-7	--	1.047
Lot 41-8-8	--	0.956
Lot 41-8-9	--	0.987
Lot 41-8	--	10.794
(open space)		

Stormwater and Utilities

The stormwater system will need to be designed to meet the NHDES Alteration of Terrain permit requirements. Run-off will be routed into catch basins and discharged into an infiltration basin on the southerly side of the property and to a wet pond on the northerly end. The stormwater management report demonstrates that there is no increase in post-development stormwater flows due to the road and house construction.

A homeowners association will be established and will be responsible for the maintenance of the drainage system and open space. Documents for the establishment of the homeowners association still need to be submitted to the Town for review.

Some minor revisions are expected to be made to the stormwater report to address technical review comments by the Town Engineer and VHB, however the revisions are not anticipated to change the overall design.

All utilities will be placed underground and the individual lots will be served by private onsite septic system and wells.

Traffic

The Applicant has provided a traffic impact statement summarizing the site generated traffic volumes for the nine lot subdivision. The subdivision is a low traffic generator. The highest volumes occur during the Weekday PM Peak Hour, with 5 vph (3 entering and 2 exiting).

VHB concurred with the findings and concluded that the existing roadway system can adequately accommodate the increase in traffic volume.

VHB and the DPW Director have noted concerns regarding the sight distance at the Huntington Ridge Road/Stowell Road intersection. The new road is only 260 feet from the Route 101/Stowell Road intersection and it appears that the required 400 feet of sight distance is not available between the proposed road and vehicles turning onto Stowell Road from Route 101. The Applicant has been asked to provide additional sight lines along Route 101 in both directions to determine if the sight distance is available. The revised plans are currently under review and the Applicant has stated that the Town's sight distance requirement has been satisfied.

Blasting and Well Concerns

During the conceptual review of the project, the abutters voiced concerns about the blasting and possible impacts to their wells. The Applicant has provided a response to the blasting and well concerns (see attached). The statement includes a summary of the available well information for the abutting properties. The well yields vary, but the information indicates there is sufficient groundwater in the area. The Applicant also explains that water will be recharged into the aquifer through the septic systems and infiltration basins. The statement was not prepared by a hydrogeologist. If the Board has additional questions or concerns about the potential impacts to nearby wells and the availability of groundwater, Staff would recommend having a professional geologist prepare a groundwater resource impact assessment. To address the concerns regarding blasting and impacts to existing wells, the Applicant is proposing a testing procedure for wells within 200 feet of the construction that would be used to assess the condition of the well. The well would be pumped for a two hour period and then a water sample would be tested. Staff is looking into whether or not the 200 foot testing radius should be expanded. Using this distance, only a few properties would qualify for testing.

The Applicant hosted a neighborhood meeting on June 27, 2016 to answer questions and review the project with nearby property owners.

The subdivision plan was reviewed by VHB, the Town's engineering consultant, for compliance with the subdivision regulations and a number of technical comments were provided. Revised plans were recently submitted and are being reviewed by VHB.

IV. Waiver

The Applicant has requested a waiver from the following (please see the attached letter from Keach-Nordstrom Associates):

- 1. Appendix A – Bedford Road Construction Standards, 3. A. 1. – Rural Section, to replace the open drainage with sloped granite curbing.*

V. Staff Recommendations:

Staff recommends that the Planning Board open the public hearing and discuss the project, and table the application to the September 12th meeting to allow time for a site walk, as requested by the Board at the conceptual discussion.

Jason Lopez, Keach-Nordstrom Associates, was present to address this lot consolidation and subdivision request.

Mr. Lopez stated this project was presented to the Board on May 9th as a conceptual plan. We gave a brief introduction of the property and we have made modifications based on that conceptual meeting and also based on a meeting we had on the site with the abutters. I will go through real quick again the main points of the project in case there are new abutters here.

Mr. Lopez stated Map 41 Lot 8 is a larger lot where the bulk of the subdivision will take place. That lot is 19.7 acres and then there is a small lot on the corner of Stowell Road that is 1.9 acres. Our property that we are looking to subdivide is a total of 21.6 acres and that is located on the corner of Stowell Road and Route 101, nine lots residential cluster development and right now the proposed name of the project is Huntington Ridge. To the north of the project is Route 101, to the east are residential lots along Stowell Road, to the south are residential lots on Winchester Lane, and then over on the west we have Pulpit Brook and just to the other side of that is Twin Brook Lane. Currently the property is undeveloped, mostly wooded, with a little area of cleared field on the corner of Route 101 and Stowell Road. We have a small pocket of wetlands internal to the project, the rest of the wetlands are adjacent to Pulpit Brook, and along with that area there is also a 100-year flood zone. We have designed the project so none of the residential lots will be within the flood zone; the flood zone is totally in the open space. In general the land slopes towards the southwest, towards Pulpit Brook, out towards the Twin Brook property. There is a little bit of area up in the front on the corner of Route 101 and Stowell Road and that flows towards the State drainage system, catch basins, closed drainage system, carries it to the other side of Stowell Road and Route 101. The larger lot in the project originally had frontage along Route 101. Back in the early 1990's the construction of Route 101 closed off the entire frontage for that property and it created a 50-foot wide right-of-way that goes down between 11 Stowell Road and that corner lot. So we had a 50-foot accessway here, which was put in place by DOT as access to the backland. In this area there are no public water or sewer services available and overhead utility lines in both

the Route 101 right-of-way and Stowell Road right-of-way. So, again, we are proposing nine lots in a cluster development. The lot sizes are 0.8 acres to 1.4 acres and we are proposing 10.8 acres of open space. Each lot will have one single family house, be served by an onsite well, onsite septic, have one driveway curb cut, and underground electric. The proposed roadway is 1,200 feet and that will become a Town road, maintained by the Town, and drainage in the roadway will be maintained by the Town. As part of the conceptual discussion, we were talking about drainage, the ponds and stuff like that, outside of the right-of-way being maintained by a homeowner's association. The applicant has agreed to form a homeowners association to take care of the open space and all the drainage infrastructure located outside of the right-of-way. Drainage is collected in a closed system midway down the road on the bend as it approaches Route 101, that is about the high spot, we will have water collected in the roadway, which brings us down to a wet pond on the right of the road coming in. The rest of the water from the high spot will flow back down towards the cul-de-sac and head out into an infiltration pond to the rear of the property. VHB has conducted two reviews; we just received comments on the second review, and there are a few minor comments outstanding on drainage, which are mostly notes and things that we need to modify. There are no major concerns there.

Mr. Lopez continued I would like to move back to the conceptual hearing. During the conceptual hearing we had a number of items that were brought up by the Board and also by abutters. One of the items was that we were going to ask for a waiver for the 20,000 square foot buildable area on some of the lots. We had some real small lots and we were going to lot development sketches to show that each lot would function and could be built. Working with Ms. Hebert and discussion from some of the abutters the size of the lots were down to ½ acre. People didn't seem to like the ½ acre. We bumped those up with the minimum lot size now being 0.8 acres, not quite double, but we brought it up a bit. That has eliminated the need for that waiver, we wouldn't have to do the buildability sketches on the lots, and we wouldn't need the waiver. The applicant was more than happy to do that. Another concern was the way the proposed road is coming in and the direction of Route 101 traffic. There was the concern of the headlights and interference between the vehicles on the two parallel roads in the area of the bend as we go back towards the lots, the grade difference in that area where we are closest to Route 101, and the proposed road is going to be 18 feet above the elevation of Route 101. It is our feeling that the headlights aren't going to be too much of an issue. Will you see light? Yes. Will you get direct glare in the eyes? You shouldn't at that elevation. Along with that we worked with the applicant and some requests Ms. Hebert has made, where we have added landscaping in the area shown. There is an existing ledge cut along Route 101 in that area, and at the top of that in between the ledge cut and our road we will add landscaping to kind of fill that area in. It is going to help with two things. One is the light but also noise and sound and over time as they fill in, that will help with the noise and sound for the residents of the project. We are also adding in some landscaping down around this pond to fill in because there is no vegetation now in that 50-foot buffer requirement, so we will add some in that area.

Mr. Lopez continued another comment/concern at the conceptual is that we had the roadway slid down toward Route 101 a little bit and we had that detention pond on the left side coming in. There was a comment about the concern of how deep it needed to be on the side of the road, the depth of the water, with no guardrail, but it was also the slope that in order to catch grade we were removing quite a bit of the trees between our road and 11 Stowell Road. So in the realignment of

the road we slid it up a little bit, and we were able to put the pond on the lower side, which helps us first of all decrease depth and also preserves a little more of that vegetation between our proposed road and 11 Stowell Road.

Mr. Lopez stated we met a couple of times with Mr. Stanford and we have had discussions on the location of the road, and I know DPW still has concern over the separation between Route 101 and our proposed road. We can discuss that further here in a bit if you want to. Another thing that we are here for tonight is to request a site walk that was discussed at the conceptual. I'm not sure if we want to discuss this sight distance issue a lot or put our eyes on it and see what is out there, but we can talk about that further here tonight. Again, the homeowner's association would be established.

Mr. Lopez continued one of the hot points with a lot of the abutters and some of the Board members is the blasting. Mr. Scanlon requested quantities at the time. I took a look at the quantities of ledge removal and, again, we tried to design the roadway, lay it out the best we can based on the test pits we had out there, taking a wild guess. We have the test pits, the variability in the test pits is quite wide through the project, we had some pits with 12 inches to ledge, and we had other pits that we went down 78 inches with no ledge. So based on a few assumptions that I needed to make, I tried to stay a little bit on the conservative end, we are looking at the roadway and the driveway aprons probably being around 750 cubic yards of ledge removal, that is dealing with the underdrains, the sumps for the catch basins and assuming that some of the drainage lines are going to need some blasting. Maybe a little more or maybe a little less. House lots are going to vary widely. That is going to depend on if they are drive-ups or drive-unders, what style of house they have, high side of the road versus the low side. It is really going to be as you drive into the road the first four lots on your left. That is really where ledge removal would have to happen for lot development and that would be primarily for basements. Looking at that, again, using the test pits that we had for septics and a few others we had in the area, I'm coming up with around 1,400 cubic yards. So that is going to give us 2,150 cubic yards, say 2,000 to 2,500 cubic yards, of ledge. What does that mean? All blasting is regulated by the State, and we will have to file with the Fire Department and follow protocol. The blasting company will have to follow the protocol for any blasting that is done. There is a threshold with the State for further level of permitting and that threshold is 500 cubic yards of material. So we are roughly a little less than half of that threshold where they greatly expand the area for testing and so forth. We are sitting down in the lower thresholds for blasting at this time. As the project moves along and if they uncover something that requires more, we would have to step up and fulfill those permit requirements. There is the possibility that not nearly as much blasting, that we luck out as I'm hoping in the design, and we have far less blasting. A rough guess looking at the plans the results we have say 2,000 to 2,500 cubic yards of material. With that the blasting the abutters were concerned about their wells and the impact the blasting may have to the wells. The requirements are for 100 feet for what is required under the Fire Department's permit. The applicant has discussed with a well driller that has done testing in situations like this and they recommended going to 200 feet. When we presented this to the abutters at the meeting we had on site with them, a lot of them still had concerns over 200 feet that it doesn't cover my property, it doesn't reach my property. I further talked to the applicant on that and we are going to do all the testing that is required by law, we have to do that, and then beyond that we just want to be careful on not opening it up that we are testing the whole town. The limitation is there are people that have expressed concern, they have

shown up to the conceptual meeting, they showed up to the site walk, I know they are here tonight, and the applicant wants to work with them, and some of them may be 1,000 or 1,500 feet away and he is willing to work with them, and that is going to give protection to both parties. It is just good practice to make sure that it is not going to impact their wells. He is ready and willing to work with them above and beyond the 200 feet.

Mr. Lopez stated there was also a concern on the wells for quantity, whether or not nine wells would have a great impact on the existing wells in the area. I did some digging through the records at the State; all the well drillers file their reports up at the State, the depth of the well, the yield, casing, and static water levels. I poured through those and I was finding a very wide range of results. We had 0.75 gallons a minute with a well depth of 705 feet deep, we have two abutting wells of 20 gallons a minute at 120 feet deep, and then we had a well out in Twin Brook that is producing 40 gallons a minute at 326 feet. Again, a lot of numbers but all of those numbers really don't mean a lot. What is critical is the volume in the well, and a 6-inch casing will hold about 1.5 gallons of water per foot, so looking at that the State recommends a supply of 600 gallons a day in a two hour period for internal water use, meaning not landscaping. That makes sense. They are all drilled by licensed contractors and need to meet the minimum requirement. All of the wells out there meet the minimum requirement. Now, are they adequate for irrigation and so forth? Maybe or maybe not. I don't know the answer to that. I have done what I could in looking at the wells in the area, and based on what I see there appears to be adequate water supply for the nine wells and there appears to be adequate water supply for the wells on the abutting properties. Acting Chairman McGinley stated I have to say that most of the people on this Planning Board heard a very detailed explanation of wells and the differing aquifers that can be reached in a small area. Mr. Lopez stated you could go to 1,000 feet and it could be dry, and you could go to 100 feet and it could be a gusher. Acting Chairman McGinley responded but I think knowing what is there before you start your work is going to be very important. Mr. Lopez stated all of those well reports are well documented at the State for what was drilled for the abutting properties.

Mr. Lopez continued it was recommended at the conceptual meeting that we have a meeting with the abutters and that took place on June 27th. We did meet on the site, discussed the blasting, lot sizes, drainage, wells, then we walked the site and went down the centerline out to the cul-de-sac. I think overall we addressed most of the concerns, and I think it would be fair to say that hopefully the stress level with the wells and the blasting is down a little bit. We did our best to address those questions, there may be more coming, hopefully we did a good enough job to reduce some of that stress and show that the applicant is willing to work with them.

Mr. Lopez stated there are no variances or conditional use permits required, there is only one waiver, which is that we are looking to allow sloped granite curbing and closed drainage in place of open drainage. Other than that I can take questions and we can discuss setting up a site walk.

Acting Chairman McGinley asked why don't you want to show where there is a buildable area on these lots? What I am looking at is a well and a septic and on some of them I don't see where you are going to put a house. Mr. Lopez replied when we came in with the conceptual we were not showing the 20,000 square feet on some of the lots. In this revision we are showing that all lots have a 20,000 square foot area except for Lot 2, which only requires the 13,000 square foot contiguous. All lots show the required buildable are, and we have either the circle or buildable

box on each lot. Acting Chairman McGinley asked isn't that in the setback? Town Manager Sawyer stated that is the septic box. Please zoom in to show the difference between the septic box and the buildable area box. Mr. Lopez stated there is an overall kind of shaded gray area in the back and that is the 20,000 square foot buildable area. Then we have the 4,000 square foot area reserved for the placement of the septic system and then every lot needs to have either a circle or a buildable box. Most of them have circles, and I think there is one or two that might have a rectangle. Then we have to show the location of the well for each lot. We have increased the size now so all lots are able to easily meet all of those requirements. Acting Chairman McGinley stated I think what is confusing is that we are used to seeing larger lots and the buildable area is not the whole lot. Mr. Lopez stated that's correct.

Mr. Cote stated you said that you relocated the accessroad. If I remember correctly, one of the reasons why you couldn't do it before was that the detention pond was on the upper side. Can you quickly go over what constraints you have now for putting it where it is and why it can't be moved. I notice you have probably a 10-foot+ cut on one side to get that road in. Could you expand on that a little bit? Mr. Lopez replied we went through multiple iterations. We originally put this project through as a conventional subdivision and we were coming down almost in that 50-foot wide right-of-way. Then it was discussed that we look at open space. The first attempt into the open space I had the driveway coming down and it was actually within the turn lane area for the two exit turn lanes out onto Route 101. That was frowned on, agreed, so we moved the road up the hill a little bit but I had that pond. The pond cannot go within the 50-foot buffer around the perimeter of the parcel, which is per zoning. I had to look at the grading and kind of squeeze it on what I will call the uphill away from Route 101, squeeze it in there. That pushed the road down a little bit towards Route 101; it brought it up further than I had it at one point but still not that far up. Now what I have done is I have taken a look at realigning the road again and VHB has reviewed this, their comments on this schematic that we are looking at, now we have redesigned it, slid the road up a little bit, we have the pond on the lower side. The Town requirement is 400 feet of sight distance. When we come out of this accesspoint and we look 400 feet up near Beech Street, there is a high point. So as you go over the high point, what we are looking to do is maintain our sight distance 400 feet looking in that direction so we are able to achieve the 400 feet of sight distance looking up towards Beech. When you look to the left towards Route 101, 400 feet extends out beyond Route 101 and heads over into Joppa Hill Road. If we took the 400 feet at the intersection of the pavement at Route 101 and Stowell Road and ran 400 feet back, that would put our road right on the property line with 11 Stowell Road. I know Mr. Stanford still has questions on that location. We have looked at the stopping sight distance; again, the 400 feet is the Town rule, the other thing we can look at is AASHTO. AASHTO has the stopping sight distance so if a car was to come around and take this corner off from Route 101 and turn right onto Stowell Road or come down Route 101 and turn left onto Stowell Road, for the posted speed limit in that area, the stopping sight distance is 200 feet, so we are above the 200 feet for safe stopping sight distance. The 400 feet extends through, we can capture visibility of the whole intersection, that is something that we would like the Board to take a look at during the site walk at what we are looking at in that area. Mr. Pincince asked when we do the site walk, would it be possible for you to identify where the road is going to be so we have a visual? Mr. Lopez replied absolutely.

Mr. Pincince asked at this point the architecture of the houses hasn't been decided or will it be based upon if you buy a lot at this development and then you decide what style of house you want?

Mr. Lopez replied most of the houses that Bob builds are custom. He may do a few spec houses out here but most of them will be custom. He has an inventory of plans and elevations, they will pick what they want, make adjustments and it will be built accordingly. Mr. Pincince asked so it won't be a cookie-cutter development? Mr. Lopez replied these are easily going to be over a half million dollars and up. The lots are going to be unique too, so just the lot layout will change the design of the home throughout the project.

