

TOWN OF BEDFORD
February 8, 2021
PLANNING BOARD
MINUTES

A remote Zoom platform meeting of the Bedford Planning Board was held on Monday, February 8, 2021. Members who were present remotely: Kelleigh Murphy (Acting Chairman), Bill Duschatko (Town Council), Rick Sawyer (Town Manager), Jeff Foote (Director Public Works), Mac McMahon, Pricilla Malcolm, Steve Clough (arrived late), Charlie Fairman (Alternate), Matt Sullivan (Alternate), John Quintal (Alternate), and Becky Hebert (Planning Director)

Due to the Coronavirus crisis and in accordance with Governor Sununu's Emergency Order #12 pursuant to Executive Order 2020-04, the Planning Board is using the Zoom platform to conduct this meeting electronically. Please note that there is no physical location for this meeting and the BCTV building is closed to the public.

The Town of Bedford is providing public access to the meeting live on BCTV, streaming at www.Bedfordnh.org/393/BCTV, and by calling into the meeting. Please email planning@bedfordnh.org or call 603-472-5243 to receive the Zoom call-in information.

Planning staff will also be accepting questions and comments by email at planning@bedfordnh.org. Please notify staff by email if there are technological issues during the meeting.

I. Call to Order and Roll Call:

Acting Chairman Murphy called the remote meeting to order at 7:00 p.m. Jon Levenstein (Chairman) and Hal Newberry (Secretary) were absent. Mr. Sullivan was appointed to vote in place of Chairman Levenstein and Mr. Fairman was appointed to vote in place of Steve Clough.

II. Old Business & Continued Hearings: None

III. New Business:

1. **Mary Patricia & Robert Thate (Applicant & Owners)** – Request for approval to operate a dog breeding business as a Level II Home Occupation at 68 Perry Road, Lot 18-7-3, Zoned RA.
2. **BFB Real Estate Holdings, LLC (Applicant), Bedford RLG Properties, LLC (Owner)** – Request for approval of a 108,250 square-foot manufacturing facility with a 25,000 square-foot future addition and associated site improvements for Wire Belt Company of America at 308 South River Road, Lot 24-98-19, Zoned PZ. (*This*

application was postponed from the January 25, 2021 meeting at the request of the applicant.)

Ms. Hebert stated the new applications, Items 1 and 2, have been reviewed by staff and it is staff's recommendation that the applications are complete. The abutters have been notified, and it is the opinion of staff that neither of these applications pose a regional impact. Staff would recommend that the Board accept the applications, and by doing so, determine the applications to be complete.

MOTION by Mr. Sullivan to accept the agenda as read. Mr. McMahon duly seconded the motion. On a unanimous roll call vote, the motion carried.

1. Mary Patricia & Robert Thate (Applicant & Owners) – Request for approval to operate a dog breeding business as a Level II Home Occupation at 68 Perry Road, Lot 18-7-3, Zoned RA.

Mary Patricia and Robert Thate were present to address their request for approval to operate a dog breeding business as a Level II Home Occupation.

Mrs. Thate stated I have been breeding for nine years here. I was operating under a Level I business and then the state of New Hampshire changed the law in the past year that if you have more than 24 puppies, you have to get a pet vendors license. That meant that I needed to apply for a Level II home occupation business in the town of Bedford. I need to get a permit from the Town that goes to the State and then the State will come out and grant a license after they review my home, my program.

Mrs. Thate stated currently we have three dogs that live with us. Two are spade and they are older; one is 10 and one is almost 10, and then we have a breeding dog that lives with us, a girl, and the rest of our dogs live in what are called guardian homes. A lot of them live in Bedford and they basically live a pet's life and then when they get bred, they come here, they have their puppies, they are here from anywhere between six to seven weeks, and the puppies go home at eight weeks. They are picked up one at a time. Our next-door neighbors have a puppy from us. I told Ms. Hebert this; my husband was walking one of the dogs and they came out and saw them, they had only been living here about six months, and they were wondering where the dogs came from and he said they are Nestlewood Labradoodles dogs and she could not believe that she lived door to us because she had wanted to get a dog from us. She said she did not hear anything, so it is quiet. Our dogs live indoors in our house, we do not have outdoor kennel runs, our dogs go outside and play but it would be no different than your pets. We have a fenced-in yard and when the puppies are here, they are raised indoors and then they go outside sometimes with us to get exposure to the grass and the patio but they are not out that much. It is quiet; we do have three dogs that live with us so sometimes they can bark, like any pet would, but it is pretty quiet. Typically, I have under 50 puppies a year, but I do typically have more than 24 so that is why I am applying for the pet vendors license.

Acting Chairman Murphy asked Board members for questions or comments to the applicant.

Ms. Malcolm asked Mrs. Thate, are you doing anything different now that a license is required than you were doing before the license was required? Mrs. Thate replied no. Ms. Malcolm stated that is the end of my questions. Mrs. Thate stated the only difference is the license is required now.

Acting Chairman Murphy stated Mr. Clough has now joined the meeting.

Mr. Sullivan asked with the change of licensing, I know that if it is over 25 puppies you have to go to the Level II, is there a new ceiling? For example, can you breed up to 100 puppies a year now and what would that type of logistics look like? Mrs. Thate replied by law I could; would I, no, not at all. I have no interest in breeding that many dogs and I never have, so that would be a major, major change for me. The older I get the smaller amount of puppies I have. The license is just for anyone that has over 24. It is kind of interesting that they did this because a lot of breeders were very upset. A lot of breeders that are smaller like I am did not want to be classified as that. They have us classified in with big breeders and with pet stores and with rescues, which have many, many dogs and we do not. I would not have wanted to apply for this except that they kept the limit at 24.

Acting Chairman Murphy stated I am opening the public hearing at this time and invite members of the public to speak. Please raise your hand either on Zoom or by telephone. You can also submit comments directly to the Planning staff at planning@bedfordnh.org. I know that Charles Neil was on the phone earlier and may want to comment. He is not going to comment. Are there any members of the public that have any comments this evening? Ms. Hebert, have you received any written comments? Ms. Hebert replied I did receive an email from Lauren Pellegrini and she is logged into the Zoom meeting. Before I read the email, I would like to just be sure that she does not want to speak for herself. Ms. Pellegrini stated I would like it if you could read my emails please. Acting Chairman Murphy stated the applicant will have a chance to speak after public comment.

Email from Lauren Pellegrini:

Dear Becky, We are unsure if we will be able to attend the Zoom meeting and wish to express our concerns as abutters about granting the above-referenced approval to Mary Patricia and Robert Thate. It seems inappropriate to allow the operation of a business in a strictly residential area. Clearly the owners were aware that this property was not zoned for commercial ventures when they purchased it. It would adversely affect the quality of life on our street as well as the market value of our homes should this be allowed. In the past there has been considerable inconvenience for abutters when loud incessant barking from this home has disturbed the peace. Allowing the dog operation of the dog breeding business on Perry Road would only exacerbate this issue. It would be unfair to abutters who have invested much in their homes to change the rules and the nature of the neighborhood after so many years. We do not believe it should be allowed. Respectfully, Michael and Lauren Pellegrini, 69 Perry Road, Bedford, New Hampshire. (This email will be included in the file for this application.)

Acting Chairman Murphy asked Ms. Pellegrini, would you like to add anything to the email as read? Ms. Pellegrini responded the only comment that I would like to add is that we have experienced a considerable amount of barking, so much so, and it is not all of the time, but when

it happens it is incessant and means that we cannot open our windows in the front of the house, it means that we cannot enjoy a relaxing cocktail on the deck or play in the front yard. It is disruptive, but previously, wanting to be a good neighbor, we were not going to make an issue of this. It is just that approving it now seems to say that that is okay, and it really is not. It is disruptive to us and it does significantly impact and change the character of the neighborhood. It is not relaxing.

