

**TOWN OF BEDFORD**  
**May 23, 2022**  
**PLANNING BOARD WORKSHOP**  
**MINUTES**

A workshop meeting of the Bedford Planning Board was held on Monday, May 23, 2022, at the Bedford Meeting Room, 10 Meeting House Road, Bedford, NH. Present were: Town Councilor Bill Duschatko (Acting Chairman), Phil Greazzo (Town Council Alternate), Priscilla Malcolm (Secretary), Hal Newberry, Charlie Fairman, Steve Clough, John Quintal (Alternate), Matt Nichols (Alternate), Jillian Harris (Assistant Planning Director), and Becky Hebert (Planning Director)

**I. Call to Order and Roll Call:**

Acting Chairman Duschatko called the workshop meeting to order at 7:00 p.m.

**II. New Business:**

The Bedford Planning Board held an informal workshop to discuss general community planning issues and Planning Board procedures. Topics included, but were not limited to the following:

➤ **Election of Officers 2022-2023:**

Acting Chairman Duschatko stated the election of Planning Board officers will be postponed to the June 27, 2022 Planning Board meeting. Our plan is to propose a slate of officers at that meeting. You can contact Ms. Hebert, Ms. Harris or myself if you are interested. If we have some volunteers, that would be great. We also need another regular member. We could bring up one of the alternate members and if you would like to become a regular member, please let us know.

Ms. Hebert gave a summary of the available positions.

- Chairman, filled by regular member (non ex-officio)
- Vice Chairman, can be filled by one of the Town Council representatives
- Secretary
- Conservation Commission Liaison
- Historic District Commission Liaison
- TIFF Advisory Committee Representative
- Southern NH Regional Planning Commission, Planning Board makes recommendation to Town Council for renewal of memberships.

Ms. Hebert stated Bedford has 3 full-time members, 3 alternates on the Southern NH Regional Planning Commission. One alternate is resigning, so there will be vacancy for this. Danielle Evansic and Bill Jean are interested in having their memberships renewed. These are 4-year terms that expire annually in July. They meet once a month. There are about 60 members. There are 14 communities included in the commission.

Mr. Newberry stated I think the Board should consider nominating officers at the next official meeting, especially if there aren't a good list of people to take on the positions. I think that might be a good way for the Board to think about who do you want to nominate and then those nominees can stand for election or decline or both. Ms. Hebert stated we could discuss it tonight and have a slate of officers that we move to vote on at the next meeting. Mr. Clough asked is the Chairman scripted? Ms. Harris responded yes. Mr. Nichols asked how demanding is Secretary? Ms. Malcolm replied I haven't had to do anything up to this point. Ms. Hebert stated on occasion the Secretary might have to chair a meeting. Mr. Nichols asked would I have to move up as a regular member? Ms. Hebert replied yes.

Mr. Nichols stated I will volunteer as Secretary. Mr. Fairman stated I will volunteer as Chairman. Acting Chairman Duschatko stated I will stay as Vice Chairman. Mr. Clough stated I will stay on as the Conservation Commission Liaison. Mr. Quintal stated I will be stepping down from the Historic District Commission due to a scheduling conflict.

Ms. Hebert stated we have a partial slate of officers, and if anyone is having second thoughts or think they want to put their name in, please email us and we can give some guidance and talk about it at the next meeting.

➤ **Discussion of suggested training opportunities:**

- **'The Workings of a Planning Board' NHMA webinar**
- **NHMA Local Officials Workshop**
- **Riggins Rules and Social Media Policy**

Ms. Hebert stated we wanted to just have an open discussion of the suggested training opportunities we had sent out to the group. If anyone had a chance to participate in any of that board member training, we would love to hear your thoughts on that, if you have any questions about how the Board procedure works here in Bedford or statewide, we would like to use this time to just have a Q & A and answer questions. We also included a copy of the Riggins Rules and the Town's Social Media Policy. NHMA ran an article on Riggins Rules, which I think are really concise, written in very relatable and easy to read language, and I think it is a nice reminder for everyone, including staff, on what your best practices are when you are at a public meeting.

Ms. Hebert stated our social medial policy is another one that we just were constantly reminding new board members and want to make sure that you are all aware of what the Town's policies

are regarding social media, and we are happy to answer any questions about that. The short advice on social media is to keep your opinions to yourself when you are sitting on this board and don't engage in public forums that might be discussing pending applications or planning issues because it may preclude you from participating in that application review when something does come before the Board.