Mr. Rohe asked is it typical for the 50-foot perimeter buffer to be in union with the 20-foot side buffer? If you look at Sheet 3 of 23, you will see that Lot 1 is using the 50-foot perimeter buffer as part of its lot coming down the side of those lots, and then Lot 1 goes into that by 20 feet in order to create the 20,000 square foot of buildable area. Do are regulations say that you can use buffer zones kind of in conjunction with one another or are they standalone buffer zones, so that Lot 1 should really be 20 feet to the southwest of where it currently is and then that additional 20-foot buffer zone is then put in place? Mr. Lopez replied the 20,000 square foot is contained wholly within the building setbacks on that property, as is all properties. Mr. Rohe replied I understand that, but if you take and you move that boundary line 20 feet southwest, you now have to move the building setback area 20 feet as well. Mr. Lopez responded that is correct. Mr. Rohe asked would the 20,000 square feet be within that zone if you moved it 20 feet? Mr. Lopez replied if I moved it 20 feet, yes it would be, but like you said we would have to shift all of the lots because according to zoning that can't be the case. Mr. Rohe asked so then why are you showing us a lot that is using, and those goes for Lot 8, Lot 9 and Lot 1, you are using in union that buffer zone when you just said to me that is against zoning. Ms. Hebert responded it is against zoning to put the drainage in the buffer. The buffer strips along those private lots will be deed restricted as a no cut buffer and that is something that the Board has approved in the past on other subdivisions. There would essentially be an easement along that side of that lot to restrict any activity within that buffer area. Acting Chairman McGinley stated another way of saying that is that you still can count it for the setback. Ms. Hebert responded correct; so it still counts towards the setback but it is essentially not land that the homeowner will be able to use or encroach into. Acting Chairman McGinley stated otherwise you could clear cut up to your lot line, you just couldn't build in the setback. You could have grass there. Mr. Rohe stated I understand, but if it is a no-cut buffer, if they see this is my buildable area, how many homeowners are actually going to if they want to clear cut their lot, how do we police that deed restriction. Acting Chairman McGinley replied it does need to be in the deed as opposed to just on the plans. Councilor Bandazian stated don't we now require some monumentation for that. Ms. Hebert stated we have monumentation and we can even install some disks along the side of the buffer area. Mr. Lopez stated and those have been noted, I believe, it was every 50 or 75 feet along this line, a little placard needs to be placed. Councilor Bandazian stated routinely we would see that at the Zoning Board that somebody had appropriated some non-disturbance buffer for their shed or whatever it was, especially when it was 100 feet. Mr. Rohe stated it seems like you are trying to gain extra space by doubling up on a buffer zone and creating a deed restriction of a no-cut area and we as a board have no way of going onto that property after-the-fact to see if someone has indeed cut the trees in that buffer when we could very easily move the buffer over and not have to worry about that in any way, shape or form because now it is not part of their land. Acting Chairman McGinley responded we as a board couldn't do that anyway, it would be the Town staff, and no matter where you put the line, it is going to be open area because the property line behind it is distant. In this case we have common area and it just has to be marked. Even if you had that there, people cut into a common area. Mr.

Rohe stated it is guaranteed that they are probably going to cut into the common area, but it is less of a chance they cut into the common area if their lot ends at the edge of the common area. Acting Chairman McGinley stated one of the things you could do, if we would like to require it, is to have the deed have an exhibit showing the layout of their lot and what is restricted, if that would help you. One of the things I know is that homeowners don't go look at plans, so that is why I like to see all of the restrictions in the deed, we hope they review the deed, and if they have as an exhibit, something unusual, which a drawing would be unusual, then they would notice that and that would give further notice to the homeowner. Mr. Rohe stated I hear what you are saying and it certainly is a great recommendation, but it doesn't waylay my fears they are going to cut into that area and we have no way of policing it. I would rather see the lots built in a manner that the buffer zones don't encroach upon one another. Acting Chairman McGinley responded but you are going to have the same problem with all of the lots that have common area behind them because the location of the property line is not going to be that evident. They are going to see woods behind, and it would be similar to these areas that have buffers and there could be encroachment into the common area also, the non-buildable open space. So you have the same problem there. Ms. Hebert stated also, the Town has the ability to enforce those buffer areas and the homeowner's association will also have the ability to monitor and maintain the buffers and the open spaces. Mr. Lopez stated there is nothing in the ordinance preventing this side lot line to go right over to the abutter's property line. We need to have minimum open space requirements but there is no requirement that this sliver has to be open space. That could all be private lot but it would have to have this restriction put on it that you can't clear the buffer, so we could go through all of these lots and carry it out and minimize the open space. We brought the lots from ½ acre to 0.8 acres, and, yes, I pushed the line over there because it is my job to maximize. Acting Chairman McGinley asked but you couldn't build nine lots if you didn't do it as a cluster subdivision? Town Manager Sawyer stated they would just be ½ acre lots like he showed us in the conceptual. Mr. Lopez asked a conventional subdivision? Acting Chairman McGinley replied yes. Mr. Lopez stated the lot size calculations for a conventional subdivision yields ten lots, but due to slopes, soils, wetlands, all of the criteria, we needed to ask for a waiver to get nine lots. Just because of the layout of the land and usable areas we can't get the ten lots in a conventional. We can get nine lots in a conventional with a waiver on the road length. Acting Chairman McGinley stated you can get nine lots at 1.5 acres? Mr. Lopez replied yes. Then we went forward with the open space with the ½ acre lots and now we have bumped these up to minimum of just over ¾ of an acre, again, still nine lots. Mr. Rohe asked were you granted the waiver to get nine lots from eight lots? Mr. Lopez replied we were ready to file a formal application for a 9-lot conventional subdivision, but after discussing it with staff it was determined that it would be best to go towards an open space project instead of the conventional. So we did away with that plan and we have come forward with the open space. Mr. Rohe asked but what were you saying about getting eight lots and needing a waiver to get to nine lots? Mr. Lopez replied in a conventional subdivision lot size by soil type calculations yields ten lots. So in a conventional subdivision we could have ten lots, but due to the slopes, due to the location of steep slopes, the wetlands and so forth, we just can't get ten conventional lots on the property and meet all the zoning requirements, we could only get nine lots. Acting Chairman McGinley stated so you can't really have ten lots because you have to meet both of those criteria. Mr. Lopez stated no; nine lots on a conventional is all we could get to meet zoning. We utilized that as our yield plan for this open space development and we kind of threw that conventional plan aside and we went into the open space design. Acting Chairman McGinley stated Mr. Rohe, in a cluster subdivision you are supposed to take the same number of lots that you could have on a

regular subdivision and then squish them together and have open space. Ms. Hebert stated there is also a calculation to determine density and they have nine lots using the density calculation. Mr. Lopez stated under the open space calculations, yes, we yield, I think it was, 9.16 or something like that, just over nine lots in the open space development. Mr. Rohe asked does the density take out the steep slopes? Mr. Lopez replied yes; wetlands, steep slopes, we have to take out a certain amount of the open space, the right-of-way, and the calculation is on one of the plans. Acting Chairman McGinley stated anything that couldn't be used in a 1.5-acre lot subdivision calculation. Mr. Lopez stated reading from the plan taking off area of the right-of-way, surface waters, hydric A, 75 percent of hydric B, poorly and very poor soils, and NA soils, which NA soils come off from that lot size by soil type chart in the regulations for sizing lots and there is some soils that are so poor due to either slope or due to maybe ledge or whatever that you can't use them, and that is the case we have out here. We have some soils and some slopes, ledge areas and steep slopes. So when you go back all of that way, it gives us a total area and then you work further through the calculations and there is a weighted average lot size divided by the total area that gives you your lot yield, which in this case is 9.13.

Mr. Stanford stated I think Mr. Lopez correctly characterized that we do have concerns as to the location of the road; I think I mentioned that at the last concept. He also touched a little bit on the all-season sight distance. I have spent the last 14 years correcting sight distance issues throughout town. We have spent quite a considerable amount of Town funds, so naturally it is something that we are very concerned about. He mentioned the 400 feet of all-season sight distance; that takes into account snow banks and those sorts of things, and if the sight line goes outside of the right-of-way, obviously snowbanks are going to come into play, so the all-season sight distance does come into that, and I think VHB identified this as well. I think their sight line doesn't account for the fact that you do have Route 101 there and the 400 feet, again, it has been a regulation in Town long before I was here, so I don't believe that they actually have the 400 feet. He identified that it does extend into Route 101, our concern is anyone traveling eastbound on Route 101, and they wouldn't hit that 400 foot sight line at 260 feet, so it is not even close to the 400 feet. With that said, I think he has identified some constraints, I think some of it going down Stowell Road, it is the developer's responsibility to mitigate that, and they could modify it. I don't know if they have looked at modifying the hump in the road on Stowell Road, but that aside, I do think that they haven't met the 400 feet of all-season sight distance and at a minimum they will have to request a waiver. Again, they can show that they certainly do have some constraints. I know they have met with the abutters, he identified the request from the closest abutter, and it is just from a Public Works standpoint and from seeing the safety issues at these sight distances, that sight distance is so important. We would just like to see that further away from Route 101. The other aspect of that is Route 101 is what it is today; we don't know what Route 101 is going to look like 20 or 30 years from now. We are seeing the State widen Route 101, not in this section, but who knows what the future will bring. I have to approach it from the standpoint that I think in the future the road will be widened. You have to have that expectation. We are always looking ahead. I do think at a minimum they need to request a waiver if they can't meet that sight distance, and I think he has already identified that he can't. I would add one other thing because he did mention that DOT took that property. I don't know if it was taken or it was a negotiated settlement with the access, but I do think that there was some thought process when they put that 50-foot right-of-way in as far away from Route 101 as possible. Again, I can't say that for sure and you probably wouldn't locate it in the middle of a lot, but, again, I think from my professional opinion I'd like

to see that further away than, I think, the 260 feet from Route 101. Acting Chairman McGinley asked you would be fine with it closer to Beech Street than we would normally like to see? Mr. Stanford replied I think they would have to request a waiver of the driveway. Initially when we had our discussions, what we would have liked to have seen if there was a possibility whereby they could relocate that neighbor's driveway onto the newly created street. I don't know if they had those discussions but Mr. Lopez had mentioned some constraints with the site whereby that wouldn't work. That is a similar occurrence that happened over in the Atherstone subdivision off from Campbell, almost identical. You had an existing house, the driveway conflicted with the new roadway and they relocated the driveway onto the new Atherstone. That was probably within the last ten years. Mr. Lopez stated I think it would be of benefit; you heard my explanation that some of the balancing act we have had in placing this, and Mr. Stanford's concern I think the site walk will be good, we can further the conversation after everyone has taken a look at the site. It is different in 2-D and standing out there then we can make adjustments if needed.

Mr. Scanlon stated thank you for acknowledging my earlier question on the blasting and I would say you have done a lot of homework, a lot of investigation. When you had your meeting with the abutters on June 27th, how long did that meeting last and were the abutters represented by the majority of those who were concerned the last time or was it a smaller meeting? Mr. Lopez replied I would say about 1/3 of the abutters showed up. I notified all of the abutters and it was a decent turnout. I had them check off who came and add their name if their name wasn't on the list, and I did supply a copy of that to Ms. Hebert for the Board files. I think it lasted 1.5 hours or something like that. We stood out where the proposed road would be coming to Stowell Road. We talked about general questions to begin with and then we carried on into the project. We actually walked down through and up the centerline up to the cul-de-sac, and again, addressed comments that were just kind of free flow as people had comments. I think overall the tone from the beginning to the end the stress level came down. It was a good thing to have and I think it was beneficial for both parties. Mr. Scanlon stated thank you for having the meeting with the abutters.

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

Margaret O'Neil, 25 Stowell Road, stated my first concern is the entrance from Route 101. It is going to be like an accident about to happen the way it has been presented to us. The road is going to be the first entrance when you come into Stowell Road, and if you are coming in from Amherst on Route 101 east, Stowell Road is already a sharp turn. Many people miss it when they are coming in. Now he is going to put a road the first thing entering on Stowell Road that is going to be his road coming off from it. We already have school bus traffic coming in and out. If you are coming into Stowell Road, on the right side you have to cut across to the left, already it is like a game to try to get through with the oncoming traffic that is incessantly moving. The other thing that I wanted to point out is that my well is 660 feet deep, so he is quoting 200 feet. I want my well inspected by this company. At the two previous meetings they told us they were going to be ½ acre lots, \$500,000. At the last meeting they told us it is going to acre lots with \$650,000 for "the box," and then whoever buys these "boxes" are going to pick what they want, which is going to cost much more than what they are telling the Board. A lot of things that have been presented I don't think they are being upfront. I really agree with Mr. Stanford that that access coming into Stowell Road is so close to Route 101 that it is going to cause a lot of accidents because there will be traffic coming in and out right out at the beginning to get onto Route 101, plus all the

homeowners and all of the developments that are behind it. That is my personal opinion, but I do agree that something should be done to either move the accessroad further in but I feel that it is going to cause a lot of accidents.

Mark Nadeau, 11 Stowell Road, stated I am that first lot on Stowell Road. On the same two topics; I understand the guidelines and I respect those. My concern is, as I mentioned before, we are going to have nine homes there, \$500,000 homes at least, going to have at least two cars per household, it is going to be a minimum of 36 cars going in and out of there just to that accessroad, so I have concern about that accessroad. I was happy that they moved the pond to the other side and moved the road up a little bit. I am kind of okay where it is but I understand the concerns of safety and such, but I think we still have to have a lot of discussion. We heard tonight about maybe incorporating my driveway into their accessroad, I think we need to really discuss that a little further, but I am open to suggestions and recommendations. My biggest concern is that the project is done right and meets all the guidelines and the safety. If we just move it up to that 50-foot access right-of-way where it is now, I don't want to see 32 cars every day going up beside my driveway. That is one of my concerns. The other concern still is the wells. I know they spoke, and maybe he can go in more detail about some of the well testing and some of the footage from the wells during the blasting, I didn't follow all of that, and the comment that the builder was going to work with us. That is still very vague to me and doesn't give me a real comfortable feeling. As we continue to work this out, I think we need to have something more concrete as far as what the guidelines are going to be. At least I would like to understand them better. Acting Chairman McGinley stated no one can make you move your driveway; you have to agree to that.

Robin Davis, 3 Twin Brook, stated Mr. Lopez, I want to thank you for the walkthrough. I think it did well to allay a lot of fears of the abutters, but I do think now we don't have a double whammy, we now have a triple whammy at that end of town. We not only have this development to think about, we have also met with the State wanting to put a new bridge in at the bottom of this development just before Twin Brook, and we now have Labelle Winery, although it is Amherst, it is also abutting Bedford, wanting to put in a mega facility on many acres. I get concerned about the wells. Can the land around there support the amount of well drilling, not necessarily for nine homes, but our current homes as well as what Labelle Winery wants to do. I also have a concern about the wetlands. The Town of Bedford did a wetland survey quite a while ago, it is still online, and presenting their vision of what Route 101 would look like. It was four lanes with a median. There is no way you can put four lanes and a median with this development and even taking by eminent domain land on Twin Brook, of which I have frontage. The interesting thing when we attended the State meeting where they want to do the bridge improvement, it was that they informed us, me, two of us in Twin Brook who have frontage on Route 101, they informed us that they actually own 50 feet from the center of Route 101 out to our property. I actually wondered why I was paying the Town tax dollars on 30 feet extra of land that the State says I don't own, that they own. Now if they own it, they can full well make Route 101 a four-lane highway, and I think that that is probably in the future, especially considering Labelle Winery wanting to put in storefronts, housing development, a distillery. Where is all of that natural resource going to come from to service all of these things that we have at the far end of our town. So I want to put that in the queue and make sure that we are looking to the future and not just for this development that is really Phase 1, the bridge will be Phase 2, I guess, and who knows what Labelle Winery will be, but I think we ought to think about that. I do agree where the road is is a cut for where it is for this

development, but I agree that it is going to be a problem. We already have accidents on Route 101, people going off the road, coming down both hills, you have the Animal Rescue League going downhill and then you have Labelle Winery going uphill. We had accidents last year, we already had a death there, years ago, and it is imminent that it will happen there. The amount of traffic is unbelievable, the amount of noise is unbelievable, I am hoping that if this development does go through they can put the right amount of sound barriers without doing those concrete things that you see along I93. I think as a Board it is not just this development we have to worry about, it is the future of Bedford. We have been here for so many years, we came from Amherst, we love Bedford, and I would like to see it stay that way. I would also like to mention, what is the blasting impact of the wetlands. That survey that I am talking about that is still online, although I can't tell you its specifics right now; they were saying that that area is the richest wetlands that we have in Bedford. So what is this blasting going to do to that, and not knowing and not being able to control what happens in Amherst, what is going to happen if they do that and you are going to have this rich wetland area that Twin Brook is surrounded by and I don't know what will happen with it. We have two fire ponds Twin Brook is responsible for; the association is responsible for maintenance of those fire ponds, not just maintenance, the culvert, also the system that goes in. Where is the fire protection going to come from for this development, this 9-lot development? What happens if Labelle Winery has a fire? When you have a fire, you don't just sit there and say you are Bedford, we can't help you. They are going to go to the easiest source of water that they can find and those are our two fire ponds that right now Bedford has the easement to make sure the water flow is there, the association has the responsibility of maintaining it, the piping and all that goes into those fire ponds and making sure that it has adequate fire protection as far as amount of gallons. What else does Bedford have in that area? You put more and more people, get Labelle Winery, if they do have a problem, they are going to tap our fire ponds. I am not willing to pay for maintaining fire ponds that everybody else has to use if nobody else is putting anything in place to make sure that they are preventing their own developments.

Acting Chairman McGinley asked what is your proposal for your next step? Mr. Lopez replied that would be setting up a time for a site walk. Ms. Hebert stated I can coordinate with the applicant and send an email out to the Board and public notice will be given for the date of the site walk and the public is welcome to join the Board. Acting Chairman McGinley stated that is considered a public hearing so the entire public can attend and listen to the questions we ask and ask your own questions. Town Manager Sawyer stated the only difference may be from the site walk that you did with the abutters is there can't be a back and forth, there can't be debate on the Planning Board site walk. The Board typically can ask questions and abutters can ask questions and you can try and answer them, but it is best that if there are questions, to handle them where the meeting could be recorded and documented. Often it is to just view site and understand the perimeters of the project. There is a recommendation to table this application to a date certain of September 12, 2016. Ms. Hebert stated for folks in the audience, one thing to note is you will not receive an abutters notice about the site walk the way you did for this meeting but it will be posted. You can check back with the Planning Department if you are wondering when that site walk is going to happen.

Mr. Rohe stated in your staff report on Page 3 you recommended that having a professional geologist prepare a groundwater resource impact assessment. Is this the same thing we asked the developer to do off from Hickory Lane? Ms. Hebert replied yes. Mr. Rohe asked are you

referencing the same type of report that was done for that? Ms. Hebert replied I am referencing that same type of report. I wanted the Board to be aware that the applicant has done a lot of research on wells and is proposing a mitigation for the blasting impacts by doing these well tests for properties within a certain radius of construction. I think that distance is still yet to be determined, but they did not hire a professional geologist to prepare an impact assessment like we had done for the Charles Place cluster subdivision off from Holbrook. They have provided a lot of information and some of that same information would be reviewed and a report prepared by a professional geologist just so you understand there is a distinction. Mr. Rohe asked what is your concern about the 200 feet? Is it because it doesn't reach enough of the households? Ms. Hebert replied I need to do some more research into this. I'm not sure if that distance is arbitrary or if it is going to meet the concerns of the abutters. There are very few properties that would likely hit that radius, maybe a few properties that would be within 200 feet of the impacted areas during blasting. Town Manager Sawyer stated it is not properties, it is structures. Mr. Lopez stated that is right, and the applicant has already agreed. There have been a number of abutters, like I said before, that have come to the meetings, expressed concern and he is willing to work with them to do the testing during the blasting. To get a good baseline before it starts and then check afterwards, and that is something that is done, the blasting company sets that up, and there is another level that we are really not discussing is there are certain insurance requirements that the blasting companies have for property damage. So they will have to abide by their own requirements, and in some cases it may be more stringent than what the Board wants or it may be less. Mr. Rohe asked is Mr. Lamontagne willing to pretest and test after all the wells of the abutters? Ignore the 200 feet? You are saying he is willing to work with them; everyone who is abutting the property, just the abutters, is he willing to test their wells before and after? Mr. Lopez replied I am going to step out on a limb, I probably should ask him on that. He is willing to go beyond. There are some individuals that have been part of this process throughout that live down in Twin Brook, well beyond the 200 feet, and I know he is willing to work with them. I don't see why he wouldn't be but that is something we can follow up on at the next meeting and try to come up a more definitive plan, and maybe Ms. Hebert can have a greater level of confidence on what radius we should do, if it should be all abutters. Mr. Rohe stated I'm not talking about a radius. I'm talking about just the abutters. You can pick any radius you want, but if you say the people who are affected by this who are given notice publicly are the people who abut the property, he is either willing to do it or he is not willing to do it, and that is what I would like an answer from him on. Is he willing to pretest and test after all the wells of the abutters of this subdivision? Acting Chairman McGinley stated another thing that could be done is similar to the report that was done for the Charles Place project, and that was the geological survey and we had an explanation of the different aquifers that were in the area. At least it gave the Board a comfort that there were multiple aquifers that were being tapped, not just one aquifer. So the fact that you are tapping into an aquifer for this site, does not mean that you are going to even hit the aquifer that an abutter has, but you don't know that unless that type of survey is done. Ms. Hebert stated the Board could also have a geologist review what is the appropriate setback or distance or where are the affected properties based on the ledge and the location of the ledge and groundwater. Mr. Lopez stated I have another project that we are working on right now and we are doing just that. The big issue on that is we have public sewer and in the public sewer all of that water that we are withdrawing from the ground is getting into the sewer system and being carried offsite. In this case we have onsite septic so most of the water that is drawn from the wells is put back into the septic system and recharges that aquifer; it gets back into the ground and stormwater drainage, although minimal, that does have

some infiltration components. But that was the big issue with this other project that was actually drawing all of the water out of the aquifer and then having it exit the aquifer. That is not the case in this situation. Acting Chairman McGinley asked couldn't you draw out of one aquifer and discharge into another so you don't necessarily have a match-up? Mr. Lopez replied the well and the septics in this case are going to be about 75 to 100 feet apart. Acting Chairman McGinley stated one may be much deeper than the other.