Acting Chairman Murphy asked Mrs. Thate, would you like to respond to that? Mrs. Thate replied yes. I wish that you had said something to us because obviously we were not aware because we have not had any complaints. Our neighbors across the street and next door on either side we ask them all the time if they have ever heard anything and they say no. If you are facing the house to the left, the neighbor does have a dog themselves and sometimes our dogs will go with them and bark back and forth to each other in the backyard at each other. Literally every house has a dog and some of our neighbors have two. I do not know if you would necessarily know it is coming from our house because we have three dogs. One of them, Emma, who is 10, barks sometimes but she does not really bark that much. If you ever have a problem, just tell us, but the dogs are not out, they are mostly in the house. They go out sometimes to play and stuff, and I guess sometimes they might see a dog walking by or hear a dog and bark, but like I said, we have three dogs that live with us.

Ms. Pellegrini stated I would like to respond. I am not the kind of person to want to be troublesome to my neighbors, so you tend to let these things just slide, and I know exactly where the barking is coming from. I do wonder, perhaps you can clear this up for me, is it perhaps during those times when you have the young puppies there before they go to other homes that the barking is such a problem. Mrs. Thate responded I will say this, when the puppies are around seven to eight weeks old, if I open the door to take them outside, they tend to bark, but they are puppies, they tend to get excited that they are all going together, it lasts for about 30 to 60 seconds with the excitement of the door opening and me going out with them and then as soon as they are out, they are pretty quiet. I would not think you could hear too much from puppies that age. They are not very big. Ms. Pellegrini stated I do not think that is the experience that we have had. Let me clarify that we are dog lovers, we have had a dog, our children have dogs, we live with dogs when we are with them, we love dogs, so it is not an issue about dogs per say. What it really is, is a noise issue. No, we have never complained because we are not complainers, but by approving this, it disrupts our lives with the noise from the barking when it starts, and it goes on pretty incessantly and it is more than one dog at a time. Acting Chairman Murphy stated let me ask a follow-up to you, Ms. Pellegrini. How often are you hearing this from 9:00pm to 9:00am as opposed to 9:00am to 9:00pm? Ms. Pellegrini replied I would say probably the time that we would notice it is when we are home so it would be afternoon and evening hours, and it is not all the time, so that is why I asked the question about might it just be when the puppies are young or what have you. It is disruptive and it is not all of the time, and it does happen during the day too, but we are not home as much and you don't tend to notice that as much during the day when you are busy going about; it is during the quieter times that it can be a problem. Acting Chairman Murphy stated thank you for your input.

Acting Chairman Murphy asked is there anyone else on the line that wants to speak to this application? There were none.

Ms. Hebert stated I would like to raise a couple of points. It might be good for Mrs. Thate to go through the zoning criteria for the granting of a Level II Home Occupation. These are listed in the staff report, and these are the zoning criteria that the Board needs to find that the application meets all of these criteria in order to grant the Level II Home Occupation permit. We can ask Mrs. Thate to go through each one. The zoning determination that I needed to make in regard to this application was that the home occupation needs to be primarily contained within the home and there were no outdoor kennels proposed as part of the dog breeding business, and in reviewing the application it seemed as though the outdoor use or the outdoor aspects of the business were similar to a pet owner's care of an animal not related to the business itself, not having a permanent outdoor kennel. But hearing the neighbor's concerns about the barking, that may be something that the Board would want to discuss. Acting Chairman Murphy stated let us have Mrs. Thate go through those criteria.

Mrs. Thate reviewed the following: Bedford permits Level 2 Home Occupations under Section 275-21, Article III of the Zoning Ordinance, subject to the following requirements (requirements are paraphrased):

- Not more than one commercial vehicle associated with the use: *We do not have any commercial vehicles at all.*
- No more than 650 of existing net floor area of the principal building shall be devoted to the use: *We have about 600 square feet and that is it.*
- There shall be no displays of goods or wares from the street: *We have no displays currently or proposed.*
- Not more than two non-residents shall be employed or otherwise in the conduct of the business: *I am the only person, myself and my husband helps me in the morning before he goes to work and in the evening.*
- A minimum of two off-street parking spaces shall be provided plus 1.5 spaces per employee: *The driveway includes enough space to satisfy this condition. We enclosed pictures of the driveway and there are parking spaces in the driveway. We have a front semi-circle, it is not a full circle, but that can hold about three vehicles.*
- A requirement related to daycare uses which is non-applicable to this application. *This requirement does not apply.*
- Septic system design capacity for home occupations that utilize large water or wastewater volumes shall be verified in writing by a licensed NH septic designer or a professional engineer: *We do not use large water or wastewater volumes.*
- A certificate of occupancy shall be issued by the Building Code Official to verify compliance with the preceding standards: *Required under proposed Condition #3 of the Planning Board approval.*

Acting Chairman Murphy stated in having reviewed he criteria, and we are still in the public hearing, so we get back to additional questions by Board members once we close that. Having reviewed the criteria and gone through those steps, is there anyone who has already spoken or

someone that has not had the opportunity to speak from the public to this application. There were none. I am closing the public hearing.

Mrs. Thate stated I am happy to exchange phone numbers with Ms. Pellegrini so that if you are ever being bothered by our dogs barking, just text me or call me and we will bring them right in. We do not want to hear barking ourselves in our own home, and in talking to our other neighbors and them not hearing anything, we just assumed you didn't hear anything either. We are happy to have you talk to us if there is ever any kind of noise. Ms. Pellegrini responded I appreciate that suggestion but as I said a little earlier, it is uncomfortable for me to complain about anything and being here and saying things that have been bothering us is not easy. It puts the onus on me to become a complainer and to call and to deal with this. I just do not think that that is right.

Acting Chairman Murphy stated at this point I will turn to members of the Planning Board for any comments or questions.

Mr. Fairman stated since the State does not put any limits on the number of dogs whether we as a Board should put some restriction on the total number of dogs. I guess my thinking would be, and I am looking at the owner for suggestions, what the number should be. I would like to see a restriction on the number of dogs on site at any one time. An alternate restriction would be total number of puppies bred in a year. I think the best one for the neighbors would be some sort of limit on the total number of dogs on site at any one time. I would like the applicant to address that a little bit and see if the Board might think that is a reasonable idea. Acting Chairman Murphy stated I would like to have Ms. Hebert weigh on this suggestion. Ms. Hebert asked on restricting the number of animals onsite at one time? Acting Chairman Murphy replied correct. Ms. Hebert stated I think that would be well within the Board's rights to restrict the number of animals associated with the breeding business so not as pets. Acting Chairman Murphy asked Mrs. Thate, would you be amenable to that kind of restriction? Mrs. Thate responded sure. I do not have a problem with that. The one thing I will tell you about breeding though is that I have not had a litter since the very first week of November. Part of that is because of this process and part of it is because dogs tend to cycle every six to eight months and they tend to cycle at once, so it is not like I can control when they come into heat and when they breed. It is kind of like girls in a dormitory, even if they do not all live together, I do not know whether it is in the air or how it works, but it tends to be that way. I can go many months and have no puppies at all and have just my three dogs living here, and I would like to know if Ms. Pellegrini has heard barking in the last three months because I have only had my pets here. You can get two litters and you could be surprised; you could have two litters of 11 and I had that last summer. I do not know when I am going to breed them that that is going to happen. I can also have a litter of three, which I had also in the fall. It is kind of hard to narrow that. I think it is easier to say per year, and I just don't know how you could do that because of Mother Nature where I could breed two dogs and be over the limit you want without knowing that was going to happen. Acting Chairman Murphy asked what is your average annual yield for puppies? Mrs. Thate replied I typically have about 50. Acting Chairman Murphy asked Mr. Fairman, are you proposing something specific or were you just thinking out loud? Mrs. Thate stated 50 would be like five to six litters a year because it could vary. Depending on if I had a bunch of small litters, it could go over the number or it could be five bigger litters could result in that. Mr. Fairman stated I understand the applicant's concerns about puppies or dogs breeding where Mother Nature directs the timing because you cannot really

control the timing very well of the dogs coming in to breed and give birth. I was looking for some help of how we could put some sort of limit on it. Maybe the way to go is the number of puppies bred in a given year. If she is normally doing 50, maybe we ought to put a limit of 75 or something along those lines. I would prefer to see a limit on the number of dogs onsite at any one time, but I understand that is difficult to manage the business.