Mr. Scanlon stated I know Mr. Lamontagne can watch these proceedings on BCTV, but this will be the third time that we get together with the Planning Board, your firm, as well as the abutters. I heard one abutter say that he was somewhat concerned as to the vagueness of the commitment to work together, but it just might be helpful if Mr. Lamontagne himself next time could even attend the meeting to sort of get a very detailed first-hand feedback. Mr. Lopez responded I will let him know. He is out of the state right now. Town Manager Sawyer stated he was in the audience for the conceptual meeting that night. Mr. Lopez stated I will bring it up that his presence would be beneficial at the next meeting.

Acting Chairman McGinley stated I would like to say for the audience that I am on the Southern NH Planning Commission and we see every year a rolling 10-year plan of road improvements, and all of Route 101 through Amherst and beyond is on the 10-year plan. I think at the top of the 10-year plan is the work that is going to be done near Route 114 and towards Town, the center of the business part of Town, so it doesn't look like it is coming here but it is on a rolling 10-year plan. That doesn't mean it happens in 10 years.

Mr. Pincince asked where are we leaving the geologist at this point? As I sit here and listen, we are doing testing before and testing after. The testing after could determine that we have failed a well due to the actions of this development and then we have the homeowner that has a well that has failed. Is there anything that can be done more proactive with the geologist to determine if in fact that proposed activities are in fact going to have an impact? Is that what the intention is for the geologist? Ms. Hebert replied there are two parts. There is the question about whether or not the nine new lots are going to impact the available groundwater in the aquifer and the capacity of the wells, and then there is the other question about whether or not the blasting is going to adversely impact the existing wells. The Board could ask for a groundwater impact assessment prepared by a professional geologist, which is what we did at the Charles Place cluster subdivision. Mr. Lopez did provide some research on the existing wells of the abutting properties and in the region. We could have a geologist review their proposal for the pre-blast survey and testing of the wells and give us some feedback on what distance is appropriate or we could have both. Mr. Pincince stated Mr. Lopez also talked about records for wells. That is a process that I understand that is newer to this State. There are a number of wells in this State that are not. Mr. Lopez responded posted on the screen I will call it an executive summary of the reports I pulled. All the abutters' wells to this project are on record. Acting Chairman McGinley stated I think where we were looking before some of the houses were much older. Ms. Hebert stated I think we are getting the well information but we were not getting the why behind the geology or what is happening with the geology in the area that is producing these types of wells. There doesn't seem to be an issue with water supply, which was the issue with the Charles Place subdivision. They did not have the blasting concerns that this neighborhood seems to have. Mr. Lopez stated you have to separate the blasting concerns with the water quantity concerns. It is kind of two different topics. Mr. Pincince stated I guess I

am concerned about blasting activity in an area that could have an impact to the water supply, and the only person that I believe could possibly answer that would be the geologist. I was in the construction industry for my entire life, and you recorded the condition before you did your activity and then you recorded your condition after your activity as over. It seems to me that we should be a little bit more proactive to determine if that activity is going to have an impact and whether the geologist is the way to go. Mr. Lopez stated I believe the hydrologist would provide more of a quantity and hydraulic budget of the site than a potential for blast damage. Mr. Pincince stated but he can also tell you the rock quality, how fragile it is, the seismic events and what it does to the quality of the rock once that seismic activity has taken place. Acting Chairman McGinley stated in the report that we were referring to that was done by a geologist did have to do with water availability based upon the ledge in the areas was part of the concern. Ms. Hebert stated I believe in the past when there have been concerns about either water quantity or blasting and the issues come up, the Board has requested the groundwater impact assessment to be prepared. It is something that staff recommended after the conceptual discussion for this application and the applicant chose to do some research on their own and present some solutions to the Board.

Mr. Lopez stated it would be helpful if we could get a determination from the Board now then if that is something we know is going to be required so it doesn't delay the project. Councilor Bandazian asked is September 12th enough time? Mr. Lopez replied probably not. Councilor Bandazian stated if we were to make a motion to table to allow both a site walk and presentation of a groundwater impact study, I don't want to bring you back here on the 12th just to have you come back here 14 days later.

MOTION by Councilor Bandazian that the Planning Board table this application to the September 12, 2016 Planning Board meeting to allow time for a site walk and to allow the applicant to present a groundwater impact assessment, with this motion to serve as public notice. Town Manager Sawyer duly seconded the motion.

Ms. Hebert stated we would have a site walk before the 12th. I think the question was whether that would be enough time. Mr. Lopez stated I have a call out so it is to be determined. Councilor Bandazian stated that will get you in on the first possible day, and if it is not enough, you can let staff know. Town Manager Sawyer stated it would be October after that because the second meeting in September is the Planning Board's workshop.

Mr. McMahan asked the action that has been requested does that have also to do with the blasting effect or is it just for the wells that will be going in? I really share your concern about whether or not doing tests before and after. It would certainly give some protection to the people that are concerned about it. I don't know what would happen, that would have to be determined I guess in another way. Mr. Lopez stated if there was a problem with a well, Mr. Lamontagne bought another house for a solution to a problem. Mr. McMahan stated but it seems to me from what I have heard that might be a very comfortable blanket for the folks that are sitting out there wondering whether or not what is going to happen first is there a way to prove it, and secondly the assurance that the developer is going to in fact take appropriate actions. Acting Chairman McGinley stated I think also from a developer's point of view, if this is something he is willing to do, it gives him some protection also. What you would be dealing with would be facts not conjecture. Mr. McMahan asked so my point is, is that what we are proposing to be able to do the before and after? Town

Manager Sawyer stated the proposal I read in the presentation or the packet materials called for a 2-hour water flow and then the water test after two hours. So I think that would give them both quantity and a quality test. Mr. Lopez stated again, to get a hydrogeologist involved we would probably be looking more at budget and whether or not there is enough water to serve the project. Based on the records we have we don't believe that is going to be an issue. We see the blasting as a separate issue and we could have a hydrogeologist or geologist take a look at this project and they are going to come up with assumptions in their report. Is that going to be good enough? We think that the testing of individual wells before and after gives everyone the most protection. Mr. McMahan asked after blasting? Mr. Lopez replied before and after; we have to establish a baseline and then go back afterwards. If somebody doesn't want us on the property, so be it. Like I said, he is willing to work with people outside of radiuses that have expressed an interest throughout the process. So that is why we are looking at that we think we have the answer to is there adequate water for the project. We believe that we have enough documentation to say yes, we don't need a hydrogeologist to tell us that, that is our opinion, and then we look at the other side, the blasting, what are we prepared to do for the blasting. Those people we can outline, if we want to even call out the properties that it will happen on, who are we going to do the pre-blast survey on and who are we going to go back to check after, before and after each well. That gives everyone the greatest amount of protection and it is not based on assumptions in a report, it is based on the facts. Ms. Hebert stated I think the scope of work report could address both the blasting issue and groundwater. Mr. Pincince stated I am interested in knowing if the composition of the rock is shale and it is ripable or it is in fact intact granite. That would mean something to me. Testing a well before and after you are done, if you have impacted it, they have a non-performing well, and I think it is prudent to do that extra step just to understand what you are getting into before you do it.

Acting Chairman McGinley called for a vote on the motion. Vote taken - all in favor. Motion carried.

Acting Chairman McGinley stated this application is continued until the September 12, 2016 Planning Board meeting.

Ms. Davis stated Mr. Pincince has a proactive approach to what needs to be done here, and it would be really good if we could that gentleman's expertise before this project starts so that we do know what we are in for. Ms. McGinley stated I don't think you want a Board member's expertise because the Board member would like to sit on the hearing and be able to comment. So you may want reserve his expertise for that, and abutters are always able to get their own experts too. I know it is expensive but that is possible.

Mr. Scanlon was removed as a voting member and Mr. Pincince was appointed a voting member for the remainder of the meeting.

- 4. Dakota Partners (Applicant) – Request for a time extension to meet conditions of approval for a Site Plan approved on August 10, 2015, at 3 Kensington Lane, Lot 12-38, Zoned CO. (Request withdrawn by Applicant)**

Acting Chairman McGinley stated this application has been withdrawn by the applicant. Ms. Hebert stated the applicant has satisfied all of their conditions of approval and the plans have been signed.

Cathy Champagne, Jutras Signs, stated we are going to start with Application #6, which is for 9 Washington Place.

6. A.C.S Realty, LLC (Owner) and CMC Breast Care Center & NH Orthopaedic (Applicants) – Request for approval to modify a previously approved sign waiver to Article 275-68 and Table 6, Performance Zone Sign Standards to allow two building signs at 9 Washington Place, Lot 46-51-1, Zoned PZ.

A staff report from Becky Hebert, Planning Director, dated August 15, 2016 as follows:

I. Project Statistics:

Owners: ASC Realty, LLC
Applicants: CMC Breast Care & NH Orthopaedics
Proposal: Waiver for 2 additional building signs
Location: 9 Washington Place, Lot 46-51-1
Existing Zoning: "PZ" – Performance Zone
Surrounding Uses: Retail, Office & Residential

II. Project Background

On June 6, 2011 the Planning Board approved the final site plan application for Phase 2 of Bedford Medical Park which included a new 3-story 50,040 square foot medical office building. As part of this approval, the Board granted waivers for new building signs, but the ground sign was not approved and at that time the applicant was seeking a waiver to allow a sign height of 14 feet and an area of 93 square feet with up-lighting. An application for a sign (60.75 square foot and 10 feet in height) was pending on the September 12, 2011 Planning Board agenda, however it was withdrawn prior to the meeting.

On October 17, 2011 a free standing sign of 113.07 square feet and 12 feet in height was presented for final approval, but was withdrawn by the applicant after lengthy discussion by the Board. On January 9, 2012 the Planning Board approved the 100 square foot ground sign that exists at the intersection of South River Road and Washington Place.

On February 24, 2014 the Planning Board voted to approve a sign waiver to allow six additional ground signs for the Bedford Medical Park at Washington Place. Five of the proposed signs are 6 feet in height and contain approximately 15 square feet of sign area each. The sixth sign is an exit sign that is 3.75 square feet and appears to be about 3 feet high.

III. Waiver Request:

When the Planning Board approved the sign waiver for the six additional ground signs in 2014, a statement was made by the owner at the public hearing that the grounds signs would be used in lieu of building signs (see attached meeting minutes). The owner is now asking for an amendment to the previous approval to allow two additional building signs on the medical office building at 9 Washington Place.

One sign is for CMC Breast Care Center. The sign consists halo illuminated letters mounted on a white background. The sign is 31.8 square feet and would be affixed to the building below the second story windows on the north side of the building.

The second sign is for New Hampshire Orthopaedic Center. The sign would be placed next to the “CMC Breast Care Center” sign. The sign is 8 square feet, non-illuminated, with cut-out letters mounted on a white background. The content of the sign consists of the organization’s logo and name.

The Planning Department supports this request due to the fact that the recently passed zoning amendment would allow for the installation of both proposed signs without a waiver, but because of the statements made during the review of the previously approved waivers, the Applicant needed to seek clarification from the Board.

The Zoning Ordinance permits a waiver in the Performance Zone where the applicant demonstrates substantial compliance with the five purpose statements listed below (see attached letter from the Applicant):

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

IV. Staff Recommendation:

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

I move that the Planning Board amend previous action on a waiver from Section 275-68 & Table 6 for signs at the Bedford Medical Park at Washington Place, Lot 46-51-1, to allow two building signs as shown on the plan from Jutras Signs and Flags, dated July 6, 2016, as the

Planning Board finds that the applicant has shown substantial compliance with the purpose statement of the Performance Zone.

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

I move that the Planning Board deny the request to amend the previous action on a waiver from Section 275-68 & Table 6 for signs at the Bedford Medical Park at Washington Place, Lot 46-51-1, to allow two building signs as shown on the plan from Jutras Signs and Flags, dated July 6, 2016, as the request does not meet the spirit and intent of the Zoning Ordinance and no compelling hardship or substantial compliance has been shown.

Acting Chairman McGinley recused herself from this application. Councilor Bandazian was appointing Acting Chairman for this application and Mr. Scanlon was appointed to vote in place of Acting Chairman McGinley.

Cathy Champagne, Jutras Signs, and Steven Freeman, owners' representative from Catholic Medical Center, were present to address this application.

Ms. Champagne stated the sign in the rendering on the screen is for the CMC Breast Care Center. There is one proposed for New Hampshire Orthopedics and if you are agreeable, I would like to table that one until the next hearing. There has been a change and we are just not prepared to present it because it has already been publicly noticed. Town Manager Sawyer stated just so the Board knows, that was the last sheet of that application that showed that additional sign, it was a square sign for New Hampshire Orthopedics, so that is the sign they don't want to take action on tonight. Ms. Champagne stated that is correct. Councilor Bandazian asked that is an aspect of Application #6? Ms. Champagne replied yes. Town Manager Sawyer asked do you know when you will be ready or do you just want to reapply? Ms. Champagne replied I think we would be fine at the next meeting on September 12th. That should be fine.

Ms. Champagne stated the sign that you see for Catholic Medical Center is allowed per the Town ordinance but apparently there were some statements made at a prior hearing that additional signs wouldn't be added to the building. I wasn't there and I didn't make the statements but I'm going to offer an opinion where until the buildings are full, it is really hard to know exactly what they are going to need. Every office is different, every business is a little bit different, and now that the buildings are filling up, these needs are coming up. So we are asking for some reconsideration to the statement that no additional building signs would be going up. Other than that statement these appear to be allowed under the ordinance for the Performance Zone. Ms. Hebert stated in March the Zoning Ordinance was amended to allow additional signage for upper story tenants in multi-tenant buildings in the Performance Zone so they have the ability to install up to four 32 square foot signs for tenants in multi-tenant buildings provided they are not listed more than once. Mr. Pincince asked on the same building? Ms. Hebert replied up to four signs on the same building. Mr. Pincince stated so theoretically by ordinance they can have a sign on all four elevations of a building, assuming the building is square. Town Manager Sawyer stated the signs could be all on the same elevation. Ms. Hebert stated but they can't have more than four signs for the multi-tenant building. Town Manager Sawyer stated that gets me back to your original statement about needing

to come back for the other sign. If that sign is also permitted by right now, we are really just talking about the Board being comfortable with relieving the property owner of the statement made previously. It is not as much about granting signage as it is relieving them of a statement that was made on the public record. I am not sure you would need to come back, in my opinion, if they were comfortable relieving them of that obligation that they made to us. Ms. Hebert stated so CMC Breast Care Center and New Hampshire Orthopedics would each be allowed up to a 32 square foot sign on the building. Mr. Pincince stated the sign that says Emergency Care now that is on South River Road. Mr. Freeman stated that is on 5 Washington Place and this application is for 9 Washington Place. That is the Urgent Care building.

Councilor Bandazian asked these signs are north facing, they are not facing South River Road? Ms. Champagne replied that is correct. They are facing north and this is a building that is set back a little bit further back. Mr. Pincince asked so you are on the campus and you are trying to find your way to the building and there is the sign that tells you where the building is. Mr. Freeman stated this sign in particular is about 30 feet east of the main road into the complex. When you are at a stop sign, you are looking to the left, to the southeast, at Breast Care Center, and to the right is the urgent care center and then further towards the highway are the other tenants.

Mr. Fairman stated I certainly concur with relieving them of the previous statement so then there is no action required beyond that. Is that right? Councilor Bandazian replied from my own personal experience is now that the buildings are occupied I want to be watching for cars pulling out of parking spaces and people walking from cars to buildings rather than trying to find the building that I am looking at, which I personally have had trouble finding the building that I am looking for. Mr. Cote stated I can attest to that. I know someone that had a problem finding the CMC Breast Care Center even though they did know it was at 9 Washington Place. They were confused about where it was. Mr. Freeman stated it is pretty much the number one complaint from our patients is we don't know which building it is or how to find it. Town Manager Sawyer stated I just want it to be clear. We keep saying these signs; that is one and the same sign there, it is just a daytime view and a darker time view. Mr. Pincince stated but when you are on the campus and you span around, you know which one is which because when you get into that campus, it can be confusing. Mr. Freeman responded it is, and the existing directory sign that is there you can't see from your car. That is really intended for the people as they are approaching the building to tell them they are heading in the right direction.

Town Manager Sawyer stated in reading the proposed motion I certainly understand that staff was trying to be the most restrictive here. I think I would prefer to change that if the Board is comfortable with it to allow them to do signage that is now permitted by right versus limiting them to just two signs, so that way they are not coming back here again if they want to do something that is permitted by right. I certainly want to hear what abutters have to say if there are any.

Councilor Bandazian asked for comments or questions from the audience. There were none.

MOTION by Mr. Cote that the Planning Board finds that in spite of the previous statements made during the review of the previously approved waiver, that a waiver is not required to install signage that is permitted by right. Mr. McMahan duly seconded the motion. Vote taken - all in favor. Motion carried.

5. A.C.S Realty, LLC (Owner) and CMC Urgent Care (Applicant) – Request for approval of a waiver to Article 275-68 and Table 6, Performance Zone Sign Standards to allow three additional building signs at 5 Washington Place, Lot 46-51-1, Zoned PZ.

A staff report from Becky Hebert, Planning Director, dated August 15, 2016 as follows:

I. Project Statistics:

Owner: ASC Realty, LLC
Applicant: CMC Urgent Care
Proposal: Waiver for 3 additional wall signs
Location: 5 Washington Place, Lot 46-51-1
Existing Zoning: "PZ" – Performance Zone
Surrounding Uses: Retail, Office & Residential

II. Project Background

On May 3, 2010, the Planning Board approved the final site plan application for Phase 1 of Bedford Medical Park, including the 34,980 square foot medical office building/urgent care facility at the corner of Washington Place and South River Road. The Board also approved a sign waiver to allow three building signs mounted above the first floor windows.

On June 6, 2011 the Planning Board approved the final site plan application for Phase 2 of Bedford Medical Park which included a new 3-story 50,040 square foot medical office building. As part of this approval, the Board granted waivers for new building signs, but the ground sign was not approved and at that time the applicant was seeking a waiver to allow a sign height of 14 feet and an area of 93 square feet with up-lighting. An application for a sign (60.75 square foot and 10 feet in height) was pending on the September 12, 2011 Planning Board agenda, however it was withdrawn prior to the meeting.

On October 17, 2011 a free standing sign of 113.07 square feet and 12 feet in height was presented for final approval, but was withdrawn by the applicant after lengthy discussion by the Board. On January 9, 2012 the Planning Board approved the 100 square foot ground sign that exists at the intersection of South River Road and Washington Place.

On February 24, 2014 the Planning Board voted to approve a sign waiver to allow six additional ground signs for the Bedford Medical Park at Washington Place. Five of the proposed signs are 6 feet in height and contain approximately 15 square feet of sign area each. The sixth sign is an exit sign that is 3.75 square feet and appears to be about 3 feet high.

III. Waiver Request:

The request is for three new building mounted signs at the CMC Urgent Care facility at 5 Washington Place. The Applicant is proposing to update the existing signage as follows:

- *The existing "Urgent Care" sign on the west elevation (facing South River Road) will be replaced with a new sign consisting of halo lit individually cut letters displaying*

“CMC/Urgent Care” on a rectangular white background. The new overall size of the proposed sign is 85 square feet (including the white background). The area of the proposed text is 33.85 square feet, if each word and logo are measured separately.

- The existing “Urgent Care” sign on the north elevation will remain and a new 30 square foot “CMC/Urgent Care” sign will be added. The sign also includes halo lit individually cut letters mounted to a white rectangular background.*
- A new “CMC/Urgent Care” sign will be placed on the south elevation. This sign is identical to the sign on the north elevation.*

There will be a total of four signs on the building, three new “CMC/Urgent Care” signs and one existing “Urgent Care” sign. The Applicant explains that the new signs are needed as part of the hospital’s branding effort. They would like to maintain the existing “Urgent Care” sign on the north elevation to avoid exposing penetrations into the building that were created when the sign was originally installed. Please see the attached letter from the Applicant.

The Planning Department does not object to the new signs on the north and south elevations, but would recommend that the existing “Urgent Care” sign on the north elevation be removed. The brick can be refurbished and the penetrations restored to improve the appearance of the building. The signs are similar to those approved as part of the original site plan in 2010.

The proposed sign on the west elevation is larger than the maximum allowed (32 square feet). Staff recommends that the size of the individually measured “CMC/ Urgent Care” letters be reduced to 32 square feet. The overall sign area which includes the white background would continue to be 85 square feet. The Board should discuss whether or not the new white sign band which runs along the entire length of the brick wall should also be reduced in size. The sign would appear smaller if the white background only included a rectangle to frame the sign elements (similar to the proposed signs on the north and south elevations).

The Zoning Ordinance permits a waiver in the Performance Zone where the applicant demonstrates substantial compliance with the five purpose statements listed below (see attached letter from the Applicant):

- A. To attract environmentally acceptable commercial, industrial, recreational, institutional, and residential uses to the District;*
- B. To encourage diversity in the community tax base through appropriate flexibility in land use and land use development;*
- C. To optimize financial return on public infrastructure investments and expenditures, including municipal sewer, municipal water supply, the Manchester Airport, Class I and II public highways, and the Merrimack River amenities;*
- D. To minimize adverse traffic impacts on U.S. Route 3, the I-293/NH Route 101 Interchange, and surrounding local streets and roadways; and*

- E. *To preserve valuable historical, cultural, and natural features within the district and to minimize adverse environmental impacts such as water, air, light, noise pollution, flooding, clear cutting of vegetation, and the blocking of scenic views.*

IV. Staff Recommendation:

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

I move that the Planning Board approve a waiver from Section 275-68 & Table 6 to allow three new building signs, at 5 Washington Place, Lot 46-51-1, as shown on the plan from Jutras Signs and Flags, dated April 8, 2015, as the Planning Board finds that the applicant has shown substantial compliance with the purpose statement of the Performance Zone, with the condition that the existing “Urgent Care” sign on the north elevation be removed and the size of the new “CMC/Urgent Care” letters be reduced in size to 32 square feet.

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

I move that the Planning Board deny the waiver request from Section 275-68 & Table 6 to allow three new building signs at 5 Washington Place, Lot 46-51-1, as shown on the plan from Jutras Signs and Flags, dated April 8, 2015, as the request does not meet the spirit and intent of the Zoning Ordinance and no compelling hardship or substantial compliance has been shown.

Acting Chairman McGinley recused herself from this application. Councilor Bandazian was appointing Acting Chairman for this application and Mr. Scanlon was appointed to vote in place of Acting Chairman McGinley.

Cathy Champagne, Jutras Signs, and Steven Freeman, owners’ representative from Catholic Medical Center were present to address this application.

Mr. Freeman asked Town Manager Sawyer, if this condition is struck, it is relative to the entire complex or was it specific to 9 or 5 or 11 Washington Place? I don’t recall the details on that. Town Manager Sawyer stated I want Ms. Hebert to back me up; she has probably read the minutes more recently. My understanding is that it was 9 Washington Place. Ms. Hebert stated it is my understanding it was for 9 Washington Place. Mr. Freeman asked the other buildings never had the restriction? Town Manager Sawyer stated the other buildings never had the restriction. We have allowed signage on those other buildings since that time. We have allowed signage on the imagining building since that.

Mr. Pincince stated talking about the urgent care building now; I read through the packet and I didn’t quite understand this current sign that is on South River Road. You want to leave that there? Ms. Champagne replied there are a few different signs, and there is one in particular, there is a set of letters facing north and it is further back on the building and we considered taking it down and then when we were all talking and discussing what that would create, is you are going to see a lot of holes in the brick building and even though that can be patched and repaired, we really thought about it and said they are somewhat generic letters. They just read URGENT CARE, they don’t have any real branding on them and we thought if you are agreeable, the preference would be, and

I know the owner felt this way, to keep the letters there. They are further back, they are a little bit disconnected from the rest of the branding that we have on the front of the building and it was purely just to try to preserve the nice look of the building and not create the holes. Mr. Pincince asked when you make reference to the front of building; you are referencing the South River Road elevation? Ms. Champagne responded I am saying front and I'm talking about the elevation of the building that is where the front door is. Mr. Freeman stated the front door faces east towards the Breast Care Center, the front of the building faces west on South River Road with no entry doors on it. Ms. Champagne stated if we can call it front, I won't get confused when we talk about it again. On some of the layouts you are going to see that we actually identify the west/south/north/east sides.

Ms. Champagne stated I think the first one to talk about is the front of the building. There is a set of letters there now and just says, again, pretty generically, URGENT CARE and you will see the sign that we have proposed with the new branding. We did something a little bit different with this sign. Posted you can see the detail of what we did here for the design element. We tried to preserve the architectural integrity of the building, we didn't want to cover any of the trim or molding on the corners of the building and we used flat background panels so there won't be as many holes in the building when we install it, and subsequently in the future perhaps if we replace it or take it down. They were designed with those thoughts in mind and there is a detail there on the front. Then the challenge was that sign is there now but, again, I don't know what the feedback has been from people going to urgent care, but if you don't pay attention to that front sign, the other signs cannot be quite as helpful. So we designed two of the matching signs to go on the side of the building and you will notice that that front part of the building has brick, the side of the north and south elevations are siding, so we had to treat it a little bit differently and we did. We just simplified the sign a bit so that you just have the branding on both sides so whether you are traveling north or south, you are going to catch it, and then that north elevation generic set of letters reading URGENT CARE. The fact that it didn't have any branding I thought that there was a little bit of a practical sense of leaving the letters where they are now just for a little bit further identification.

Mr. Pincince asked what is the lighting? If my memory is correct, the words emergency care are lit within. Ms. Champagne replied we created this sign so that the lighting comes out from within the letters and it creates a halo effect. If you will look, we have got sort of a night view there showing that the letters are going to look like they are silhouetted. That is kind of a nicer lighting feature than just having something backlit in a traditional way. The background pretty much disappears and only the letters light up. You don't have an illuminated background or anything like that. It is a little bit softer. Mr. Freeman stated and this is the same exact treatment that the Breast Care Center has so that at night they all have the same design to them.

Mr. Cote asked Ms. Hebert, if we allow them to leave that URGENT CARE sign there, could they technically be allowed to put a different sign there if we don't take that away? Ms. Hebert replied yes. Mr. Freeman replied it would be equal to the square footage of the volume of the letters. Ms. Hebert replied that is correct, unless as part of this waiver request the Board had it be removed as a condition. Ms. Champagne stated originally we had planned on removing it; it is a little bit redundant, but since it is just far enough back away from the new sign that we are proposing, which is much closer to the road, it just seemed that for people who are actually in the park, it might be

helpful for them. And, again, since it is already there it just seemed like a practical thing to see if we could leave it. If it were to come down for any reason, I don't think replacing it with a new branded sign would make a lot of sense. It just wouldn't look right on the building. Mr. Freeman stated and to Ms. Champagne's point, if we do remove it, there will be about 56 holes in the building that will always sort of devalue the aesthetic of that building because you just can't fill it so it looks good. You will see a bunch of similar colored red holes that are about thumb size. Ms. Champagne stated you can patch it and you can do the best you can, you can do a good job, but it is never like it was, it never looks quite right to me. That was the biggest reason we wanted to leave them there. Mr. Cote stated I think you could but it would cost some money to fix it right, speaking to a former masonry company owner. Ms. Champagne responded you are right. We have had contractors come in on special jobs but it is very pricey. Mr. Freeman asked you are suggesting replacing the brick? Mr. Cote replied yes. Is there some way we can allow them to leave it there but that it can't be changed in the future? That if they decide to remove that sign, it is no longer an approved sign area? Ms. Hebert replied you could attach a condition to this waiver that the URGENT CARE sign could remain and would need to be removed if CMC urgent care were to no longer be a tenant within the building. Those types of conditions are hard for staff to track though. Mr. Cote stated our concern is if we let you keep the sign there, it is another sign that you are allowed by right basically. Ms. Champagne responded I see what you mean. Mr. Cote stated not that we have a problem with you, but in the future. Ms. Hebert stated I think the sign is also set at the second story level, so you are not looking at it at ground level. How high up is the URGENT CARE sign? Mr. Freeman replied it is above the second story windows. Town Manager Sawyer asked did you consider putting that new panel over the existing sign area to hide the holes? Ms. Champagne replied we thought about it but the problem we are trying to solve is the traffic view on South River Road. The sign is too far back, which is why we didn't plan on either making it a second one or covering it. If ever that sign were to come down or want to be replaced, that would trigger a sign permit application. Is that correct? Ms. Hebert replied yes, potentially. Ms. Champagne stated I agree it is hard to track; I am just trying to think of some mechanism that would help that. Mr. McMahan stated I agree with Mr. Cote. Town Manager Sawyer stated so the waiver is because the size of the one on South River Road and the number of signs. Is it because it is all the same tenant getting the signs? Ms. Hebert replied that is correct. Town Manager Sawyer asked the ordinance currently allows a tenant to be on no more than one sign? Is that what we changed it to? Ms. Hebert replied right or they can split their allowable sign area. There are three wall signs, and actually a fourth to remain, on the building. Town Manager Sawyer asked so the number of signs would technically be okay but you are looking for five signs? Ms. Hebert stated right, and the four signs for multi-tenant buildings, which this is. Without the waiver CMC urgent care would be allowed the one 32 square foot wall sign.

Mr. Rohe stated in looking at the pictures, the west, the south and the north elevation I am all fine with. I am just kind of hung up at the moment on the additional urgent care sign on the north elevation. I happen to agree with Mr. Cote and Mr. McMahan. You could even remove the brick and put in an efface that would come close to matching that color regardless of 50 some odd holes. Unfortunately that is what it is, but I think the west elevation, I am fine with because you are taking down the existing urgent care sign and you are going over the top of it with this new sign. Ms. Champagne stated that's correct. Mr. Rohe stated the south elevation doesn't have any signage on it and you are looking to put this sign on. The east elevation currently has no signage on it? Mr. Freeman replied it has building directory signage. Mr. Rohe asked but it doesn't have anything on

the actual building itself? The directory itself is just underneath the awning? Mr. Freeman replied there are two piers holding up the awning. One says Willowbend and one says Dartmouth Hitchcock and their practices and there is a small directory sign that says urgent care center. Nothing of this magnitude on the east elevation. Mr. Rohe stated I guess on the north elevation I understand their point of having it pushed out farther to the outside of the building because that is along the South River Road corridor where the urgent care sign that it is there now is pushed back roughly 60 or 70 feet from South River Road. I am just not comfortable with the urgent care sign remaining because, again, like Mr. McMahan and Mr. Cote, I agree that that can be patched effectively. Mr. Cote stated I guess I don't really object to it remaining, but I guess my objection is that if we allow that sign to stay, then it could be changed to something else in the future without any control by the Board. Mr. McMahan stated yes. Mr. Cote stated if there is a way to revoke the extra sign if it comes down, but as Ms. Hebert said it is hard for staff to control that. Ms. Hebert stated you can add the condition and it will go in the planning file and we are pretty good about catching those types of conditions, but the sign permits are issued in the Building Department so if it is just swapping out a sign, they may not flag it as something that was approved through the waiver process. To be the most conservative would be to have the sign come down and to permit the three new signs, but if you add that condition, it certainly goes on the record. We did catch the earlier application where the applicant had stated in the public hearing that they would not be allowing wall signs on the building and that was recent enough that that was flagged. Town Manager Sawyer stated it is probably the pleasure of the Board, but if you made a statement that the urgent care sign can remain only as it is or otherwise be removed; I think that would go a long way. Mr. Cote stated I hate to put you through extra expense to have it come down now. Ms. Champagne stated and with the three signs that we are proposing, and of course leaving the letters where they are, I honestly can't see if it had to come down for some reason, it is not a location and it wasn't a sign that we looked at to put the new branding on. It is just simply there. So if it were to come down, I would probably say don't put another one up there.

Town Manager Sawyer asked what about meeting the square footage requirements on the west elevation sign? The staff report recommends having that sign be reduced to 32 square feet. You are slightly over that now; you are almost 34 square feet. Ms. Champagne stated it is 33.85 square feet. Mr. McMahan asked what would it look like if you reduced it by 2 feet? Ms. Champagne replied just a tiny bit smaller. What we tried to do here, and it might seem like why couldn't we just squeeze it down to 32 square feet, and what we rely on the designers to do is to make sure that the letters are large enough to be legible, that it is in proportion, it just looks balanced. There are some people that wouldn't notice it, some people would, and I know I would. Mr. McMahan asked can you live with it at 32 square feet so you don't require a waiver? Mr. Freeman replied I know we designed this so it aligns with the details of the building, that is where the height of this came from, and our logo has to maintain its proportions. If we reduce the square footage, there will be a lot more white space on that band and we were trying to balance the proportions of the size of the words and our colors to the façade of brick that is there. I wouldn't be opposed to it, on behalf of CMC I would just want to see an image of it because I don't want to see a big white billboard, even though 2 square feet may be drastically different for how the logo looks on the background. Ms. Champagne stated we were talking about this earlier, the letters reading Catholic Medical Center under the main logo, of CMC; those are very small, very, very tiny. I am going to say from the road there is no way I am going to be able to read them. If those were deducted from the square footage because they are just simply that little, then we are probably right in the 32 square feet.

We included them, but they are pretty insignificant; they are pretty tiny and they are light. Mr. McMahan stated that may be a compromise. Town Manager Sawyer asked are you not halo-lighting those Catholic Medical Center words? Ms. Champagne replied not those little ones. Mr. Freeman stated they are too small to effectively illuminate. Ms. Champagne stated even if we were to illuminate them, it wouldn't help; they are still too small to read from the road. Town Manager Sawyer asked are they just applied to the wall? Ms. Champagne replied it is a light color, so they are the non-illuminated. Town Manager Sawyer asked are they 3-dimensional? Ms. Champagne replied only very slightly. We are not going to go very thick with those because they are so tiny.

Councilor Bandazian asked for comments or questions from the audience. There were none.

Mr. Cote stated in my mind I am debating about whether to require them to reduce it to the 32 square feet or to find that it is okay as it is. I guess it all depends on how you measure it. You could go further and measure that little Catholic Medical Center by itself. Appearance-wise I think it fits in with the 32 square feet. Ms. Hebert responded when I review these I always look for ways to try and bring the signs more into compliance with our regulations, and that was one suggestion that I thought of. But are you really going to notice it, probably not that much.

MOTION by Mr. Cote that the Planning Board approve a waiver from Section 275-68 and Table 6 to allow three new building signs, at 5 Washington Place, Lot 46-51-1, as shown on the plan from Jutras Signs and Flags, dated April 8, 2015, as the Planning Board finds that the applicant has shown substantial compliance with the purpose statement of the Performance Zone, with the condition that if in the future the existing "Urgent Care" sign on the north elevation is removed, there would be no new sign allowed in that location. Town Manager Sawyer duly seconded the motion. Vote taken; motion carried, with Mr. Pincince voting in opposition.

- 6. Bedford Motor Sports Prop. LLC c/o Mini of Bedford (Owner) and Riley Enterprises (Owner) - Request for approval of a Site Plan amendment to expand the car storage area and customer parking at Mini of Bedford and to fill a portion of the wetland area along the common property line between 209 & 213 South River Road, Lots 22-26, 22-27 & 22-28 Zoned PZ.**

A staff report from Becky Hebert, Planning Director, dated August 15, 2016 as follows:

I. Project Statistics:

Owners: Bedford Motor Sports Prop. LLC c/o Mini of Bedford and Riley Enterprises
Proposal: Site Plan amendment to expand the car storage area and customer parking at Mini of Bedford and to fill a portion of the wetland area along the common property line between 209 & 213 South River Road
Location: South River Road, Lots 22-26, 22-27 and 22-28
Existing Zoning: "PZ"- Performance Zone
Surrounding Uses: Commercial

II. Project Background:

On June 7, 2010, the Planning Board approved the site plan for the Mini Cooper automobile dealership and service center.

On August 6, 2012, the Planning Board reviewed a conceptual site plan application for a proposed retail store, restaurant and supermarket/convenience/grocery store on Lot 22-27 and 22-28 located on South River Road adjacent to the existing Mini Cooper dealership.

On January 14, 2013 the Planning Board approved a site pan to clear, grade and stabilize the site to market the property for future commercial development.

On February 10, 2014, the Planning Board approved additional Phase I grading work already completed on site and granted final approval for the amended Phase 1 site plan for clearing, grading and stabilization of 213 South River Road, Lots 22-27 and 22-28.

On May 24, 2016, the Conservation Commission reviewed the wetlands permit and voted not to object to the wetlands fill but recommended the following conditions, should the ZBA approve the variance:

- *The Applicant shall notify the Town annually by certified letter that the stormwater infiltration system has been inspected by a professional engineer with their maintenance recommendations.*
- *Upon completion of the maintenance recommendations, the Town shall receive a certified letter from the professional engineer certifying the completed maintenance and compliance.*

On July 19, 2016, the Zoning Board granted a variance to permit the wetland fill subject to the conditions recommended by the Conservation Commission.