Acting Chairman Murphy asked are there any Board members that might have thoughts on that?

Councilor Duschatko asked how long has your business been operating at this location? Mrs. Thate replied since 2011. Councilor Duschatko asked did you go before the Planning Board when you began the business? Mrs. Thate replied I did not. It was my understanding the way it read, and I had talked to Mark Connors before, that we were just a Level I business and I did not need to go unless I was a Level II. Councilor Duschatko asked so this change is because the State law changed? Mrs. Thate replied yes. Councilor Duschatko asked so it is not a new business per say? Mrs. Thate replied no. Councilor Duschatko asked and you have always raised around 50 puppies a year? Mrs. Thate replied yes. Councilor Duschatko stated so there is really not a great change in what you have been doing for nine years now. Mrs. Thate responded right. I am not planning on changing anything, other than complying with the State law. Councilor Duschatko replied I understand.

Mr. Sullivan asked prior to this change, what was the limit to become a Level II business as opposed to a Level I? Mrs. Thate replied it was not a limit, they didn't address it, they addressed the law, they changed and caused people to become a pet vendor. For me I have not bred more than that just because that is my limit as a person and that is all I want to breed. I did not need to be a Level II until they changed that law. I should say, they came up with the law. Ms. Hebert stated I can add to that. The Town's zoning definition of a kennel references a license and the need to get a license, so needing a license. Mrs. Thate came into our office and said I need you to sign off on a zoning verification form that what I am doing is authorized by the Town, and we really felt like we couldn't sign off on that form because the Town's definition for a kennel is an establishment licensed to operate a facility housing dogs, cats or other household pets, or where grooming, breeding, boarding, training, or selling of animals is conducted as a business, so it is a very broad definition of a doggie daycare, a pet grooming business might fall under that definition, but the new license requirement is making some of these home breeding operations fall into this category based on the number of puppies they want to sell during a calendar year. Mr. Sullivan stated so my follow up question to that is, the license does not get attached to the property, it gets attached to the business. Is that correct? Ms. Hebert replied that is correct, and the home occupation permit also stays with the homeowner, it does not run with the land, so new owners could not come in and operate the same dog breeding business without coming before the Board for approval. Mr. Sullivan stated that is what I assumed but I just wanted to make sure.

Mr. Foote stated I have a question for the applicant. For the waste generated; so you have a commercial vendor that services the property? Mrs. Thate replied no I do not. Obviously, I have my three pets and I pick up that waste and I pick up the puppy waste. No, I do not have a commercial person that comes. When you breed, part of your worries are Parvo, which is something that can wipe out puppies really fast, where some people might have for their pets commercial people coming in to clean up, they would be going from persons house to persons

house to persons house and then they would come to mine. There would be risk for my puppies of people coming on the property with their shoes from where other dogs had been. We just pick it up ourselves. Mr. Foote stated I am not so interested in the methodology of cleaning up as I am more concerned about where it gets disposed, and if you had one of these private curbside vendors to remove the waste, I would rather see it disposed of in that manner versus the Bedford transfer station. Mrs. Thate stated my husband said that is a great idea; we can do that.

Mr. Foote asked can that be added as part of the motion? Ms. Hebert replied yes, we can add that as a condition.

Acting Chairman Murphy stated now we are discussing the addition of two potential conditions. One would be potentially a cap on the number of dogs bred on an annual basis and the second would be a waste condition above and beyond of what is actually in the staff report.

Mr. Clough stated I am more or less addressing the Board with this. I do not see the connection between the cumulative number of puppies and the noise. I would think what is more important to the two neighbors is how much she can handle at one time, what is her caring capacity. Maybe she could speak to that. Do you have one litter at a time and then one litter goes in and the next comes out or what? Mrs. Thate responded typically I have one litter at a time but sometimes I have two litters and they stagger. I rarely have two litters that board simultaneously and the puppies are here for eight weeks. Let us say a puppy was born January 1st, I may have puppies born January 21st, I might have puppies born three weeks later after that, and that would be all I could handle. Then there would be months in between and then it might be again like that. It does tend to have some overlap because that is just how they tend to cycle, which is in the spring and in the fall.

Ms. Hebert asked could you limit how many puppies you brought outside at a time if you had a large litter? Mrs. Thate responded puppies do not make that much noise. They are pretty quiet. They are small. I do not have that many puppies out at a time. I only bring one litter at a time, I do not mix the litters, because they are different ages, they can't be together like that, and I don't want to risk a puppy that is smaller getting stepped on by a bigger puppy, so I only bring one litter out at a time. Acting Chairman Murphy stated earlier you had made reference to a scenario where there were two litters of 11 that occurred at the same time. If you are taking them out in a single litter, I have a puppy and he makes a lot of noise, he is 12 weeks old, could you take them like five or six or always take all 11 I guess is what Ms. Hebert was asking? Mrs. Thate responded I do not have that many litters of 11. My typical litter size is six, but if I have a litter of 11, I am bringing them together so that they play together as a group and they have their little dominance of who is up and who is down. I only bring them out during the daytime. I do not bring the puppies out at night or in the evening or if it is getting dusk because I would be scared a hawk would come or something like that. I only bring them out during the daytime. It has to be warm enough, it can't be too hot, so I don't bring them out in the evening hours.

Acting Chairman Murphy asked would anyone like to make a motion for the application keeping in mind that we discussed a couple of additional conditions if people are interested in adding those in. Mr. McMahon asked could you review the two conditions. I understand one of them, but how

about the other one. Acting Chairman Murphy stated one of them might be resolved in the staff report. Let's talk about the conditions that are in the staff report already as listed below:

1. The Planning Director shall have the authority to issue an order for the applicant to return to the Planning Board for any unresolved complaints and at such time, the Board may revoke or modify the approval.

Acting Chairman Murphy stated that condition alone may be enough to address Mr. Fairman's concerns about the neighbor's perception and load of puppies. So, if there are issues going forward, the Planning Director can have the applicant return before the Board. That seems to me to be the catch all that a lot of people were discussing.

2. The business shall not include outdoor kennels.
3. A certificate of compliance for the business shall be issued by the Building Department prior to the start of operation.
- 4. The owners would agree to contract with a waste management service for removal of animal waste.** (As proposed by Mr. Foote.)

Acting Chairman Murphy stated absent some sort of additional verbiage that Mr. Fairman might want to add in, it is my understanding that that would be the motion that would make sense if someone were to want to move that.

Mr. Fairman stated I would like to see the following condition added:

- 5. At any one time there shall be not more than 6 adult dogs and 20 puppies onsite.**

Acting Chairman Murphy stated just for a point of order. Are you making the motion as I previously described it with an added Condition #5 as you just articulated it? Mr. Fairman replied yes, I will make that motion.

MOTION by Mr. Fairman that the Planning Board grant approval of the Level II Home Occupation for a dog breeding business at 68 Perry Road, Lot 18-7-3, as outlined in the application submitted by Mary Pat & Robert Thate, subject to the following conditions:

- 1. The Planning Director shall have the authority to issue an order for the applicant to return to the Planning Board for any unresolved complaints and at such time, the Board may revoke or modify the approval.**
- 2. The business shall not include outdoor kennels.**
- 3. A certificate of compliance for the business shall be issued by the Building Department prior to the start of operation.**
- 4. The owners would agree to contract with a waste management service for removal of animal waste.**

5. At any one time there shall be not more than 6 adult dogs and 20 puppies onsite.

Ms. Malcolm duly seconded the motion.

Acting Chairman Murphy stated I am going to indulge the applicant and allow her to comment before I allow the Board to comment. I know that is a bit unorthodox, and Mrs. Thate just so you know, a lot of times when we go into discussion, the Board is just discussing the application and conditions because we have heard from you already, so I am going to let you speak to this point, but I am not going to let you speak to every interaction that the Board has because it skews the process a little bit.

Mrs. Thate stated I just want to say that that would be a hardship with a limit of 10 puppies because I do not know. Mr. Fairman stated just to clarify, I said 20 puppies. Mrs. Thate responded I know, but it would be like having two litters of 10. Twenty puppies, two litters of 10, I could breed two dogs together and I could have six puppies, that is it, or I could have eight puppies, but if somehow Mother Nature made them big litters, I could have potentially, like I did, and then I would be over that but I would not know that I was over that until they were born. That is why it would be a hardship to do that. What would be reasonable if you said 25 because I have never had more than that and it would be very hard to have more than that, unless I bred a lot more than that. Twenty would be challenging because I would not know. Acting Chairman Murphy stated that is helpful information.

Acting Chairman Murphy asked are there any comments from Board members on the motion itself?

Mr. McMahan stated the numbers seem to be realistic and almost arbitrary. What I would like to point out is the lady that called in complained about the barking and I can understand that, but I think we have all had puppies and know that they do not really have a very loud bark when they are eight weeks old. I do not know whether or not the noise complaint can equate equally to the puppies, especially since they are not out very much. In theory I don't even like putting the restriction on it, but I can understand why some people would like that. If the applicant is happy with 25, I would like to think that we could entertain that as an amendment to the added restriction. Acting Chairman Murphy asked for classification, are you moving to amend to 25 or are you moving to amend to remove Condition #5? Mr. McMahan stated maybe it would be amenable to amend to 25. Mr. Fairman stated I would accept that change. Acting Chairman Murphy asked you will accept the amendment to 25? Mr. Fairman responded yes.

Condition #5 as amended:

5. At any one time there shall not be more than 6 adult dogs and 25 puppies onsite.

Acting Chairman Murphy asked are there any further comments from Board members on the motion itself?

Mr. Clough asked are we voting the whole package with Mr. Fairman’s amendment or are we voting the four line items and then voting on Mr. Fairman’s amendment? Acting Chairman Murphy stated we are voting the three conditions in the staff report, plus the private waste pickup, plus the cap at 25 puppies and 6 adult dogs at a time, which is Condition #5 that Mr. Fairman added in. That is the motion on the table.

Ms. Pellegrini asked may I have an opportunity to speak also? Acting Chairman Murphy replied we are past public comment at this point. Ms. Pellegrini stated Mrs. Thate had the opportunity to speak afterward. Acting Chairman Murphy responded I understand that, so I am going to do two things. I am going to be super liberal and I am also going to point out that your best friend, Ms. Pellegrini, is Condition #1, so if there is an issue, you would get in touch directly with the Planning Board’s Director, who then has the ability to take the applicant back in front of the Planning Board because there has been a complaint. Go ahead and please keep your comment short because it is somewhat unorthodox to take public comment after public comment is closed.

Ms. Pellegrini stated this will be short and concise. My only concern is that the circumstances in all of the amendments don’t seem to address the issue with the excessive barking. That is what the problem has been in the past and we have not complained about it, but I see in no way that any of the conditions address that or attempt to limit it in any way. Acting Chairman Murphy stated I am going to speak to that directly. The very first condition that is attached to it is that if there are “any unresolved complaints” the Planning Board Director can bring the applicant back before the Planning Board. An unresolved complaint would be a situation where you felt as though the dogs were barking excessively and that your concerns were not being addressed promptly and in a manner deemed acceptable to you by the property owner. If that were to happen, your remedy would be to pick up the phone and call Ms. Hebert. Don’t pick up the phone and call the police because there is technically no noise ordinance in Bedford, so I am not sure they are going to be able to help you, but if you call her based on the first condition for this application, she would have the ability to bring the applicants back before the Board to address that issue.

Acting Chairman Murphy stated at this point we have a motion and a second, so I am going to take a vote by roll call. Councilor Duschatko asked is there any way to separate the last amendment? Mr. Clough stated I agree. Acting Chairman Murphy stated I agree. I need someone to propose an amendment to split off Condition #5.

MOTION by Councilor Duschatko to split off Condition #5, as amended, from the previous motion to be voted on separately. Mr. McMahon duly seconded the motion. On a roll call vote Mr. McMahon, Councilor Duschatko, Ms. Malcolm, Town Manager Sawyer, Mr. Foote, Mr. McMahon, and Acting Chairman Murphy voted yea, and Mr. Fairman voted nay. The motion carried.

Acting Chairman Murphy stated that would make the new motion on the table to contain the four conditions, the three in the staff report and the private waste pickup.

MOTION by Councilor Duschatko to attach Conditions #1 – #4 to the motion to approve the application. Mr. McMahon duly seconded the motion. On a roll call vote

Mr. McMahon, Councilor Duschatko, Ms. Malcolm, Town Manager Sawyer, Mr. Foote, Mr. Sullivan voted yea.

Mr. Fairman stated I don't know what we are voting on. I thought we just voted this. How can we vote on a motion when we have an amendment to that motion out there and you are just leaving it out there hanging? I don't understand what we are doing here. Acting Chairman Murphy stated this happens sometimes in meetings, and that is that we bifurcate the conditions, we split them off. So, we are taking Conditions #1 - #4 and we are voting on those and then we are going to vote separately on Condition #5. Mr. Fairman asked so you are not voting on the motion to approve at this point? You are voting on each one of them. Now I understand what you are doing.

Acting Chairman Murphy continued the roll call vote. Mr. Fairman and Acting Chairman Murphy voting yea. The motion passed on a unanimous roll call vote.

Acting Chairman Murphy stated we know that we are attaching Conditions #1 - #4 and now I think it is appropriate to vote on whether or not to attach Condition #5.

MOTION by Councilor Duschatko to attach Condition #5, as amended, to the motion to approve the application. Mr. McMahon duly seconded the motion. Mr. McMahon, Councilor Duschatko, Ms. Malcolm, Mr. Foote, and Mr. Sullivan voted nay. Town Manager Sawyer and Mr. Fairman voted yea.