III. Project Description:

The attached site plan amendment is for the expansion of the car storage area and customer parking at Mini of Bedford. The proposal involves filling 7,595 square feet of wetland along the common property line between 209 & 213 South River Road to create a level area for the vehicle storage and parking. The improvements will add 16 new customer parking spaces and storage for up to 28 vehicles. The site is located across from the Target/Lowes development and Patten Brook surrounds the development on the north and east sides. The Mini Cooper site shares a driveway with 213 South River Road, which is currently undeveloped, but has been cleared and graded. The existing culvert at the site driveway will be extended and the ravine between the properties will be filled.

In 2015 the Zoning Ordinance was amended to remove automobile sales as a permitted use in the PZ. The Applicant has applied for a waiver to permit the expansion of the pre-existing non-

conforming use (waiver #3). Staff does not object to the waiver for the automobile sales use at this location.

Stormwater

As part of the project, the Applicant is proposing new stormwater treatment facilities to improve the run-off from the Mini of Bedford site, as well as run-off from South River Road and the Lowes/Target development. The design will provide additional treatment for 30+ acres of upstream drainage to improve the quality of water flowing into Patten Brook. The design includes a gravel wetland, bioswale, and large underground infiltration system for recharge and stormwater treatment.

VHB has reviewed the drainage report and concurs with the overall design, but had several technical comments (see attached). The design engineer is in the process of addressing the comments and all technical concerns will need to be resolved as a condition of approval (condition #1).

The project needs a NHDES Wetland Dredge and Fill permit and an Alteration of Terrain permit. Mitigation will be required as a condition of the wetlands permit. It's our understanding the mitigation will include a payment to the NHDES ARM fund and a deed restriction will be placed on land adjacent to Patten Brook.

There is an existing drainage easement to the Town which crosses the property. The easement will need to be modified to take into account the new stormwater improvements. It is also recommended that the Applicant be responsible for all of the maintenance associated with the new drainage system (condition #4).

Landscaping

The Applicant has requested a waiver from Section 317.1.20 which requires that a landscape plan be submitted (waiver #1). Staff does not support a complete waiver of the landscaping requirements. At a minimum, a landscape plan should be provided for the Mini Cooper site for the required PZ plantings (condition #7). A note should also be included on the plan stating that the landscaping for Lots 22-27 & 22-28 will be provided at such time that the site is developed (condition #7).

The Applicant has also requested a waiver to provide an exterior landscape strip and a side landscape strip that is narrower than what is typically required (waiver #2). Staff does not object to the reduced width of the landscape strips because the landscape island is 20 feet wide but straddles the lot line and functions as a wider landscape island.

Driveway Access

VHB has commented in the past that the driveway alignment could be improved by increasing the distance between South River Road and the internal intersection. This would provide additional queuing space for vehicles. The plan has been modified to increase the separation between the intersections and the Mini Cooper driveway has been re-aligned opposite the proposed access drive to 213 South River Road.

Cross easements for all three lots will be required for the proposed drainage system and shared driveway (condition #3). The Applicant has also provided a concept plan illustrating the proposed access to Lots 22-27 & 22-28. The future use of the undeveloped land has not yet been identified. A note should be provided on the plan stating that with the Planning Board's approval of this plan, there is no authorization or implied future approvals by the Board (condition #13).

IV. Waivers

The Applicant has requested waivers from the following sections of the Land Development Control Regulations and Zoning Ordinance (see attached waiver request letters):

- 1. Section 317.1.20 of the Land Development Control Regulations to waive the requirement that a landscaping plan be submitted;*
- 2. Article 275-63 of the Zoning Ordinance, to eliminate the exterior pavement landscape strip and reduce the side landscape strip for Lot 22-27 to 6.2 feet; and*
- 3. Article 275-61 of the Zoning Ordinance and the Table of Uses, to allow the expansion of the automobile sales use in the Performance Zone.*

With the recommended conditions of approval, Staff does not object to the requested waivers.

V. Staff Recommendations:

The Planning Board needs to vote on whether or not to act on the waivers from Section 317.2.20 of the Land Development Control Regulations and from the Zoning Ordinance Articles 275-63 and 275-61 and the Table of Uses.

Staff is recommending that the Board grant the waivers to Section 317.1.20 of the Land Development Control Regulations with the condition that a landscape plan be provided for the required plantings at the Mini of Bedford site; and a note be included on the plan stating that the landscaping for Lots 22-27 & 22-28 will be provided at such time the site is developed (condition #7).

Planning staff recommends that the Planning Board grant final site plan approval for the proposed site plan amendment for expanded customer parking and vehicle storage at 209 and 213 South River Road, Lots 22-26, 22-27 and 22-28, in accordance with engineering plans prepared by CLD Consulting Engineers, last revised July 27, 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. The Department of Public Works Director and the Planning Director shall determine that the applicant has addressed all remaining technical review comments to the Town's satisfaction.*
- 2. In the event that the Planning Board approves the waivers, the plan shall be updated to list the waivers granted as approved.*

3. *Amended drainage easements and cross access easements for the benefit of Lots 22-26, 22-27 & 22-28 shall be provided.*
4. *The drainage easement to the Town shall be amended to take into account the revised stormwater improvements and shall also specify that it shall be the Applicant's responsible to maintain the drainage system.*
5. *The NHDES Alteration of Terrain permit shall be obtained and the permit number shall be noted on the plan.*
6. *The NHDES Wetlands Dredge and Fill permit shall be obtained and the permit number shall be noted on the plan.*
7. *The Applicant shall provide a landscape plan with the required Performance Zone landscaping for the Mini Cooper site and a note shall be included on the plan stating that the landscaping for Lots 22-27 & 22-28 shall be provided at such time the site is developed.*
8. *The Applicant shall submit any outstanding engineering review fees to the Department of Public Works.*
9. *Prior to the commencement of work, a performance guarantee in an amount approved by the Town for onsite maintenance of erosion and sedimentation controls shall be placed on file.*
10. *Prior to commencement of the additional work, arrangements will be made with the Planning Department regarding payment and coordination of third party inspections.*
11. *Prior to commencement of the work, a pre-construction conference will be held with the Planning and Public Works departments.*
12. *With approval of this plan, there is no authorization or implied future approvals by the Planning Board for Lots 22-27 & 22-28.*

Ms. McGinley returned to the meeting as Acting Chairman and Mr. Scanlon was removed as a voting member.

Brian Pratt, CLD Consulting Engineers, Rob Roseen, Waterstone Engineering, PLLC, and Jim Gove, Gove Environmental Services, Inc., were present to address this site plan amendment application.

Mr. Pratt stated the reason that we are here is for the Mini Cooper dealer. They realized that they needed more vehicle storage. The Fire Department asked them to look into ways to be able to store some of their vehicles because they have so many vehicles on the site that they ended up parking them in the drive aisles, which was causing kind of a fire hazard because they weren't able to circulate the facility properly. We initially looked at it and the site is kind of bounded by Patten Brook on the north, by DOT land and Patten Brook on the west, and then it was bounded by an intermittent stream channel on the east. It is a tight site. We ended up meeting with NHDES's Rene Pelletier onsite and kind of went over the situation with him and initially he was skeptical that something would work but kind of discussed the following idea. There is a ravine that is an intermittent wetland that is basically just stormwater runoff that comes from the Target/Lowe's across the street and then about 5 acres of South River Road as well. What we kind of agreed to with Mr. Pelletier was to look into the possibility of filling that ravine, which is about 9,000 square

feet of wetland, so it is a significant amount of wetlands but it is basically just stormwater transport. It is really not high value wetland like Patten Brook is to the north. What we kind of talked about was coming up with an idea to do a really robust stormwater management system, and what that would do is provide some stormwater treatment for about 5 acres of untreated impervious area basically most of South River Road. A lot of the pavement on South River Road just flows directly to Patten brook, basically untreated.

Mr. Pratt continued as shown on the posted site plan, what we came up with is the gray areas are the proposed new pavement areas on the Mini Cooper site. The spaces shown are basically vehicle storage. Mini Cooper cars are really small so we are able to kind of pack them in, there is an area for another 20+ parking spaces in that for vehicle storage and then in this area they also need additional area for some customer parking as well. The area shown is customer parking and we show a connection through. We are reconfiguring the entrance slightly because that entrance area was bounded by the edge of the wetlands, there was retaining wall there, so we are pushing that back a little bit. That will make that intersection function a little better and eventually when 213 South River Road is developed, that will potentially change it. It depends on what we put over there, but that area might be reconfigured anyway, but we pushed these 16 parking spaces back to be able to handle that.

Mr. Pratt continued there are really no changes to utilities because this is all just pavement work. For stormwater there is a really robust system, and I will zoom in on what it looks like right now. There is a catch basin out on South River Road, which is kind of right across from the entrance from Target/Lowe's. From there it flows down and there is a small wetland that is like a wetland pocket in the front of their facility. From there it flows under their driveway entrance and then shown is the gully between the two lots, so there is a steep slope up to the existing parking area on this side and then there is a steep slope up to 213 South River Road. That stormwater flows out and then it just flows right into Patten Brook in this area.

Mr. Pratt stated what we are proposing out by South River Road is to change that to a gravel wetland. We brought Mr. Roseen on to do all the design on that, so I can have him go into some more detail if you are interested. I will give you a brief summary of how the systems function. In the area out by South River Road it is a gravel wetland, which is a manufactured stormwater treatment system, it is a couple of bays, water flows in and then water flows through like a filter media, so it is basically like filtration for lower flows. From there it will flow out, and because we are filling that ravine so high there is a really good opportunity to infiltrate, so we are basically filling this whole area in with some course, crushed stone, 1.0 to 1.5 stone, so we have a huge area for infiltration so a lot of the stormwater, especially all of the low flow stormwater, will definitely all infiltrate down into the ground. Mr. Pincince asked the depression that currently exists to the left when you drive into the dealership is going to be filled in? Mr. Pratt replied yes, it is going to be reconfigured. It will still sit down low, kind of like a swale, it will look kind of like a detention pond with a couple of bays. Mr. Pincince asked the retaining wall will stay there? Mr. Roseen replied the retaining walls will stay there, the general layout will stay the same, but right now it is just fairly overgrown. It will be cleaned up and it will really have a higher aesthetic value so there will be a nice planting plan that will go along with that but it will look a little less rough. Mr. Pratt stated right now it is basically just a swale with a lot of overgrown vegetation.

Acting Chairman McGinley asked can you describe in laymen's term that it sounds like there is going to be an increase in the quality of the water treatment that comes off from the Target/Lowe's site and these two sites? Mr. Pratt replied basically everything that comes from South River Road is untreated for the most part. There are just catch basins and the water, salt, sand, anything that is collected by that stormwater just hits the catch basin and it just flows right through that gully that we were just talking about. Mr. Roseen did all the design on that so I will let him explain that. Mr. Roseen stated in terms of treatment, what we are looking at is basically providing treatment for about 36 acres of upstream area, and as Mr. Pratt mentioned, there is about 5 acres of currently untreated area from South River Road that will be brought into that plus any new areas. But for the fill area we're really only talking about 20,000 square feet of new impervious area. It is a substantial fill area, we are filling essentially a 20-foot deep ravine but from that we are able to provide essentially three types of treatment in line. The first one is the gravel wetland that Mr. Pratt mentioned, and then that flows into a much, much larger gravel subsurface infiltration system. As you can imagine, we will just be building up a berm on the far end, filling it with a tremendous amount of stone and now providing detention and infiltration for approximately 36 acres of upstream drainage area. From a water quality standpoint it is really substantial. The gravel wetland is really one of the best systems out there for water quality, for nutrients and then what infiltration does is provide volume control, volume reduction, and one of the added benefits of that is when we reran the hydrologic models with the updated storm depths from back in 2013, we increased the storm depths, or the State revised the storm depths that we are supposed to design with, those models no longer really function in the same respect for the upstream areas, so the Target/Lowe's model is not handling the revised storm depths. Those are all about 30 percent larger; the 50-year storm went from 5 inches to like 6.5 inches or thereabouts. The new systems are designed to manage those changes from climate change and infiltrate and they do it very, very well, the low predevelopment runoff conditions. Mr. Pincince asked did you say that this was subsurface and my question would be all of that salt, sand, fines, how do you maintain that system or can you maintain that system? Mr. Roseen replied the main way we deal with that is really just very, very robust pretreatment. You are absolutely right. There are three systems; one is the gravel wetland. Imagine all 30 acres, with the exception of what is coming from Mini Cooper and 213 South River Road, that will go through here, so this system is a really heavy duty treatment system, it will do a great job of providing pretreatment for anything that gets here, and this is the subsurface infiltration system. Anything that gets here has to either go through the gravel wetland or what you also see here in the middle is a little confusing; this is a bioswale that actually separates the two properties. What we have done is actually overlain so you see all the new systems, but the property line comes right through the middle and this essentially ends up being a vegetated area between Mini Cooper and the new 213 South River Road site. Anything that is coming off from the newly created areas, will have to go through the bioswale prior to entering the subsurface infiltration system. Then the 4.8 acres or so that comes from the 213 South River Road site all has to come through this series of pretreatment chambers prior to coming into the subsurface infiltration system. So the simple answer is we have focused all of our maintenance on the outside but the larger system itself is maintainable and has col-tech chambers and there is an ONM plan that goes with that. That was part of the review comments that came from Planning's reviewers with a series of checklists and other things. Mr. Pincince asked who is responsible for that maintenance? Mr. Roseen replied that would be the applicant and those are annual reporting requirements with checklists. Mr. Pincince asked and the reports are submitted to whom? Mr. Roseen replied to the Planning Department. Ms. Hebert responded that was a condition of the

Zoning Board approval of the variance request. Mr. Pratt stated and they have to do the inspections for the alteration of terrain permit also. It is not something they are not supposed to be doing; it is just now that they will be sending them to the Town as well.

Mr. Fairman stated the first comment that I have is you need more parking and that says there is more traffic than your initial plan, and yet in your application you say there is no estimated changes to traffic. It sounds incongruent to me. You have more cars therefore you have more traffic; your traffic study has to be obsolete at this point. Once we get the full site, then we can do a full traffic study again updating your parking as well as the other, but in lieu of that before we could fill this wetlands, I think we have to have a traffic study because your traffic study is obsolete. My second comment is that you state in your application that the only reasonable expansion location is the gully between the two lots. I went down there today and on the other side of the gully there is a whole big sand pit, so I think you have options. Rather than fill wetlands, why don't you put your additional parking in that sand lot next door. I will go and say I think that part of the problem I have with this is that we don't know the full plan of the site. If you were to park your cars on the other side of the gully now temporarily until we see a site plan for that site, at that point I would be able to determine the necessity of filling the gully, filling the wetlands. Right now I don't see that that is a need. There are plenty of options for you to park your cars, at least until we see a site plan for the rest of it. I would like you to address those.

Mr. Pratt responded as far as the traffic study; the site has been functioning quite a while and basically they just need a lot more vehicle storage than they anticipated. I don't think the volumes are a huge issue; car dealers don't generally generate a ton of traffic. I'm not aware of any traffic concerns with this intersection, and I don't know of any backups or anything like that. Traffic studies are generally based on square footage; the square footage of the building isn't changing so it is really not generating more trips. Acting Chairman McGinley stated what you are saying is the additional spaces is for parked cars for sale. Mr. Pratt responded most of it. Mr. Fairman stated they are also for customers. A third of them are for customer parking, and this is more traffic. If a car is in there, a car has to go in and out, whether it is for sale or coming in for service or whatever it is, it is more traffic. Mr. Pratt stated traffic studies are based on square footages though, so the traffic study was done for this square footage building so in my opinion it holds up. If we did a new traffic study, it would be exactly the same as the study that was approved unless there are known issues with traffic. Mr. Stanford, are you aware of any issues with in-and-outs there? Every time I drive by there is plenty of queuing distances. I have never seen cars back up waiting, and I drive by there all the time. Mr. Stanford responded I don't know that we have done any studies on that. Mr. Pratt asked have there been any complaints that there are cars blocking the intersection or backing up or anything like that? Mr. Stanford replied I wouldn't necessarily get them. The Police Chief may be able to speak to it more. Mr. Pratt stated and then VHB did a review and I believe they concurred that no traffic study was required. I don't recall them asking for a traffic study, so I think they generally concurred with the fact that no traffic study was required. As I said, if there were known issues, if cars were backing up at the intersection and blocking the intersection and cars were having trouble turning in and out of there, then I would agree that a traffic study would be required. Going by the rules of the ITE and everything, the traffic study would generate the same number of trips. Mr. Fairman asked so your view is that once a study is done no matter how heavy the traffic gets, you don't have to get it again? Mr. Pratt replied no, that is not true at all, that's not what I was saying. Acting Chairman McGinley stated

CLD does say that there are no anticipated changes to the traffic. Mr. Roseen stated and if I could add, the addition of customer parking is to not handle an increase in anticipated customer load; it is rather that the existing customer parking is being used for vehicle storage. It is just simply that they do not have enough parking for vehicle storage and they are required to take a certain number of vehicles on a routine basis from the dealership. It is just how the business model works; they simply don't have parking for the customers at this point because it is all vehicle storage. It is not that there is anticipation for additional customer traffic; it is really more at the behest of the Fire Department for safe passage. The Fire Department has requested that it is for safe passage not due to traffic. Mr. Fairman stated your study was done based on a certain amount of traffic, the cars in the parking lot, and now you have more cars in the parking lot than the initial traffic study. Mr. Roseen responded it is storage. Mr. Fairman replied you are adding 16 customer parking spaces. You are not replacing what you have, that is adding 16 customer spaces. Mr. Roseen stated that is because those 16 customer spots are being used for storage. Mr. Fairman stated please go onto my second question. I am not going to argue about that one.

Mr. Pratt stated as far as parking on the abutting lot, we don't know what is going on with that abutting lot. We have an approved site plan to just basically make a building pad. Mr. Fairman asked but you agree that that could be an option? Mr. Pratt replied I agree it could, however, the owner of that lot, who is also co-applicant, he doesn't want to put restrictions on that other property for future development, and he is in talks with other tenants right now. He can't commit to leasing ½ acre of that land to the abutters. Mr. Fairman stated he won't, not that he can't. That certainly is an option to use that parking temporarily until he gives us a site plan so we can see the whole site and see what it is all about. And since you are filling half the wetlands, we should expect he is going to want to fill the other half. Is that correct? Mr. Pratt replied there is no intent to fill anymore wetlands. Mr. Fairman asked are you speaking for the owner when you say there is no intent to fill the other wetlands? But you have half of it filled and you give permission for that, he is going to want to fill the other half as well? Mr. Pratt stated this will be a flat platform, so this entire wetland area is filled so it is connecting the sites, so they will be at the same level. There is no intent to fill anymore wetlands on this side of the property. Acting Chairman McGinley asked is there another half of wetlands to fill other than what you are showing? Mr. Pratt replied no. Mr. Fairman asked so you are filling it on both lots? Mr. Pratt replied the wetlands straddles the lot line right now, so if you look at the plan posted, the property line, this wetland is on Mini Cooper, it traverses through Mini Cooper, and then it comes out onto 213 South River Road. There is a gully that is 17 feet so we can't just fill half, we have to level the platform. Ms. Hebert asked is it true that NHDES will require or set a condition on their permit that there be no more alterations to wetlands on the site? Mr. Pratt replied they generally do that. Mr. Roseen stated it might be worthy to mention that one of the requests from NHDES was the resubmission that we have just done restores about 9,000 square feet of wetland in the upper portion that is currently built as a retention pond in the upper portion, so that 9,000 square feet is going to be restored as wetland flood plain. What had previously been routed into that retention pond is now coming into the infiltration system, because it is so large it can manage that additional area. Mr. Pratt stated the area that I am highlighting on the screen. It is currently a detention pond that was built as part of the site plan approval for 213 South River Road. That whole area is going to be brought down to wetland elevation and a wetland restoration plan is going to be done, so we are restoring quite a bit of wetlands, and like Mr. Roseen said it's probably also worthy to mention that NHDES actually is viewing this favorably from the standpoint that certainly there is an impact to wetland, but there

will be a large benefit in terms of the quality of the treatment of the 36 acres upstream and the benefit that that will have on Patten Brook for the cool, clear base flow and the removal of metals and other contaminants from the runoff. Acting Chairman McGinley asked Ms. Hebert, do we have as a condition in our notes from your office a restoration of the wetlands on the abutting parcel? Ms. Hebert replied it is not a condition of the Planning approval but it is a condition of their NHDES wetlands permit. Town Manager Sawyer asked does the Town have those plans and drawings? Ms. Hebert replied we do. Mr. Pratt stated the plan I have posted shows the hatched area is the area that is the detention pond currently. That was done per NHDES's request. Originally we were going to pay into the ARM Fund to potentially have funds available for the same watershed, so I know the last time that this applicant did that, the Town did apply and did receive those funds. We did meet with the Conservation Commission on multiple occasions and we got their support. Ms. Hebert stated just to clarify for the Board, the restoration of that flood plain area on the undeveloped parcel is a new request by NHDES and it should be in your packet. Acting Chairman McGinley asked is that something we could add as a condition to make sure that it doesn't change? Ms. Hebert replied yes you could.