Mr. Fairman stated I vote yea but with objection. You did not open for any discussion on that motion on that item, so I think it is an invalid vote since we did not have any discussion. Acting Chairman Murphy responded I apologize. Go right ahead. Mr. Fairman stated I feel that we have a neighbor who has raised a legitimate issue. My way to answer to that was to help by limiting the number of adult dogs, which probably make most of the noise, and a bunch of puppies can make a lot of noise, so my way to address the neighbor's legitimate complaint I would suspect was to do this. By voting nay and not having a limit on the number of dogs, we are blowing off the complaint for this neighbor. I think that is wrong for the Board to do. If you don't like my idea, come up with a better idea, but let's not just blow off the neighbor because if there is a problem she can come back to the Planning Board. That is not a good answer. We ought to come up with an answer that satisfies both the applicant and the neighbor. If you do not like my idea for a condition, then come up with your own condition, but don't just vote this down out of hand. Councilor Duschatko stated I think the first condition gives adequate recourse for anybody to complain for any reason. I just think there is adequate recourse in the regulations as stated and people can take advantage of that. It does not put us into a specific number count, specific day. Mr. Sullivan stated it is truly arbitrary. There is this big aspect of Mother Nature. What if there are 26 puppies? Are we going to require that puppy be put down or give it away or something of that nature? There is plenty of recourse available through the first condition and it is not up to us to necessarily find a solution to a problem that only reared its head tonight. I believe the abutter has the remedy to complain in the future, but for us to preemptively solve a problem that does not exist is not our fault. Mr. McMahon stated I would like to point out that the applicant graciously offered to exchange phone numbers with the lady so that it could be handled in a neighborly manner instead as it was just pointed out, an arbitrary one. I would like to commend the applicant for doing so.

Acting Chairman Murphy asked Mr. Fairman, would you like an opportunity to respond? Mr. Fairman replied no thank you.

Acting Chairman Murphy stated the motion on the floor is an approval or non-approval of Condition #5 as proposed by Mr. Fairman. I will take a vote if there is no objection.

On a roll call vote Mr. McMahon, Councilor Duschatko, Ms. Malcolm, Mr. Foote, Mr. Sullivan, and Acting Chairman Murphy voted nay. Town Manager Sawyer and Mr. Fairman voted yea. The motion failed.

Acting Chairman Murphy stated Condition #5 does not attach to the application. Now let us vote the final approval up or down with the four conditions as previously attached. Is there any discussion on the motion that is currently on the table or any confusion as to what we are voting on? Town Manager Sawyer asked do you want an actual motion and a second or is it just the Chair's prerogative to put the motion out there? Acting Chairman Murphy stated that sounds a little dictatorial, so let us have a motion and a second.

MOTION by Town Manager Sawyer that the Planning Board grant approval of the Level II Home Occupation for a dog breeding business at 68 Perry Road, Lot 18-7-3, as outlined in the application submitted by Mary Pat and Robert Thate, subject to the following conditions:

- 1. The Planning Director shall have the authority to issue an order for the applicant to return to the Planning Board for any unresolved complaints and at such time, the Board may revoke or modify the approval.**
- 2. The business shall not include outdoor kennels.**
- 3. A certificate of compliance for the business shall be issued by the Building Department prior to the start of operation.**
- 4. The owners would agree to contract with a waste management service for removal of animal waste.**

Mr. Sullivan duly seconded the motion. On a unanimous roll call vote, the motion carried.

- 2. BFB Real Estate Holdings, LLC (Applicant), Bedford RLG Properties, LLC (Owner) – Request for approval of a 108,250 square-foot manufacturing facility with a 25,000 square-foot future addition and associated site improvements for Wire Belt Company of America at 308 South River Road, Lot 24-98-19, Zoned PZ. (This application was postponed from the January 25, 2021 meeting at the request of the applicant.)**

Acting Chairman Murphy stated Steve Clough has joined us for this application, so he is back to being a voting member, Mr. Sullivan is still appointed as a voting member for Chairman Levenstein and Mr. Fairman is an alternate for this application.

Jason Lopez, Keach-Nordstrom Associates, Inc., was present to address this request for approval on behalf of the applicant. Also present were Dennis Mires, Dennis Mires Architects, David Greer, CEO of Wire Belt of America, and Tom Sullivan, Sullivan Construction.

Mr. Lopez stated Wire Belt Company of America is currently located in Londonderry, over in the airport area, they have outgrown their facility and they were looking for a new site. We had taken a look at a few sites over in Londonderry and this site became available and had some potential, and for future potential, so it grabbed their interest and we started to do some due diligence on the property. They have decided to go forth with the site plan and look at moving into Bedford at this location.

Mr. Lopez stated the property is 308 South River Road. This is just a little south of the Consignment Gallery, it is across the street from Moore's Crossing Road, it is about a 27-acre parcel and it is between the turnpike and South River Road in the Performance Zone. It is mostly wooded and has an old house on the property.

Mr. Lopez stated posted is a colored rendering, and you can see on the right side is South River Road and you see in the upper right corner is the intersection with Moore's Crossing Road. To the left of the property, to the west side, is the turnpike. The property is 27 acres and in the Performance Zone. This use is a permitted use, a manufacturing facility, is a permitted use within the zone. Wire Belt is seeking to build a 100,000 square-foot footprint with 108,250 square feet in the facility and we are proposing a 25,000 square foot addition. The main box is the 100,000 square foot footprint and then to the south we are going to have a 25,000 square foot addition for a future tenant. Wire Belt is looking to occupy 75,000 square feet today with 25,000 square feet for a tenant space, and then in the future they can expand into that 25,000 square feet and have that additional future 25,000 for the tenant to relocate or another tenant to move into.

Mr. Lopez stated they have the goal of meeting LEED Platinum with net zero energy. LEED is Leadership and Energy and Environmental Design. It is a certification program by the US Green Building Council. What they are looking to do is create a model facility to show other New Hampshire businesses that environmental stewardship in a growing business can coexist.

Mr. Lopez stated we have already presented this project to the Zoning Board of Adjustment and the Conservation Commission. In the location of the existing building there is a wetland pocket that is a little over 3,800 square feet, so we presented this to the Conservation Commission to seek their input. They gave us positive input and then we went off to the Zoning Board of Adjustment to get permission to get a variance to fill that wetland for the placement of the building. We have had a wetland scientist and soil scientist onsite to complete the wetland mapping and soil mapping, functions and values report in the five wetland areas onsite, no vernal pools, we have had a wildlife biologist walk the property and conduct a study of the upland wildlife habitat, wetland wildlife habitat, and did a review of wildlife species classified as threatened, endangered or of special concern. There were no concerns on this property, but they had some recommendations based on critters and animals in the area and we have built those recommendations into the plan and into the design. We also had an archeologist walk the property. They completed a Phase 1A review of the property and there are no archeological or historical concerns on the property. This project will require New Hampshire Department of Environmental Services Alteration of Terrain permit

and wetlands permit, also a sewer connection permit and water connection permit with Manchester Water Works, and some permits from the Department of Transportation.

Mr. Lopez stated this project will be served by a new access drive located directly across from Moore's Crossing that will enter into the property, and that is in the current location of an existing driveway that serves a house out there right now. As the property sits today, there is an existing house and barn on the lot. We are looking at using that existing driveway entrance, it is going to have to be expanded to meet the commercial/industrial needs of this project, but to take and use that same alignment across from Moore's Crossing. We will connect into water from Manchester Water Works, we will bring the water line under the roadway, serve the project and that water line will go down the main access drive to the facility. The Town currently has plans to extend sewer up Moore's Cross Road, they will terminate their last structure within the Town's right-of-way in Moore's Crossing. The project applicant will be required to extend the sewer under South River Road and into the property. We will be providing a sewer manhole on the west side of South River Road for future extension to the north and south. Our communications are on our side of the road as well as gas; those will be brought into the property underground.