Mr. Pratt stated one other thing is the applicant is offering a 50-foot deed restriction on our side of the stream to keep a 50-foot buffer on almost all of the length of Patten Brook that abuts Mini Cooper and 213 South River Road. That is something that NHDES was very happy with as well. That is shown by the hatched areas on the posted plan. Mr. Gove stated one of the things that NHDES made very clear to us was the extraordinary water quality benefits to this project, so remarkably extraordinary that they have actually asked us to submit to them and they are considering right now that there be no payment into the ARM Fund because in fact we are doing other things, such as the deed restrictions along Patten Brook, the south side of Patten Brook, and also essentially creating a wash from the standpoint of wetlands because we're taking an upland and not only lowering it to a wetland level but actually creating flood plain in that area. Essentially what is happening here is we are taking what is functioning as a manmade ditch, carrying manmade stormwater runoff and supplementing it with a system which is going to provide extraordinary water quality benefits to Patten Brook, and those benefits are recognized by Fish & Game and having in fact been promoted and said yes it is a great thing to do. So overall we look at the environmental benefit of this project, we are looking at an extraordinarily proactive project that will provide great benefits to Patten Brook. From that perspective NHDES recognizes that there is a loss of wetlands in the area, that loss of wetlands is on both parcels, but because of the fact that mitigation is taking place on a portion of this from the standpoint of wetland construction, flood plain construction, water quality benefits, and deed restrictions they believe that this is a very good project and they are just right now reviewing the last details.

Mr. Pincince stated I have a question relative to going back in history when this project was first approved. I live less than a mile south so I saw this building come out of the ground and get built. The site plan was obviously, at that time I assume, approved for a certain number of cars and recognizing that cars are going to be stored there; there were facilities in the ground to deal with oil, gas spills and things of that nature. Over time quite frankly I witnessed that that place has become almost a distribution center for Mini Cooper cars and you yourself said earlier that the Fire Chief had concerns about not being able to get around the building because there were cars everywhere. Does that cause you a concern that this concentration of vehicles with fuel and tanks that are sitting on the ground that are not anticipated and that are not reflected in what you

presented us tonight? Mr. Pratt replied these are all brand new cars. Mr. Pincince stated it doesn't matter; they still have fuel in their tanks. Mr. Pratt replied but the seals aren't broken, they are not spilling oil all over the place. Brand new cars don't leak a whole lot. No, the new area that we are adding all pitches toward that bioretention area. Mr. Pincince stated I will redirect my question to the Planning Department. When this project was approved, how many cars were going to be stored on this site? Was that information made available at that time to the Planning Department? Ms. Hebert replied we don't set aside a certain number of cars. The storage area is defined on the plan and the car dealers are very good at putting that jigsaw puzzle together to try and park as many cars as they possibly can within those designated storage areas. Mr. Pincince responded I understand that, but diagrammatically on the drawing they show parking spaces on the drawings that the Planning Department and the Planning Board saw at that time. Ms. Hebert replied yes. Mr. Pincince stated and they did not propose at that time for parking vehicles in fire lanes and accessroads onto and around the property. That is my point. Ms. Hebert responded right, no they did not. Mr. Pratt responded and that is why they are trying to correct the issue to provide space for those vehicles to be safely parked instead of blocking accessroads. The hatched area indicated on the posted plan and the other one flow to this area between these two, this a bioretention area so it is basically just a grassed area, it is depressed, these are pretreatment devices that are basically like little catch basins that collect all of the sand, all the trash, floatables, anything like that and then it spills into this bioretention area. From there everything infiltrates through the ground, so that takes out your oils, anything that is going to drip from those cars will be treated there. Once it gets down into the ground, it gets into that stone layer and infiltrates further and before it ends up making it out to the brook everything travels through a lot of soil. Mr. Roseen stated you ask a very good question about the risk to groundwater or otherwise from vehicle storage and the State classifies how that review process is done. This type of business operation doesn't fall into the category of high risk. The type of things that would be considered high risk are typically large volumes of fuel storage, so an individual vehicle at 20 gallons wouldn't, but if you had a single storage tank of 300 gallons, that would or open storage of other materials like fertilizers or pesticides or any material like that. Anything like that is always required to be stored. Mr. Pincince asked so if I went back to the original drawings, you are telling me that there would be no mitigation systems within the drainage system for oil spills, gas spills? Mr. Roseen replied I absolutely didn't say that. Mr. Pincince stated so I'm saying to you that today there is probably twice as many cars on that site today than there was on the day that the plans were approved to be built. Mr. Roseen replied and you are right, but one of the things I suspect that the issue is here is that it is simply the success of a business. Mr. Pincince stated I disagree; I think it is a distribution center for Mini Cooper of New England. There is a truck there delivering vehicles literally every other day. Mr. Roseen responded it is one of their more successful dealerships, but I will say that the level of treatment that you are seeing proposed here you don't normally see. Mr. Pincince responded I don't have a problem with the level of treatment for what you are trying to do. I am saying that the site is not being used the way it was originally intended to be used. That is my opinion. Mr. Roseen stated I think that is a fair statement. It is largely the curse of success. It is a successful site. The alternative of having a site that doesn't sell anything is not the problem we are dealing with. Mr. Pratt stated and that is why we are here. We are trying to give them a place to put these vehicles, and the place that we are putting these vehicles we are designing new stormwater treatment facilities to treat that. We are trying to bring it back to what was approved and adding the additional pavement area that we need for their storage. Acting Chairman McGinley stated I will have to say that persuasive a bit to me is that NHDES is supporting what

you are doing, because filleting wetlands, whether they are manmade or not, is not something we see very often and I know that the brook is downhill from both of these developments, and I have had concerns of the impact of this development and what may go on in the open site on the brook there. I am glad to see a system approved by the NHDES. Mr. McMahan asked do we have any examples of any other businesses in Bedford where we have had to approve changes based on increase in business? Any expansions? Ms. Hebert replied we review expansions to parking lots and customer parking all the time. In fact we typically do it administratively so the plans don't come to the Planning Board. I can think of a site down the street next to the Executive Office Park where they did a complete redesign of their parking lot and restriped the parking lot and that was approved administratively so they could add some additional parking. We often have these small revisions to sites where they are adding 10 spaces, 15 spaces. I would say that this project doesn't trigger our requirements for an updated traffic study. The trips are based on the use of the building, the square footage of the building. If they were changing the program of the building and adding additional service bays, that is something that might trigger a review of the traffic to take a look at how the site is being used. But just adding some additional vehicle storage to accommodate their use does not. Mr. Fairman stated you might want to look at that rationale because it doesn't make sense to me that a traffic study is built by the size of building not the size of the parking. Ms. Hebert stated it is. Mr. Fairman stated it doesn't make sense. You add parking and you are adding traffic. Ms. Hebert stated it is based on traffic engineering studies of sites all over the country and they develop these trip generation statistics and basically they are used to develop the trip generation for the sites and it is based on the square footage of the use within the building. Acting Chairman McGinley stated again, it appears to me that the difference with this site is that the cars that are parked there, the great number of cars that are parked there, are not cars that drive in and out every day, so they are not trip generation cars, they are inventory. The inventory happens to be cars that are parked outside. Mr. Fairman stated except that they are adding customer parking places as well. So that is not totally true. Acting Chairman McGinley stated the explanation that they just gave was that they were adding new customer parking because the customer parking that was originally designed is being used for storage of cars.

Ms. Hebert stated the Board can certainly review the operation of the site and if there is a design consideration you feel needs to be reviewed as part of the site plan separate from the amount of traffic that comes and out of the site; it is something that the Board can consider. We just wouldn't require an updated traffic study for the project. Mr. Scanlon stated I was also wondering here apropos of the Chairwoman's comments on NHDES. Gentlemen, do you have any of the accolades from NHDES in hard copy? Mr. Gove replied we are still in the process. We have met with NHDES three times, we have had direction from them, we have met with the Army Corp of Engineers, the EPA, New Hampshire Fish & Game, and essentially we are down to the point of just basically discussing with them the compensatory mitigation and that compensatory mitigation discussion may eventually result in a small payment into the ARM Fund, but the only thing left that we have before they will issue a permit is in fact a discussion about the mitigation package. As you know, they don't issue anything until everything is set by them, so they don't issue a pre-permit letter that says here is where we are and here is how far we have to go, but I am more than happy if anybody wants to contact NHDES to ask them about the project, where it is, what is the status, that would be terrific, but in essence where we are right now is in the last 30-day review of our compensatory mitigation package. That is the only review item left. We don't have any other outstanding issues with them as far as alternative analysis, the design of the site, I don't think we

have any outstanding issues with alteration of terrain, they are going to be submitted, those additional comments from alteration of terrain, and there is no request for more information other than the mitigation compensation package from NHDES so we are in the last 30 days of getting ready to have this permit in hand. Mr. Scanlon stated I did want to say please don't assume that I am challenging the authenticity of the accolades that you have received. I thought it might be helpful to have those accolades with the Planning Board because it might mitigate in part some of the expressed concerns from some members of the Board. Those are very positive, high-praise accolades, you have a resume built up for you, get a hard copy of it and I think it should go to the Planning Board and you have it in here. It weighs in your favor. Mr. Gove responded I absolutely, totally agree with you. I would love to be able to have that in a hard copy but until I actually get a permit in hand I can't get that hard copy from them. Acting Chairman McGinley asked Mr. Scanlon, are the alteration of terrain permit and the wetlands dredge and fill permit issued by the NHDES not sufficient evidence of their approval? Mr. Scanlon replied they probably are. Acting Chairman McGinley stated they are recommended conditions of approval. Mr. McMahan stated and we certainly can take their word about the other agencies that have gone in there and thank you for presenting them. Acting Chairman McGinley stated I live near this site and I frequently use that intersection. I don't actually see a backup at that intersection from either side going on South River Road.

Mr. Pratt stated if all goes well, we will have a site plan for 213 South River Road at some point in the near future, but it is tenant driven so it is when the applicant finds a tenant that commits and then we can design a site plan and then at that point we will definitely have to do a new traffic study because that will trigger additional square footage for whatever use goes there. We definitely will have the traffic reviewed at that point. Acting Chairman McGinley stated and for those here that were not on the Board when both sites were approved initially, this owner of that land likes to have an approval for a proposed sized building and parking area and all of that and he does it before he has a tenant because tenants don't always have vision and don't know it can get approved, so they think it markets better. What they have on the other site right now is an approval but not from an actual tenant. Mr. Pratt stated on 213 South River Road we just got an approval to regrade it and it has worked for him. They end up flattening a pad and then a potential tenant drives by and says my business would look nice there, whereas if it is raw land, if it is wooded and sloped, then they don't have that vision sometimes. I know he is in talks with multiple people, I have done multiple concepts on this property for him over the last couple of years, and I know he has one that he is pursuing right now. So hopefully we will be coming back to you in the near future with a site plan, but there is no future wetlands disturbance proposed on this site.

Town Manager Sawyer stated if I could just clarify some things I heard you say earlier, or maybe it was Mr. Roseen. I thought I heard you say the stormwater wasn't being directed to the new infiltration system from 213 South River Road, but now I'm hearing that the detention basin that was designed for that is going away. Mr. Pratt responded we have an alteration of terrain permit for 213 South River Road. The way that is designed to function right now is there is a swale that runs at the top of the bank and it all goes into this detention pond. We have an alteration of terrain permit there for some buildings and parking and stuff but it is all conceptual. We didn't show that to the Town because it would have gotten real complicated and since it wasn't anything real we didn't bother showing it to the Town. That did include a significant underground infiltration system right on this site. What happened after we submitted to NHDES, they suggested that we

remove that detention pond, so as part of this application we added a couple of catch basins that collect the flow, there is a pretreatment system and then it makes its way into that large underground infiltration system. So all of the stormwater treatment now for 213 South River Road will be treated by this new large system that we are installing. Acting Chairman McGinley asked so both sites are treated with the same system? Mr. Pratt replied yes. Mini Cooper has their own underground infiltration system on this side of the site and that is remaining unchanged. The only treatment in this new system is the new pavement that we are adding. Everything else on the site is remaining unchanged but the new pavement is being treated by our new system.

Acting Chairman McGinley asked can you go over again the drainage from the large development on the other side of the road that also is treated? Where is that treated? Mr. Roseen stated there is 36 acres in total. 213 South River Road is almost 5 acres and that 5 acres is captured in a series of basins and then is dropped into this very, very large infiltration system, which has a lot of capacity. We were able to get peak flows and volumes far below the predevelopment condition. Then this new 20,000 square feet is all treated in the bioswale and that is the new imperviousness. Then you have South River Road, which is about 5 acres, that is all routed through a basin that now comes into the gravel wetlands. What previously would have just been a manmade ditch that is providing modest treatment, now it is going to go through a gravel wetland, which does a very good job for nutrients and all of that, does a good job of the quality and then it goes into the infiltration system where you get the volume controls. The additional part you then have is that 25 acres of Target/Lowe's, which is all routed through the basin and the gravel wetland and then into the infiltration system. The only other part I haven't mentioned is what Mr. Pratt had said is the Mini Cooper site, which is a little over 3 acres that is routed eventually through here, that has a good system, it is all subsurface chambers but it doesn't have the volume control. So it does have quality but then the volume controls all come into this infiltration system. What this means is that Patten Brook will be getting base flow, which is very important where you have a lot of parking and rooftops and all of this because you have so much rapid runoff that summertime low flows become a real problem where the streams just dry up. This will go, recharge into the ground, and then provide year-round base flow into the stream. This will serve a real benefit and that is one of the things New Hampshire Fish & Game is quite excited about.

Mr. Fairman stated I would like to suggest that we add another condition that a maintenance plan be submitted for the treatment facility, including the responsibility for conducting that maintenance and the timing and how often it has to be done. We should have a condition on the approval for that maintenance plan. I don't know if that is before starting or before some event happens. Mr. Cote stated that was part of the Zoning Board's conditions of approval. Mr. Fairman stated it is part of theirs but it is not part of ours. Mr. Roseen stated it was also part of the comments from the VHB review letter. We do have an operations and maintenance plan and a checklist and an annual report form in there. That is in the submittal package that you have. Acting Chairman McGinley stated whoever makes the motion can add that.

Acting Chairman McGinley stated I would like to hear what you were talking about base flow because that is another feature that I don't understand. Mr. Roseen stated when you think of flow to a water body like Patten Brook, there are two main components. There is surface water flow, that is whatever is running and is coming down the channel, it is either coming out of a pipe or something like that, not a lot, in the middle of the summer it might even dry up completely. But

then in the middle of the summer when streams are generally not flowing, your base flow is actually what is coming in the form of shallow groundwater. It is where the groundwater table intersects your streams and when it hasn't rained for a month, it is an essential component of stream health is its ability to connect with that shallow groundwater flow. When I refer to cool, clear base flow, I am referring to water that is being held in that infiltration system, it is actually going into the ground but it is shallow groundwater and it is just moving laterally through the ground and it is going to be recharging Patten Brook downstream. And what is important about that is it doesn't happen during storm time. The storm might be over in an hour or two, this happens over the period of days or weeks and provides flow over an extended period of time, and it is cool, which is really a very important part. It is ground temperature, which is about 49 degrees.

Town Manager Sawyer asked Mr. Pratt, is the Zoning Board variance noted on the plan and its conditions? Mr. Pratt stated the date has been added to the cover sheet. We can add the conditions; we just got them recently.

Town Manager Sawyer stated the gravel area that is shown on the site plan on the 213 South River Road lot, the purpose of the plan note says that that is for staging of that property. I'd like it to be clear that that is not to be used for display vehicles or customer or employee vehicles. It is not to be used by Mini Cooper. Is that the intent? Mr. Pratt replied we can do that. Town Manager Sawyer stated we don't want the car dealership expanding out into that area. Mr. Pratt stated when I talked to them they were very, very happy with the amount of additional storage that we are getting for them. I think the ability to have 26 new Mini's stored and 16 new other vehicles. They said that that should address their needs.

Town Manager Sawyer stated I don't believe you have addressed the waiver request for not providing a landscape plan at this time. I understand Waterstone's plans indicate trying to do those drawings later. What is the purpose of doing them later versus now? Mr. Pratt replied we are willing to do a landscaping plan on the Mini side and we request the waiver to push the landscaping on the 213 South River Road side until we have a site plan there. We don't want to put a bunch of landscaping that is going to be ripped up on the 213 South River Road side. We will have Randy Knowles prepare a landscaping plan on the Mini Cooper side. Town Manager Sawyer stated that site is just now maturing, and I would hate to see a bunch of new cars parked there without our typical landscaping. Mr. Pratt stated we did leave some areas between the 16 spot lot and the 26 spots. Town Manager Sawyer stated I did see the area but I just want to make sure that we can get the plan. So Waiver #1 is really only specific to the 213 South River Road side of the site. Mr. Pratt stated this landscaping plan was submitted for the stormwater treatment. Town Manager Sawyer stated it doesn't meet our standards.

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

MOTION by Mr. Cote that the Planning Board grant the waivers to Section 317.1.20 of the Land Development Control Regulations, with the condition that a landscape plan be provided for the required plantings at the Mini of Bedford site; and a note be included on the plan stating that the landscaping for Lots 22-27 and 22-28 will be provided at such time the site is developed, Article 275-63 of the Zoning Ordinance, to eliminate the exterior pavement landscape strip and reduce the side landscape strip

for Lot 22-27 to 6.2 feet; and, Article 275-61 of the Zoning Ordinance and the Table of Uses, to allow the expansion of the automobile sales use in the Performance Zone. Town Manager Sawyer duly seconded the motion. Vote taken; motion carried with Mr. Pincince voting in opposition.

MOTION by Mr. Cote that the Planning Board grant final site plan approval for the proposed site plan amendment for expanded customer parking and vehicle storage at 209 and 213 South River Road, Lots 22-26, 22-27 and 22-28, in accordance with engineering plans prepared by CLD Consulting Engineers, last revised July 27, 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. The Department of Public Works Director and the Planning Director shall determine that the applicant has addressed all remaining technical review comments to the Town's satisfaction.
 2. In the event that the Planning Board approves the waivers, the plan shall be updated to list the waivers granted as approved.
 3. Amended drainage easements and cross access easements for the benefit of Lots 22-26, 22-27 & 22-28 shall be provided.
 4. The drainage easement to the Town shall be amended to take into account the revised stormwater improvements and shall also specify that it shall be the Applicant's responsible to maintain the drainage system.
 5. The NHDES Alteration of Terrain permit shall be obtained and the permit number shall be noted on the plan.
 6. The NHDES Wetlands Dredge and Fill permit shall be obtained and the permit number shall be noted on the plan.
 7. The Applicant shall provide a landscape plan with the required Performance Zone landscaping for the Mini Cooper site and a note shall be included on the plan stating that the landscaping for Lots 22-27 & 22-28 shall be provided at such time as the site is developed.
 8. The Applicant shall submit any outstanding engineering review fees to the Department of Public Works.
 9. Prior to the commencement of work, a performance guarantee in an amount approved by the Town for onsite maintenance of erosion and sedimentation controls shall be placed on file.
 10. Prior to commencement of the additional work, arrangements will be made with the Planning Department regarding payment and coordination of third party inspections.
 11. Prior to commencement of the work, a pre-construction conference will be held with the Planning and Public Works departments.
 12. With approval of this plan, there is no authorization or implied future approvals by the Planning Board for Lots 22-27 & 22-28.
 13. This approval includes the wetland creation and restoration plan as depicted on drawing C-5.1 and as per the New Hampshire DES requirements.
- Town Manager Sawyer duly seconded the motion.

Mr. Rohe asked are we allowing vehicle storage on 209 and 213 South River Road? I thought you said there was no storage on 213 South River Road. Mr. Pratt responded Town Manager Sawyer asked that we add a note to the plan that says no vehicle storage on 213 South River Road, which we are willing to add to the plan. Mr. Cote just read “expanded customer parking and vehicle storage at 209 and 213 South River Road.” Ms. Hebert responded the improvements happen on both of the properties, but the Mini Cooper site is the only site that is permitted to operate as an automobile dealership. Mr. Rohe asked do we need another condition that says no vehicle storage on 213 South River Road? Mr. Cote and Town Manager Sawyer accepted that amendment to the motion as Condition #14. Town Manager Sawyer stated and if we could add another condition that states the Zoning Board conditions of approval will be added to the plan as well. Mr. Cote and Town Manager Sawyer accepted that amendment to the motion to as Condition #15.

Mr. Cote and Town Manager Sawyer accepted the addition of two further conditions as stated below:

14. There is no vehicle parking allowed on Lots 22-27 & 22-28, 213 South River Road.

15. The Zoning Board of Adjustment conditions of approval from their July 19, 2016 meeting shall be added to the plan.

Vote taken; motion carries, with Mr. Fairman and Mr. Pincince voting in opposition.

- 7. HIR Realty, LLC c/o Jiten Hotel Management (Owner) – Request for a conceptual review of a proposed 150 unit multifamily apartment building at the Goffe’s Mill Plaza with associated access, parking, and site improvements, at 121 South River Road, Lots 12-32-3 & 12-32-4, Zoned PZ.**

A staff report from Becky Hebert, Planning Director, dated August 15, 2016 as follows:

I. Project Statistics:

Owners: HIR Realty, LLC c/o Jiten Hotel Management
Proposal: Conceptual review of amendments to the redevelopment of the Wayfarer complex to increase the number of apartments to 150 units
Location: 121 South River Road
Existing Zoning: “PZ” – Performance Zone
Surrounding Uses: Retail & Office

II. Background Information:

On November 18, 2013 the Planning Board reviewed conceptual plans for the demolition of the Wayfarer hotel and conference center and the development of a 51,000 square foot retail building, a 2,900 square foot bank, a 5,874 square foot restaurant, a 4,089 square foot fast food restaurant with drive-thru, and a 4-story, 72 unit multi-family apartment building. On March 10, 2014 The Board reviewed a very similar concept that had slightly reduced retail space and office on a portion of the first floor of the apartments.

On January 21, 2014 the ZBA granted the necessary variances for wetland impacts and encroachments into the wetland setback.

On October 6, 2014, the Planning Board approved the site plan for the redevelopment of the Wayfarer which included a 48,800 square foot retail building, a 2,900 square foot bank, 2 restaurants, a 7,564 square foot spa/personal training space, and a 4-story, 73-unit apartment building.

On March 9, 2015, the Planning Board approved the architecture and associated minor site revisions for the 2,900 square foot Provident Bank building.

III. Project Description:

The approved site plan for the Wayfarer property includes a 48,800 square foot retail building (40,000 square feet would be for Whole Foods and 8,800 square feet is shown as multi-tenant space), a 2,900 square foot bank (Provident Bank), a 5,874 square foot 200 seat restaurant, a 4,490 square foot fast food restaurant with drive-thru, and a 4-story, 73 unit multi-family apartment building with a 7,564 square foot spa and personal training space on the first floor.

The Applicant is proposing to amend the site plan to significantly enlarge the size of the apartment building and increase the number of units from 73 to 150. The fast food restaurant and drive-thru will be eliminated and a 3,550 square foot restaurant with 125 seats would remain along South River Road. The apartment building will consist of market rate units, including 8 studios, 97 one-bedroom and 45 two-bedroom units. The studios will be 604 square feet, one-bedroom units will be 726 square feet and the two-bedroom units will be 1,046 square feet.

The building footprint is “L-shaped” with the long side measuring approximately 355 feet and the shorter wing being approximately 220 feet. The building faces Bowman Brook and generally follows the bend in the brook. As part of the original site plan approval, the Applicant received a variance for encroachments into the 50-foot wetland setback associated with Bowman Brook. The new wing is completely outside of the 50-foot setback.

The residential use is not permitted in the Performance Zone and the Board granted a waiver to allow the standalone apartment building with a spa and fitness center on the first floor. The Applicant will need to re-apply for the use waiver to permit the additional units, and the spa and fitness center are no longer proposed on the ground level.

Building Aesthetics

The building is proposed to be four stories with a peaked roof. The exterior of the building includes a mix of green, sand and clay colored clapboard siding accented with white trim and a cultured stone base. The mass of the building has been broken up with indentations and projections for the porches. The building is approximately 70 feet wide by 575 feet long and about 60 feet in height to the top of the ridge line. Building height in the Performance Zone is measured at the soffit which appears to be 50 feet or less where 80 feet is permitted.

The Applicant has submitted perspective sketches to illustrate the mass of the building as viewed from the Whole Foods parking lot, South River Road and the Bedford Mall. Staff feels the mass of the building is too large for the site and would recommend breaking it into two separate structures, possibly connected with a covered or enclosed walkway. In comparison, the proposed building is approximately 175 feet longer than the Bedford Green apartment building off of Hawthorne Drive, which is 4-stories with 83 units.

The building is also located within a few feet of the paved trail along Bowman Brook. It will be important to make sure the site is designed in a way that continues to promote public use of the trail.

The property was subdivided for financing purposes as part of the original site plan. The proposed apartment building crosses through a lot line. As a condition of Planning Board approval, the lots will need to be merged.

Building designs for the restaurant will be reviewed by the Planning Board at a later date, once the tenant is finalized.

Access, Circulation, Traffic, & Parking

The plan proposes 565 parking spaces where 590 are required. The Applicant will need a waiver not to provide the 25 additional parking spaces (see attached letter). The Town's parking standard for multifamily is 2 spaces per unit, which would mean the apartment building would need 300 parking spaces. The commercial development requires 290 spaces, leaving 275 spaces for the residential units. This represents a parking ratio for the apartments of 1.83 spaces per unit.

Although the site plan is close to providing two parking spaces per unit, staff is concerned about the distribution of these spaces. There are 230 spaces in the vicinity of the apartment building and the remaining spaces are on the south side of Bowman Brook near the Goffe Mill Plaza or adjacent to the proposed restaurant along South River Road. It seems unlikely that a resident would park their vehicle on the south side of Bowman Brook and walk back to their apartment. The 230 spaces results in a parking ratio of 1.53 spaces per unit. The Applicant should review other options for parking including the possibility of structured parking onsite or shared parking with an adjacent property.

As part of the original application, the Planning Board previously granted a waiver to not provide any covered spaces for the residential units where one covered space per unit is required. Due to the increase in the number of units, they will need to re-apply for this waiver.

The town has identified a safety issue at the right-in/right-out driveway at Goffe Mill Plaza. Vehicles continue to make illegal left turns exiting the parking lot, turning south onto South River Road. The Applicant should re-evaluate how the driveway operates and suggest modifications to correct this issue.

Waiver Requests:

The concept plan appears to need the following waivers from the Land Development Control Regulations and Zoning Ordinance:

- 1. Article 275-61, Permitted Uses, to allow a multi-family residential use in the Performance Zone;*
- 2. LDCR Section 322.2.1, Parking Standards footnote 3, to have no covered parking spaces where 150 covered parking spaces are required (1 space per unit); and*
- 3. LDCR Section 322.2, Off-Street Parking Requirements, to allow 565 spaces where 590 spaces are required.*

IV. Staff Recommendation:

The Planning Staff recommends that the Planning Board provide the Applicant with as much input as possible on all aspects of the plan but especially on the parking waivers, architecture and access.

Jeff Kevan, T. F. Moran, Jiten Patel, property owner, and Steve Goodman, GFI Partners, were present to address this conceptual review.

Mr. Kevan stated currently the southern portion of the site is developed with Whole Foods and a connected retail store that they are in the process of signing tenants, and a bank. The northern portion of the site is undeveloped. There we had previously gotten approved apartments in the back of the property and there were two restaurant pads. At this point what we are looking at coming in and we had approved 72 apartments in the rear of the property, and now we are asking to eliminate one of the restaurant pads and are looking for 150 apartments in that back area. If you are looking at the site itself, the previous apartment building basically was the length shown on the screen and there was a restaurant pad in this general area. You can see that we have wrapped that building around and it is proposed to be a 4-story apartment building.

Mr. Kevan stated as you know, what the Board looked for out in this area is kind of a mixed-use type development, and what is posted is to give you a graphical idea of what is in the area and what is within approximately 1,500 feet of where the apartment building will go and what type of development it is. You can see the brown color is retail development, and we have included the proposed redevelopment of the Macy's site and that is what was shown to this Board as conceptual at the last conceptual meeting that they had. This isn't the final but this gives you an idea of what is happening next door to us. You can also see Kilton Road, the Bedford Farms office development, the newly renovated and opened Hannaford store, Bedford Mall, the Whole Foods, and then this is a development that would go in in and around the Macy's area. We show office use, shown are restaurant pads that are out there, and with our proposed apartment building. When you look at walkability, most people talk about 1,200 to 1,500 feet to give you an idea. The idea here is to provide housing in the area. There is office use so as far as potential for employment, as far as working, living, shopping, going to restaurants, you are all within a very short distance at this location. The two issues that we are here for input on are specifically the massing of the building, how do you feel about the size and massing of the building, and then secondly the parking ratios. What we are requesting or talking about is not providing two parking spaces per unit and

on our site, and what that breaks down to, if you look at the total site, and that is how parking had been provided originally, we would have a total of 275 spaces, which plays out to 1.8 spaces per unit and we are proposing 113 1-bedroom units and 37 2-bedroom that would be about 1.47 or 1.5 spaces per bedroom. We will come back and discuss why we feel that is appropriate as we get into this.

Mr. Kevan stated what is posted shows a proposed elevation very similar to I think what was put in front of you before, we are just trying to give you an idea of the massing of the building and how it would be broken up with color and various jogs within the building, balconies and that type of thing. Acting Chairman McGinley asked what was the number of stories in the last proposal? Mr. Kevan replied four. Posted is to give you an idea of the right-in/right-out that comes by the bank, the bank is shown, then the end of the retail portion of the Whole Foods building, then the apartment building on the other side of the brook as you stand looking at it from South River Road. I had a second perspective from over by the Bedford Mall that is not here for you to see. Town Manager Sawyer stated we have that in our packet. Mr. Kevan stated we are just trying to give you an idea of what the massing looks like. If you are looking at it from South River Road, shown is the area approved, this area being an L-shape, your view doesn't change substantially from certain angles. I'm not saying the building isn't larger, but from the view here as you looked in, you were going to see a building from here to here, whether it came forward or not, and previously you had that restaurant in that location. Again, the two items we need to focus on is the site plan we had gotten a waiver to allow residential in the Performance Zone. We are assuming we would continue with that but the question of discussion for you is how do you feel about the number of units, the massing of the building, and then we feel the reduction in parking, because, again, what we are striving to accomplish here is this mixed-use development and not creating a lot of excess parking, unused parking, because various people will be using parking at different times. We feel that the 1.8 spaces per unit is reasonable in this type of setting.

Mr. Fairman stated I have a question about Jiten Hotel Management that is going to be managing this facility. What do you see that your clients would be? You have a lot of studio apartments; I would like to hear a little bit about the company that is going to be managing it and what the client population is that you expect. Mr. Goodman replied we are working with Jiten as a development partner and our specialty and one of our core competencies is apartment development. What we would expect in a project like this in this mixed-use setting is you would see a lot of young, single clientele, and you might see in the 2-bedrooms either a couple with an empty bedroom or two individuals sharing an apartment. It is kind of an urban feel to this project, although we are in Bedford, New Hampshire so it is a new type concept for a suburban area. We are looking at this not as this site but we are looking at the entire site and we see that as kind of a mixed-use community. We would look to provide the housing component to all that shopping and all of that office, all of the amenity packages in the surrounding area. We would expect and we would program the apartment with lots of social areas, gyms, social seating areas, programming for the tenants to interact with each other, so you create more of an urban style setting in this environment and your marketing would be to a younger profile renter. Mr. Fairman asked can you give us some examples of other apartment complexes that you are managing? Mr. Goodman replied we just finished a big project in Manchester, CT, which has about 225 units, just outside of Hartford. We are surrounded by the Manchester retail complex; Manchester, CT has a large retail base that supports the eastern side of Hartford. In Salem, New Hampshire we built a project next to the

Walmart on Route 28, actually built it in the parking lot of the Walmart, and it is very successful, it was rented very well and sold to the Ohio Pension Systems, over ten years ago. We have developed in Manchester, New Hampshire on the river a condominium development called The Point. Right now we are permitting and building some taller, much denser projects in downtown Boston. In Boston we don't have the land so we go taller so we are working on projects that are 25 to 30 stories. It is the same but different. We are looking to accommodate a younger, more mobile client who is not a homeowner but is in employment in the general area, will take advantage of location, proximity to amenities, proximity to employers and employment, and the ability to ride-share, ride bikes, walk, and hopefully take advantage of public transportation, along with having cars. But the usage of the intensity of the automobile is less important at that age than it is to people my age.

Acting Chairman McGinley stated in the letter that was attached in our package, you talk about it allows for the possibility of shared parking and could help the allowable parking spaces to fluctuate with demand. The only restriction that I would think would be absolute is that it has to be land owned by the same owner. We have the Bedford Mall on one side and a development that is going to be going in on the old Macy's site and I would not think that either one of those owners would want apartment dwellers parking without their consent and payment probably. Mr. Goodman responded we're looking at the restaurant development that is part of this project and realizing that there are going to be a lot of off-hour uses where the restaurant will, for the majority of the time, not be using the majority of their parking.

Mr. Cote asked have you considered moving the restaurant somewhere where it is easier access and maybe moving the residential down a little bit? You have that restaurant and the only way you can get to it is to go up by Bob's and then come back down again. Or maybe even make it part of yours. Before there was some mixed-use component to the residential building, so maybe you could put it in the building or do something? Acting Chairman McGinley stated maybe they could break the building into two and have it be two separate buildings with a restaurant attached. Mr. Cote stated you do note some amenity space there, if you could explain what that is. Mr. Goodman stated originally it was designed where they had shown a gym in the building, and from our experience the residential community wants to be secure to itself to the extent we are actually going to use a lot of that first floor for our programming, so we will have a gym, we will have a business center, a community space, probably a small theater, amenities that serve the apartment community, and that is what we envision doing in a lot of that first floor space. With a new apartment building we have to think a lot more about the non-apartment space now to make it more attractive to our tenants, so we have to provide a much larger service and amenity package than you would see in your traditional communities that were built 10+ years ago. In a situation like this we will have much more active amenity space and a much more aggressive programming director. Somebody in that management will really just be in charge of making the quality of life of the community very cohesive.

Mr. Scanlon stated we are discussing this now as if it were fait accompli before getting into whether the increase in the number of apartments is reasonable or not. Mr. Patel, I seem to remember, and I don't think I am wrong on this, that when this was first brought to the Town of Bedford as a project, the first reaction was that is great because we haven't had anything like that here, that land sits vacant and is unused. The second reaction, which I know you heard from some people, was

this is not an ideal development and there are lots of things we would like to see done differently, and I remember that you had some concerns for expectations that might draw a budget on this thing up quite a bit, and having set that background I really have two questions. The first is you are doubling the number of apartments from 18 per floor in a 4-floor building to like 36 or 37 per floor and obviously the composition of the apartments has changed from a plurality of 2-bedroom apartments to 1-bedroom apartments or studios. What is behind your request to come to the Town and say I want to now put 150 apartments up there, double what I had originally planned? Why? Mr. Patel replied I would say more so with just the research that we have done over the last 1.5 to 2 years or so, putting numbers together, pricing things out and taking a look at it. With the way the cost of construction and everything is going it makes it a lot harder to put a smaller box in and substantiate the driving force behind it. We were very fortunate to meet Mr. Goodman who has a lot of experience in apartments and developments of this sort, which was eye opening on what would need to happen to make this a successful development and to really round it off properly. With the original apartments we had put in there we thought it would have been a great idea. The tough thing for us was we didn't want to build a 6- to 7-story building and put in 150 or so units and as we played with the concept a bit, this made a little bit more sense. Mr. Scanlon stated it seems to make sense from an economic point of view, clearly, that is what I am hearing. This is an economic decision because construction costs have gone up, it is hard to make a profit on a building with 50 or 75 units so let's double it to 150. If I remember correctly also, there were two restaurants you were proposing originally. Is that right? Mr. Patel replied that is correct. Mr. Scanlon stated and now one goes away and we are putting 150 apartments in there. I'm not good at hiding my emotions about something, and I for one will say at the outset before we go on fait accompli to be 150 that I am really, really uncomfortable with the very concept of doubling the units from 18 per floor to 37 per floor and then say because these people are younger and probably won't have cars so it's not really going to be a problem that way. At this stage I for one have to really be a lot more comfortable with how you validate 150 beyond the economic motives.