Mr. Lopez stated we have had recent conversations with DOT. We were looking at doing a bypass lane out on South River Road. There was a question raised about left-hand turns, vehicles driving in the northerly direction and making a left-hand turn into the new driveway. There were concerns about the amount of traffic and having to stop the northbound traffic for those vehicles to make a turn. We looked at doing a bypass lane, DOT has decided that they do not like that idea, they would prefer a dedicated left-hand turn lane to access this site. They have commented that the southbound traffic does not need a dedicated right-hand turn going into the site, so we are currently looking at some alternatives. I do have a rough concept of what I have been going back and forth with the traffic engineer on, and I know that Mr. Foote has some comments that he would like to address with Moore's Crossing, so we are going to have further conversations about offsite improvements.

Mr. Lopez stated the building will be built about 650 back off from South River Road, we will have 168 parking spaces, and in a recent change to the plan, we need to add an additional seven more spaces that are not currently shown on the plan but that is recommended as a condition of approval. Out of that 168 spaces we will have 6 ADA spaces and 6 spaces for electric vehicles with charging stations. We will also provide a walkway from the building out to South River Road, it is going to be an 8-foot-wide raised walk on the northerly side of the access that will have bike access and pedestrian access down to Moore's Crossing Road and allow the employees to travel down Moore's Crossing Road to the Bedford Heritage Trail. We also have one going around the property interior as a walking trail. That walking trail will be for the use of employees at the site. Within the area of the future addition, they are going to propose an employee garden. One thing that they offer at their Londonderry site is a 10 X 10 plot to employees, where a lot of their employees live in apartments and condos and do not have the ability to have a garden to grow produce on their own, so that is a little employee incentive that they have. Out in the front of the building they have a patio area that will have some picnic tables and outside seating for their employees and also an outdoor grill. They will be proposing an open space area. The area that has this cross hatching goes along the rear of the property and follows down along the turnpike that covers most of the wetlands, that is about 30 percent of the property, and that would go into a

conservation easement for the protection of the wetlands. They will have 70,000-square-foot solar array on the roof of the building and off to the east of the parking lot and they have a geothermal well field that will have about 50 wells for the heating and cooling capacity for the building.

Mr. Lopez stated there is extensive landscaping. We worked with Leo Urban of Urban Associates, Inc. and he looked at the landscaping for the site. With the landscaping, one of the things under the LEED criteria is solar heat gain, so he has gone through the process of placing plants and the proper number of plants and so forth to create some shading on the pavement. That will allow for cooler stormwater runoff and also cooler temperatures in that heat gain from the parking areas and paved areas. To the south of the proposed building, we are going to have a created wetland area that Mr. Urban has done extensive plantings within that will address water quality issues. Prior to entering that created wetland, which is the primary detention and stormwater mitigation feature on the site, roof runoff will pass through a cistern. We now have that sized at around a 6,000-gallon cistern. That cistern will be used for irrigation on site; water will then bypass that cistern and go to an infiltration bed; that infiltration area will help with the groundwater recharge in meeting the requirements of the Alteration of Terrain permit.

Mr. Lopez stated you will notice along South River Road, the front of the property, there is this large green area, and that was one of the key points that the applicant really liked about this project is that in the future if they decided to, they could subdivide off another parcel for commercial/industrial use. That is not part of the proposal, but it is something that intrigued them about this piece in future potential. So currently they will just build it in the back with that idea that maybe something in the future will go along South River Road.

Mr. Lopez stated with that I can take some questions or continue on and ask Mr. Mires to discuss some of the architecture.

Acting Chairman Murphy stated there are actually no waiver requests associated with this application but there are 16 conditions, which are outlined on pages 5 and 6 of the Staff Report. If anyone has questions specific to this portion of the presentation, I think that it might make sense to ask them now.

Mr. Foote stated I have a comment. Mr. Lopez alluded to the driveway and the state roadway, and he is correct that we are making some improvements to Moore's Crossing. I looked at it quickly since Friday and obviously that is unsettled. The department is ready to work with the applicant and the State to tee that up, and I just want to make sure that everybody understands that the driveway access is unsettled but I think it can be resolved relatively easy.

Mr. Fairman stated I would like to learn something about the company and their structure. I went on the website to learn about the company and could not see much about the structure of it other than that they seem to be associated with Wire Belt companies of other parts of the world. There are a series of Wild Belt companies. This one is Wire Belt of America. At some point I would like to know of a corporate structure, is this a self-owned company, what is that overall structure of the corporation. That can be answered any time this evening.

David Greer, CEO of Wire Belt Company of America, stated we are a fourth-generation family owned and operated business. We started in Massachusetts and we moved to Londonderry in 1990. We are the headquarters for Wire Belt Group and we own companies in England and Germany also. We all make a woven wire mess conveyor belt out of stainless-steel wire, so you would all see it in Pizza Hut, in the conveyORIZED pizza ovens or the little toaster ovens in D'Angelo's and Dunkin Donuts and stuff like that. We are a very clean industry; we have been prospering and doing very well and we are just cramped for space. We have 50,000 square feet in Londonderry, and we need to move and I was hoping something was going to open up and nothing has, so we are going to build and we are going to build it right. Are there any other questions about my company? Mr. Fairman stated thank you.

Mr. McMahon stated I would first like to make an observation. I hope this thing turns out to be a model for future building in our town.

Mr. McMahon asked Mr. Lopez, it is 8-inch sewer pipe? Mr. Lopez responded it is an 8-inch diameter pipe that will go under South River Road to feed this site.

Mr. McMahon asked for the water treatment, how does it hold up to 50- and 100-year floods? Mr. Lopez replied the system is designed to the 50-year storm event, so we handle everything right from water quality flow, water quality volume, right up to the 50-year event.

Mr. Lopez stated at this time I will ask Dennis Mires to speak about the building a little bit. Mr. Mires stated what we have here is a series of elevations starting with the top elevation, which is the east elevation, the elevation that faces South River Road. As you saw from Mr. Lopez's site plan, we are over 650 feet from South River Road and until and if the site in front of us gets developed, that will remain a wooded and untouched area the way it is today. But we don't like to plant our buildings in but it happens to be kind of remote from South River Road in this particular site. To walk you across the east elevation, the area in blue on the right-hand side is the main entrance and office area for Wire Belt. There is an employee entrance further down the line, and the blue material is a deeply corrugated horizontal insulated metal siding with ribbon windows. Five feet in front of that wall are suspended wire belts that are taut from roof to ground that helps modulate the solar gain from our east sun, as well as a way to advertise the additional benefits of the wire belt product. As we move down the elevation, we have vertical insulated metal panels that are across the cafeteria and mechanical room of the building, and the lower area in front is the fenced courtyard and patio off from the employee cafeteria area. On the south side of this elevation is, again, deeply corrugated metal horizontal siding like the main office but this is done in a different charcoal color with a ribbed canopy to identify the entrance of the initial tenant space, again, with ribbon windows in the office area. Above that is clerestory lighting up against the roof, which will be windows with a translucent diffusion coating to maximize daylight within the facility. You can see in the posted elevation on the roof the solar panels that will be displayed across the entire roof, basically in order to maximize the power generation for this facility. As we go around to the north side, we see the office area on the left, 2-story office area, with that deeply corrugated blue siding continuing around with the ribbon window, and you see the overhang on the roof with the suspended wire belt mesh to temper our solar gain, and then again on this elevation we have vertical insulated metal panels in three different colors that will be randomly displayed across that façade to break up the mass and we continue to have the clerestory lighting

with the diffused glass. As we go around to the west elevation, which is the elevation that faces the highway, although we are set pretty far back and we have a tree buffer to the highway, you see the metal panels coming around from the north, there is a big blue canopy in the middle of the façade, not only does it break up the façade, but it gives shelter to some dock area where they recycle their stainless-steel metal trash. There will be dumpsters there that will be enclosed and under the roof, and it is a staging area for shipping goods from the facility. There will be four full loading docks to the right with their dock seals and access doors to both the tenant area and the wire belt area for truck drivers and people using the dock area on this west side of the building. So, the clerestory and the metal panels continue around to the south, which is the elevation that is shown on the bottom on the posted sheet. You can also see the charcoal siding coming around the office area of the tenant space.