Councilor Bandazian stated we know because we just completed a study last year that your 72 unit apartment building would put 18 kids in our school system and we didn't look at school bus stops or how kids would get to the schools, but at 150 you are putting 38 kids in our school system, and I think we really need to hear from the School District how kids are going to get picked up, where the school bus stop is going to be and how they are going to get safely to and from the pickup place. I see a lot of traffic congestion here and people moving in and out. Those are possibly conservative numbers because with lower priced units I think this would be very attractive to single parents, whether they are divorced or unmarried, looking to put a kid in the Bedford school system and it is very convenient to the highway for commuting. So I think we would have to plan on at least our established ratio, which is basically ¼-student per unit and take a look at how we would handle 38 school kids. Mr. Goodman asked is that based on a unit size like a bedroom count? Councilor Bandazian replied it is based on multi-family. Mr. Goodman asked even like a studio unit you would predict the same amount of students? Town Manager Sawyer responded we don't have very many to work from in Bedford, but that is our average across all multi-family housing in Bedford. Acting Chairman McGinley asked the study that was done is it applicable to the breakout of the number of units and sizes here or was that something that we would need to look at it again? Councilor Bandazian responded like Town Manager Sawyer said, I don't know if we have the numbers to get that fine grain. Acting Chairman McGinley stated that is what I am saying; maybe we would need another study to really know the impact of this type of breakout. I can't

see a studio having two children but clearly a 1-bedroom or 2-bedroom. Mr. Fairman stated to complicate that further, because of our school system you are going to have about three buses twice a day. Mr. Goodman stated obviously we would work with you. Our experience with our communities is that we have a very limited amount of school-aged kids. We do have newborns and we do have toddlers, but our typical community will be a stepping stone and that tenant would typically move to a different type of environment after their child got to school age. Our amenity package and our social setting is really geared toward young adults but not really children. It is children friendly but that is not what you would typically find. Acting Chairman McGinley asked would you anticipate a daycare center in this building? Mr. Goodman replied no.

Mr. McMahan asked could you give us a rough idea what you are looking at for monthly rent for the single and the double? Mr. Goodman replied I don't know the exact unit sizes off the top of my head, but we would expect less than \$2.00 per square foot per month. A 2-bedroom around \$2,000 to \$2,100, and the 1-bedroom would be around \$1,500 to \$1,600, and the studios would be about \$1,200. Mr. McMahan asked does anyone know how that relates to workforce housing costs? Town Manager Sawyer replied those all exceed the workforce housing ratio.

Mr. McMahan asked do you believe the schematic that you are showing for a multi-colored, clapboard apartment building would fit in with the architecture of the rest of the buildings that are going in? Mr. Goodman replied we were trying to mimic the colors and materials of the Whole Foods store. That was just a schematic. Mr. McMahan asked how about the architecture itself? How would that blend in with what you expect? Mr. Goodman responded this is kind of a standard design that we have used where each unit has its own deck or some outdoor space that goes with it, so it is just a standard style that works as far as layout and unit size and unit mix, and because of the shape of this in that kind of elbow, we will use that for a lot of our programming or community space. It is set so that it is overlooking the water feature. That water feature will be a big feature as far as walking paths and playing into the surrounding area. Acting Chairman McGinley stated I think one of the concerns that I have is that walking path still available for public use. When the site was designed and that the buildings not be so close to the walking path that it discourages people from using it. I understand it is being used a lot right now. Ms. Hebert replied it is. Mr. Goodman stated we see that as a huge amenity and we expect our community to take advantage of it and to get to the amenities.

Acting Chairman McGinley stated I'm a little taken aback by the size and the quantity of units, but I do really like residential being as a mix of this whole community area. I think it rounds it out and I do encourage residential, I'm just not sure about the number of units and the size of the building. Given that it is one building as opposed to two, maybe two would be a little more palatable or if it just wasn't so massive is really what I am looking at. Mr. Fairman stated you do everything you can to make the architecture blend in and not just make it a square box. I think you can do more that way to make it go with the idea of the overall Market & Main that is going next door. The second thing is obviously traffic is going to be a big problem and a big part of what we look at is going to be the traffic study for this whole complex. You have a right-of-way through this from Market & Main and through into the Bedford Mall area that I believe that Market & Main is going to be looking at that as a fairly major access for them, like you are looking for their road into Whole Foods. My comment is to make sure that you are conversing with them on traffic. I don't know how we can make the traffic studies work together here where both developments

are going together, that is a problem I think we have is two individual traffic studies aren't going to work very well, and I think it needs to play together so I just hope you are communicating with your neighbors because we are going to have to have that. It is not going to work unless there is a lot of very good communication on traffic because that is going to be a major problem and issue internally as well, not just on South River Road but the internal traffic flow for these complexes has got to work together. Mr. Goodman responded we agree. We see the challenge of it; we also see the opportunity of it. It is really going to transform this area. Mr. Pincince stated T. F. Moran is on the other project as well. Mr. Kevan stated yes; we have done both studies and we will have to update this study for the additional residential and pull that restaurant out of it. Acting Chairman McGinley stated you have done all three sites. Mr. Kevan stated that is correct. Acting Chairman McGinley stated I think that actually helps. I'm a little concerned in that I know that they are three independent sites and there aren't deeded rights-of-way. Mr. Kevan responded the rear accesspoint is an easement right-of-way or easement for access. Our land has access through Bedford Mall to the signal, and we also have access, obviously the only way to get into our site is through either Bedford Mall or the Macy's property, so we have an access easement through here as shown, as well as access that takes us around the back and through this way. Acting Chairman McGinley stated I do know that you have what was the driveway for the hotel, that was definitely a deeded right-of-way, and I know that Upjohn Street is public for a short distance. Mr. Kevan stated Upjohn Street is a public street down through there are as shown. We do have access across the back, down through the Macy's site to get to this rear area, as well as across here. If you have been out there, I think this walkway is probably one of the best amenities on all three of the properties when you are looking at it as far as this walkway and I think with landscaping it can be defined and enhanced so that it does feel public and maintains separate from the apartments. I know from the opening of Whole Foods there were people out going around that path, at 6/10 of a mile I think is what it is, it is a nice distance and where the mill building has been restored and so forth, this back area I was afraid was going to feel more like a loading access drive. I think as you are looking at this development being completed, this drive is going to feel more of a connector between the properties.

Acting Chairman McGinley stated I will have to say that it is not a mirror of what was in our 2010 master plan, but we are getting there. Town Manager Sawyer responded we are. I think it has been raised a number of times already though, the scale of the building, is it appropriate, is it right, does it squeeze that corner walkway too much around the green space. To me that is a concern that the inner elbow of the building and the overall mass of the building. I remember having Planning Board members mention to me when that Bedford Green building went up that Ms. Hebert mentioned in her staff report how much bigger it was than people thought it was going to be, and I think she wrote that this is 175 feet longer, granted it has an elbow, but that building has an elbow, not quite as dramatic, so I am concerned that the reactions to the size of the building if the Board approved it at the full size, would be alarming to some people. Mr. Fairman just brought up that the accessroad in the back, and I don't know that we paid enough attention to that during the original site plan approval and we really do have an no man's land to the right of Bob's and the proposed apartment building. In that spot there is a lot of pavement that is undefined. I know you may not have full control over all of it, but I would want you to pursue before you came back just to define that better to everybody of how to get to the restaurant, how to get over to the old Macy's site, and all of that. I think there are elements that need to be worked on. I am very concerned about the overall site, the site driveway that we permitted for Whole Foods and for

project site is not functioning the way I think we were promised it would function, and there are just too many illegal movements that occur. The right-in/right-out is being used as a left-in/left-out. I would truly like T. F. Moran to try and do whatever you can to revisit any way to solve that problem where people are making what we consider to be illegal movements. We have had to park a police car in the middle of South River Road during peak periods or at times to keep people from making that movement across 3+ lanes of traffic. Acting Chairman McGinley stated apparently the State put up directional signs at the Encore site and the Bedford Mall. I don't think it was the Town. Ms. Hebert stated the State put those signs up. Acting Chairman McGinley stated what about a similar more dramatic sign there; it is not very aesthetically pleasing.

Town Manager Sawyer stated this is conceptual and I'm putting it out there for the applicant to hear it. The site plan as a whole I would have concerns about approving what I am going to see as a higher density or more intense use even though it is fast food versus 70 some odd apartments. To me the site as a whole needs to address a no man's lot spot in that site driveway, as well as just the aesthetics of such a big building. Mr. Kevan stated I agree with you as far as trying to set that up so that it feels more pedestrian and part of that is we don't control that corner but we can work at it. Acting Chairman McGinley stated I think there should be a sidewalk across the loading dock of Whole Foods. You anticipate that one of the amenities of the people that live here is they can shop and go to the doctor and do all what may be offered on that site, and then I want a safe way for them to go there and not go on the side of the road.

Mr. Fairman stated since so much of your parking is on the other side of that right-of-way that goes across the back, you might want to consider a walking bridge from the second story of the apartment building across into that parking lot because a majority of your apartment parking is on the opposite side of the main right-of-way across the back side.

Councilor Bandazian stated when these were broken up into condominiums, I know we had a lot of concerns because one of the owners was going to be responsible for snow removal and to make sure that those obligations were enforceable by the other condominium owners, and now that you are going to reconfigure this, I just ask that you be thoughtful about that and present it to us in a way where we feel that the other parcels are going to be taken care of with snow removal. Town Manager Sawyer stated there is a development agreement between the parties for maintenance of the walkway and snow removal. Mr. Kevan stated that really shouldn't change. Town Manager Sawyer stated you are removing one of the lots from that so those documents will have to be reconfigured. Mr. Kevan stated correct, but I think the way it was left is if something didn't play out where Whole Foods was taking care of their snow removal that the owner back here would step up and take care of it. Those documents will stay the same, but you are correct that we will have to eliminate the one owner out of the second restaurant.

Ms. Hebert asked did you look at other models for this site? You said this is a model that you have used in other places. The model still seems very suburban to me, and given that it is kind of in a transitional area, the proposed architecture of the Encore site is much more modern than what you see in the surrounding areas. Mr. Goodman replied the person that drew this is not here tonight, and I would say that we just wanted to get kind of talk about more massing and color and kind of get some feedback. We will definitely want to take a look at what is going on next door because we want to be a part of that. The idea of what we're trying to do as far as provide some outdoor

space unit by unit, provide basically 4-story construction and try and use materials that talk to the Whole Foods kind of color and materials. But as far as where the peaks are and what the roofline looks like, we weren't expecting that this is going to be what our final building will look like. Acting Chairman McGinley stated bring it forward ten years. Town Manager Sawyer stated it seems tired to me. Are you saying the four stories because of the construction style you are trying to use? Is it wood framed? Mr. Goodman replied yes, even those rents that we are talking about seem high, but really to justify new construction in any of these markets, those are kind of the rents you need to be able to expect, you are going to achieve in your proforma. In order to do that your inputs are quantity of units, size of units, and cost of units, so we know we have to provide an environment and an experience for the tenant that makes them feel like they are in a brand new, somewhat urban, kind of lifestyle. We are not really competing with the stuff that was built ten years ago that is kind of a sitting-by-itself apartment community. We want this to feel more like it is part of the development. Town Manager Sawyer stated I think your architecture is ten years ago suburban. Cube 3 does great work; they have had other projects approved here in Town and the Board has been very receptive. Mr. Kevan stated I think he started with what was part of the original approval because this isn't much different than that and he just blended some of the colors that are at Whole Foods. The feedback is what we are looking for; we can go back and incorporate that into the architecture.

Acting Chairman McGinley stated I think I would rather still see two buildings than one building. Town Manager Sawyer stated yes, and that is why I asked the question about the style. Mr. Goodman responded we started with two and what we were having a problem with was the setbacks between the buildings and trying to connect the programming and the social aspects of the community to keep it together. We had two buildings and we had the community things in the middle of them, but then it started to get even longer because of the setbacks. We kind of morphed them together. Acting Chairman McGinley stated in this Performance Zone everything is by waiver, so if what you need is a setback waiver between buildings, if it is more aesthetically pleasing. Town Manager Sawyer stated if you kept the buildings connected but the amenity portion is only one story and you have towers on either side of it and it is still a connected building or you have a 6-story section and 4-story section. Mr. Goodman responded we would be happy to look at that. If that is what you want us to look at, we will be happy to take a look at different ways to do that. Town Manager Sawyer stated my recommendation is that you come back with another conceptual review before you go a whole lot further with all of these options that you have maybe looked at and some additional ones now that you have heard what the Board is saying with some of this and some more dialogue back and forth on different box styles and types. I can't speak for the Board, but I know there are reservations about this size of building as one monolithic structure, and I don't think the architecture is cool enough for this site. Mr. Goodman stated we are happy to hear that; that is an easy to fix.

Acting Chairman McGinley asked Ms. Hebert, in the overlay district that the Town approved, what was the height limitation that we have? Is that 100 feet? Ms. Hebert replied I can't recall but the height limitation in this district is 80 feet. Town Manager Sawyer stated you can go higher to 100 feet if the overlay was utilized, but they would have to be doing some mixed-use in the building.

Mr. Scanlon stated Mr. Patel, I find it hard to leave a train of thought I developed without asking you one final question. When you did your financial projections on this, not the expense element

but the gross rental income at 75 units, and now I am assuming you have another projection of gross rental income at 150 units. Do you know what the two numbers are? Mr. Patel replied off the top of my head I don't remember. Mr. Scanlon stated I'd like to know that when you come back next time, because I will echo my anxiety about the fact that this recommendation to the Planning Board has nothing to do with aesthetics, has nothing to do with urban development, it has a great deal to do with the business models I think that you built for the business, and I think what compels a consideration of 150 units quite frankly is the economic return on the investment. Please don't leave here tonight thinking that the things you come back with must deal with the alternative use and how you accommodate the concerns of the Board without accommodating the size of this project, it is mammoth and I have made clear my position going in and it is going to be up to you to change it the next time around maybe. But I would like you to know at least from one person where that person stands.

Mr. Fairman stated you have no place that I can see for snow storage so that every shovel has to be taken offsite immediately, and it looks like a big problem to me. I know you have a parking problem but you need to have some place to put snow. Mr. Kevan responded you are looking at that on all three of these sites. We created the little green strips in the Bedford Mall between every other bay of parking but, again, as far as storing significant snow, that is kind of where we are at at this point with development of this setting. If you want this mixed-use type of development that creates this walkability, we have this great feature down the middle but that is not where I want to dump snow and parking lot material. So any significant amount of snow would have to be removed from site. Mr. Patel stated when we started work on our project and starting the demo, all of Bedford Mall's snow was on our lot and we ended up having to get it removed on our own to start the work. Acting Chairman McGinley stated that is what they have to do in downtown Manchester is to haul it away.

Mr. Kevan stated we have gotten your input as far as the mass of the building and size of the building, what is your feeling as far as the parking ratios if we do not comply with the two spaces per unit. Mr. Rohe stated talking about what Town Manager Sawyer was talking about doing different elevations, one way you could accomplish that and get your parking regulations up, because I think you are going to have a problem with parking, is in this instance where the six and four, you could incorporate having maybe under that six the first two levels being a parking garage. There are ways to do it so that it wouldn't be an eyesore. If you think about how Disney does it, there are certain areas that you can't even tell there is parking there. By putting the parking one layer down into the ground where normally your slab height would be, you are actually going down 8 to 9 feet below your current slab height, whatever you are planning on doing, and having parking underneath the entire building. Mr. Goodman stated we have built deck parking, in the city we have built parking structures. What we are trying to get everyone comfortable with is that it is about demand and real use and real time. Mr. Rohe responded I understand that but there is going to be problems with snow, you are going to have people who are going to try to park in the residential area during shopping times and things of that nature and that may work fine if your people are off working. But when they come home, now you have this area where you have the potential for people parking where you are anticipating that the homeowner is going to park, but yet you have retail customers taking up that space. Acting Chairman McGinley stated I think there is an equal problem that during a snow event you will have residents wanting to park in the parking garage that is next door at Encore. Ms. Hebert asked have you looked at a parking garage in the

back and maybe you could even do more units, separate the buildings? If there was some structure parking between I293 and the building. Mr. Goodman stated at these kinds of rent numbers parking becomes cost prohibitive. New Hampshire might be a little bit different, but with your suburban you would expect to be somewhere around \$30,000 to \$35,000 a unit for structured parking, so it just makes it somewhat cost prohibitive to include that in a package where you are getting \$2.00 per square foot rents. Mr. Kevan stated as far as going under or down, we have to be very sensitive to the flood plain issue coming from the brook. Going down a level would put us extremely close to that flood plain or in it. Acting Chairman McGinley stated I think you would be better off towards the highway but you probably still have the same issue. The Merrimack River is not that far away. You are saying that you couldn't go under the building? Mr. Goodman stated you would have to lift the building up and one of the equations we use is not parking per unit but really parking per bed. So we have more than one car/spot per bed. For example in Boston we are building and they required us to do 0.25 spots per unit, so that is about 0.17 per bed. I am just using this as a perspective, so we know we are not in Boston, but we are trying to bring the urban kind of concept to Bedford, New Hampshire, and we believe that if it is done correctly, having one car per bed should be more than adequate if our residents are who we expect them to be. Acting Chairman McGinley asked would it be helpful if we can get some numbers of projects that are built in similar areas and the uses of cars? Town Manager Sawyer stated I was going to put that to the applicant saying to bring it forward. This Board has always been willing, in my opinion, to listen to these things but they need the data, they need to be able to visit the sites if you supply the examples. Acting Chairman McGinley stated if there are things in Boston like the Somerville Assembly Square project. Mr. Fairman stated our other large apartment complex in Town came back after-the-fact for more parking because people had more cars than they anticipated, so you might consider that as a data point also. Mr. Goodman responded we have been building for a while; you are kind of limiting who your clientele is when you don't offer them the parking, so you are not inviting a tenant with more than one car or a unit that is coming with two or three cars. This is not going to be the place they are going to want to be. Ms. Hebert stated I think where the parking is located is very important too because some of your spaces that were allocated to the building were on the Whole Foods side of the site, so I would be cautious to just think about where people are going to reasonably park and walk home. Mr. Kevan stated that is why we did present it both ways. What we have on our side of the brook and the total site; the total site was the way it was approved originally. We still have 1.2 spaces per bedroom for our side of the brook. I know that does mix with the restaurant on that side as well, but, again, if you are looking at mixed-use development, you have to look at fluctuation and when uses are occurring. Town Manager Sawyer stated give us the data, show it to us. Acting Chairman McGinley stated give us the numbers, and I know with the development in the last few years there are numbers. Not downtown Boston but more attributable to this more urban site, the most urban site we have in Bedford, which is this strip of South River Road. Mr. Goodman stated there are good examples out there.

8. The Planning Board will review and comment on the proposed Capital Improvements Plan (CIP) for 2017.

Town Manager Sawyer stated we do not need to do this tonight. I just handed the draft document out to the Board tonight. I can tell you that I believe there is only one new project in there and that

is a facility study townwide of all of our space and needs across the board. I don't really believe there are other new projects at all in there. There might be an equipment change in there but the Planning Board in the past hasn't always looked at the equipment side of the plan. But you do have it, you can ask questions of me at any point, but I think at the next meeting if we had it on as old business, I could answer any questions there if you didn't already contact me ahead of time to talk about any of it. It is very much in draft form as of today, but I am not expecting any major changes over the next couple of weeks.

V. Approval of Minutes of Previous Meetings:

MOTION by Councilor Bandazian to approve the minutes of the June 27, 2016 Planning Board meeting as written. Mr. Fairman duly seconded the motion. Vote taken; motion carried, with Ms. McGinley abstaining.

VI. Communications to the Board: None

VII. Reports of Committees: None

VIII. Adjournment:

MOTION by Town Manager Sawyer to adjourn at 11:20 PM. Mr. Fairman duly seconded the motion. Vote taken – all in favor. Motion carried.

Respectfully submitted by
Valerie J. Emmons