Mr. Mires continued one thing that you will notice is this big, large box on the building that sits on the north end of the building on the roof; that was initially envisioned to be a screened area that would have rooftop mechanical equipment. As we got into the design, there just seems to be a few more pieces that needed to go up there, so since this elevation was created, we are creating a mezzanine in the building and all that equipment will now not be on the roof but sit on the mezzanine within the building. The one small box in the tenant area on the roof is set on the north side of that tenant area, so away from the eave, and it is just in this case unavoidable and will be on the roof and it is shown as a screened element. I would be happy to answer any questions.

Mr. Mires stated now I am showing you the materials board, which just shows you samples of the materials we just described. I think they are fairly well described in our narrative as well as in the staff report, but I would be happy to answer additional questions should you have some.

Acting Chairman Murphy asked for any questions from the Board on the architectural elevations.

Acting Chairman Murphy stated you can continue if you would like. Mr. Lopez responded I do not have a lot more to share unless members have specific questions. Mr. Greer already shared a little bit about the company and Mr. Mires about the building. We have reviewed the conditions outlined in the staff report and I don't have any objection to those. Acting Chairman Murphy asked you are fine with all 16? Mr. Lopez replied yes.

Acting Chairman Murphy stated I will ask for final Planning Board member questions before we open it up to public comment.

Mr. McMahon stated Mr. Lopez, there was something mentioned on VHB about turning radiuses for the trucks and frequency of going in and out. Do you have that yet? Mr. Lopez replied I did provide one, but they wanted some additional information. Really what they were getting at, I believe, was vehicles or trucks driving south on South River Road, turning right into the site. They wanted to see some more information on that, and until we solidify the offsite improvements and see how we are shifting the road around out there and adding that center drive lane, that left-hand turn lane, I am not going to be able to produce the final copy of that. That is going to work in conjunction with the offsite improvement plan. Mr. McMahon responded okay, thank you.

Mr. McMahon stated and then the potential access easement. It looks like the area that is immediately to the east of your building would be easy. Is there anything planned or in the mill for one to the north? For the access easement for future development, it would appear that the one that is immediately to the east of your building would be fairly easy to do. So, the question was, was there any thought or planning for an easement that would go to the north so they all could use your driveway? Mr. Lopez asked are you referring to the existing driveway that serves the mortgage company and then our proposed driveway coming in? Mr. McMahon replied exactly. Mr. Lopez stated posted on the screen is not part of the approval, but it was something that we were asked to include. This is a conceptual plan of what could happen, who knows, but this is something that could happen out in that front area in the future. There were some questions from DOT on the access to the mortgage company to the south. That access easement is on this subject property to access that sideline, so in the future if they were to develop this pad site, there is the potential of working with them and bringing access right through to our main road, there is the potential of having an access easement here so this future building could have access to both locations, and I think VHB was also asking about any future potential of the abutting property. Again, none of those ideas are formally on the table right now. Could those options be entertained in the future? Absolutely, but until we have more definitive plans of what might happen, we are just kind of reserving the position of comment in the future. Mr. McMahon responded thank you; I appreciate it.

Mr. Clough stated very nice job.

Town Manager Sawyer stated I have nothing at this time, but maybe following the public input session I might have something to say.

Mr. Quintal stated I think it looks like a great project. I have no questions.

Acting Chairman Murphy stated I also think it looks like a great project. I am really excited that you put so much time and attention into something that was geared towards the community as a whole and not just another built project. I am very appreciative of it; it is unique in what you are offering.

Acting Chairman Murphy opened the public hearing and asked if anyone wishes to speak, please use the raise your hand function.

Bob Lamey, 16 Mulberry Lane, stated I am located directly behind this building across the interstate. What are the hours of operation of the building? Steven responded we are currently a 2-shift operation and right now we are very busy so we are working 24/7. The first shift starts at 6:00am to 3:00pm, shift change around 3:30pm. We have just over 100 employees total of which a number have been working remotely and five or six sales guys across the country who are not here.

Mr. Lamey stated I have a concern about the loading docks that face FE Everett Turnpike. Those basically face my backyard. Those I would assume will be used with trucks backing into and out of as well as forklifts coming in and out of those possibly 24 hours a day, which will make quite a bit of noise facing the highway. That concerns me. I do not know if there is any way to flip the

building around so that the loading docks are on the east side as opposed to the west side of the building so all of that noise could face the other direction. Steven replied shipping and receiving is from 8:00am to 5:00pm. Shipping closes at 5:00pm. We are not a warehouse operation and we have maybe four or five, at most five, big trucks a day. Most of our stuff ships UPS and FedEx. Mr. Lamey asked could those doors be kept closed? I do not know how much noise comes out of your manufacturing facility or out of the possible future tenant that might come into that building, so having those doors closed during hours after 5:00pm and before 6:00am, or something, or end by 6:00pm, so that there would not be any noise generated from that side of the building facing towards the west. Steven responded I cannot speak to a future tenant, but I can tell you that you would not even hear our operation if you were 30 feet away from the building. Mr. Lamey stated I don't know, but wire belts just sound like a lot of noise and a lot of manufacturing. Steve stated I hope that helps. Mr. Lamey replied that does.

Mr. Lamey stated my other concern is you are looking at somewhere around 35 or 40 thermal wells going down and I am thinking of these going down 400 – 500 feet, like the ones that are at the Bedford library, I do not know if they can have any effect on the artesian wells that are in the area. Mr. Lopez responded right now, based on the load calculations that we are looking at with about 50 wells, that is going to be five or take a few wells depending on the final sizing of the system, but the geothermal wells process is much like a typical artesian well with no drillable hole. They have a U-shape return that will be down at the bottom of the well. The pipes will go from the building into the well, down in through the well, U-turn down at the base, and come back up into the building. That loop is a closed loop system that does not exchange water with the aquifer. The geothermal company that is working with us had us lay these out at 20-foot spacing from the wells, I believe we are at 25-foot spaces on the wells, that is so that the thermal interaction between the wells do not compete with each other. So, the information that has been shared by Skilling and Sons is that within 5 feet of the wells that is the limit of the thermal interaction. So, this isn't going to heat up the water in the aquifer, we are not pulling water out of the aquifer, we are not putting anything into the aquifer, and we are just using that energy of the rock to work with that heating and cooling system. Once you are 25 feet away from these wells, they are saying there is not going to be any impact to the aquifer or abutting properties. Mr. Lamey asked is that tested in any fashion? I would think that the water loop that is going down into the ground and coming and then there is another exchange that occurs in your mechanical units and that is only using the groundwater source like a 50-degree heat sync. Mr. Lopez replied I am not the geothermal guy and the geotechnical guy, so to speak in great detail on the system, that is out of my experience. All I know is that they do not have the concern once you are 25 feet away from these wells.

Mr. Lamey stated the wetland survey that was done, was done in the past year of 2020. Mr. Lopez responded yes. We had a wetland consultant and a soil consultant on the property. Mr. Lamey stated the year 2020 was a severe drought area in this time, so I am just concerned about how relative that is to the actual wetness of the soils there due to the fact that last year was considered a fairly big drought in the northeast. Since the interstate access widened out about 7 or 8 years ago for the airport access road, the area in my backyard, which would be adjacent to the highway, there is more water that stays on the property than there was previous to that time. I know that is all wetlands and wetlands really drain all through themselves and these all go down to Sebbsins Pond Brook that cuts across maybe a half mile down from this site and empties into the Merrimack River, but I am just concerned also about the wetlands that were surveyed and how the water

drainage could be affected. Mr. Lopez responded we had a certified wetlands scientist flag the wetlands and a survey crew went out and located those flags. Periodic drought does not impact the delineation of wetlands. Wetlands are delineated based on three criteria. I am not a wetland scientist, but I know enough of this is that it is based on the vegetation, it is based on hydrology and also readings of the soils itself. Whether or not we had a drought over a few months, or a year, isn't going to impact the call of the wetlands scientist, and he has reviewed that and sealed the plan and signed the plan. Mr. Lamey responded okay. I think that is all of my pertinent questions, and I thank you for listening.

Acting Chairman Murphy stated thank you, Mr. Lamey, and if you have any follow up questions, feel free to raise your hand again. For anyone just joining this livestream, we are on the Wire Belt Company application, which is a 100+ year old company, four generations of owners, moved to New Hampshire in 1989 to Londonderry and need to expand their facility, went looking to Bedford, is seeking LEED Platinum Certification for the building, which translates to net zero energy consumption if done correctly. Are there any other members of the public that are on this meeting that wish to speak? Please raise your hand or signal otherwise that you wish to speak. There are none.

Acting Chairman Murphy asked Ms. Hebert, are there any questions or comments received by email? Ms. Hebert replied we have not received any comments submitted by email.

Acting Chairman Murphy stated I will close the public hearing at this time and ask if any Board members have any final questions for the applicant. There were none.

Town Manager Sawyer stated I wanted to comment and thank Mr. Greer for bringing his business to Bedford and join Mr. McMahan in his statement that this absolutely will become the model, I think, for development, and I hope it does, in our community. Any time a project moves to get LEED certification bringing a net zero commercial development to Bedford, I believe will absolutely be the first in Bedford and maybe one of the only in New Hampshire, even to have a commercial development of this size be a net zero project incorporating geothermal, a cistern for irrigation, solar on the roof, walking trails, employee garden, and electric vehicle charging stations are all great things. On top of that, this business, Wire Belt Company of America is always listed as one of the top places to work for employees and we would love having that in Bedford as well. Acting Chairman Murphy stated I want to strongly echo Town Manager Sawyer's comments because I agree with them wholeheartedly. Mr. Sullivan stated I want to say the same thing as well. I know I am echoing a lot of statements at this point, but I just want to be on record that this is the exact type of business development that I feel we really want to happen in the Performance Zone on South River Road, and if we can have this be the example of what we attract to Bedford, this is how Bedford continues to grow and be the great community that we all live in. Councilor Duschatko stated I have to echo all these statements. This is a great thought-out development. Ironically one of my businesses was located down the road from Wire Belt in Londonderry and I drove by them a number of times and I always wondered what they did. I wondered as I saw them growing why didn't they move over to Bedford, so I am glad they are and hopefully we can do everything to make it easy and comfortable for them to join us. Acting Chairman Murphy stated the best part is that their name, unlike many company names, is not a misnomer, they literally manufacture wire belts.

Town Manager Sawyer stated before I make the motion, it is clear that there is still some work to be done on the offsite improvements, but I am confident that the applicant can work with DOT to make those happen, along with our Public Works and Planning Department, and Condition #9 in the motion addresses that. I am confident that can be worked out.

MOTION by Town Manager Sawyer that the Planning Board grant final approval of the site plan prepared for BFB Real Estate Holdings, LLC for Wire Belt Company of America at 308 South River Road, Lot 24-98-19, Zoned PZ, in accordance with the site plans prepared by Keach-Nordstrom Associates, last revised January 6, 2021, and the architectural plans by Dennis Mires Architects, last revised January 6, 2021, with the following 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 Director of Public Works and the Planning Director shall determine that the applicant has addressed all remaining technical review comments to the Town's satisfaction.**
- 2. The Applicant shall submit any outstanding engineering review fees, if any, to the Planning Department.**
- 3. The plan shall be amended to include seven additional parking spaces to accommodate the changes in the building area.**
- 4. The Bedford Stormwater and Land Disturbance Management Permit shall be approved by the Department of Public Works.**
- 5. The following State permits shall be obtained and the approval numbers noted on the final plan:**
 - a. NHDES Alteration of Terrain Permit;**
 - b. NHDES Sewer Discharge Permit;**
 - c. NHDOT Driveway Permit; and**
 - d. NHDES Wetlands Permit.**
- 6. A letter from Manchester Water Works stating that they will be able to serve this project shall be submitted to the Planning Department.**
- 7. The Applicant shall convey a conservation easement deed to the Town of Bedford. The easement deed and plan shall be reviewed and approved by the Planning Director and recorded at the Hillsborough County Registry of Deeds.**
- 8. The Applicant shall convey a right-of-way easement deed to the State of New Hampshire for the right-of-way widening along South River Road, as shown on the approved plan.**
- 9. The State of New Hampshire shall issue final approval offsite improvement plans for the proposed left turn lane on South River Road and the approved plan shall be incorporated into the final Site Plan set.**
- 10. Prior to the commencement of work, arrangements shall be made with the Planning Department regarding payment and coordination of third party inspections.**
- 11. Prior to commencement of work, a pre-construction meeting shall be held with the Planning Department, Department of Public Works and the Building Department.**

- 12. Prior to commencement of work, a performance guarantee in an amount approved by the Town for onsite maintenance of erosion and sedimentation controls shall be placed on file.**
- 13. Prior to a building permit being issued, the Applicant shall provide retaining wall design drawings (stamped by a licensed structural engineer) to the Town for proposed retaining walls 4 feet high or greater.**
- 14. Prior a building permit being issued, the Applicant shall obtain a Sewer Permit from the Department of Public Works.**
- 15. Prior to the issuance of a certificate of occupancy for the building, the sewer accessibility fee shall be paid.**
- 16. Prior to the issuance of a certificate of occupancy for the building, all onsite and offsite improvements depicted on the approved plans shall be completed.**

Councilor Duschatko duly seconded the motion. On a unanimous roll call vote, the motion carried.

Mr. Fairman stated it is great to have an application without any waivers.

IV. Approval of Minutes of Previous Meetings:

MOTION by Councilor Duschatko that the January 11, 2021 Planning Board minutes be approved as presented and the January 25, 2021 Planning Board minutes be approved as presented. Town Manager Sawyer duly seconded the motion. On a roll call vote, the motion carried. Mr. McMahon, Ms. Malcolm, and Mr. Clough abstained from the vote on the approval of the January 25, 2021 minutes. Mr. Foote abstained from the vote on the approval of the January 11, 2021 and January 25, 2021 minutes.

V. Communications to the Board:

Ms. Hebert stated we did not receive any new applications for the February 22, 2021 Planning Board meeting, and because the Wire Belt Company application was approved and did not continue to the next meeting, that meeting will be cancelled. The next Planning Board meeting will be held on March 8, 2021.

Ms. Hebert stated we have hired a new Assistant Planning Director, and she will be joining us at the March 8, 2021 meeting, with her first day of work being March 1, 2021. She comes to us with a lot of experience in planning in New Hampshire and we are excited to introduce her to all of you.

VI. Reports of Committees: None

VIII. Adjournment:

MOTION by Mr. Sullivan to adjourn at 8:52 p.m. Councilor Duschatko duly seconded the motion. On a unanimous roll call vote, the motion carried.

Respectfully submitted by
Valerie J. Emmons