Mr. Quintal stated there was a new one that came out today looking for people to sign a petition on west Route 101, commercial only. Ms. Hebert stated there is a petition floating around town and you may see it in your networks, that is asking for folks to sign a petition to maintain commercially zoned land and commercial use along Route 101 and to not permit residential development in the commercially zoned land. The Zoning Board had a case recently where there was a developer looking for a variance to not connect to public sewer and to not provide 25 percent of affordable units for a proposed elderly housing development, which is a permitted use. I don't want to get into too much discussion about the merits of the project, but that is a good example of don't engage in the petition unless you would consider yourself wanting to step down preclude from participating in a Planning Board review and discussion on that topic. Mr. Nichols asked by engage you mean not even sign it? Ms. Hebert responded correct, unless you feel really strongly about it and then just know that when development on Route 101 comes before this Board, you may need to step down.

Mr. Newberry stated I didn't do the webinar but I did look at the charts associated with that and I thought they were very well done and I thought they hit a lot of really good points that are easy to forget about or for a reminder. I also looked at the handbook they referenced. I didn't really read it, other than the Table of Contents, but that looked pretty good also. I have seen the Riggins rules before and those I think are also very helpful and are worth a read if you haven't looked at them.

➤ **Goals and Priorities for 2022-2023:**

• **Housing Working Group**

Ms. Hebert stated in March the board talked about establishing a housing working group to discuss housing opportunities in Bedford broadly, and this was based on a recommendation from the newly adopted Master Plan, which had one of the main goals was to provide opportunities for housing choice and recommends that the town continue to provide realistic opportunities for workforce housing development consistent with State law and to regularly assess the effectiveness of Bedford's workforce housing ordinance. We talked about the makeup of the committee, and we had a couple of folks volunteer to serve on the committee. The group hasn't yet met or been formally established. We have had Mr. Newberry and Vice Chairman Duschatko volunteer to sit on the committee, and Mac McMahan also volunteered, and he may still be willing to participate as a resident member. The former Planning Board Chair Jon Levenstein has also suggested he would be interested in volunteering.

Ms. Hebert stated tonight I wanted the group to talk a little bit more about how large that group should be, who should have representation on the committee and what the primary focus should

be for the group for this year. Our recommendations are to review and track any changes in State law, including any pending bills, and to come back to the Planning Board and report at your September workshop, recommendations for any changes that might need to be made to maintain compliance with State law. There is a large omnibus housing bill that has been going through the State legislative process, and its fate is still unknown but there is HB 1661 that has several changes to New Hampshire State law, weaving into it incentives and changes in how planning boards would handle workforce housing applications. I think it would be good for this committee to review that and review it against our Zoning Ordinance and staff would assist and you could discuss any necessary changes for compliance if that housing bill passes. Mr. Clough stated that was actually tabled as SB 500 and they snuck it onto HB 1661. They are trying to sneak it through. Ms. Hebert responded yes; it was tabled as SB 400 and it went to Committee of Conference just last week. It is a large bill. I went through it today, because each time it has been discussed, it has been amended slightly, so it is something that I have tracking throughout this legislative season, and I came up with 11 sort of significant initiatives or changes embedded in the bill. As a for instance, it would make any zoning that a town has on the books for elderly housing, which Bedford does have a specific land use category for elderly housing. The same zoning that is one the books for elderly housing would have to be permissible for workforce housing. You would essentially have the same incentives for elderly housing as for workforce housing. That changes our housing and zoning for housing significantly and we would want to review that. But if the bill passes, that wouldn't go in effect until July 1, 2023, so it does give us time to get through some review and local zoning amendments if we feel it is warranted. There are some incentives for workforce housing, there are changes to the Planning Board's timeline and clock for review of applications, there is a section on fees needing to be posted clearly or considered waived, there is a whole section on Planning Board and Zoning Board member training. Mr. Clough asked this is all to the positive for developers? Ms. Hebert responded there is a lot of stuff going on. I think it will be ripe for discussion if it passes with the housing working group.

Mr. Fairman stated I think we all know that there is a group in Bedford that has a new petition as part of that, that would rather than we not have any apartments or workforce housing. I think we would be remiss if we didn't try and get some of them on this committee. I don't know how to do that necessarily, I don't know who they are, but perhaps the committee should not just be people from the board. Mr. Newberry stated I would agree that we need that input, I am not so sure that the committee should have an expanded membership to try and reach all interested perspectives. Mr. Fairman stated I don't know what size the committee should be. Mr. Newberry stated I do agree that the committee should probably make a list of different perspectives that they would like to solicit input from, if not actually on this committee. My only reservation would be where do you draw the line in size and perspective on people you bring and sit as a part of the subcommittee. I think the subcommittee being populated by as objective as possible people would help to optimize a good perspective outcome rather than having people with known agendas sitting on the committee. Mr. Fairman stated I think you are probably right. I think you could solicit opinions from developers, as well as, from some of the people against it. From a variety of different people, you could appoint from a variety of different groups. Mr. Newberry stated developers, realtors, probably the business community at large because I think the business community would have an interest in affordable housing, I don't like to use the word workforce housing. I think it has become a little used and ways that probably make it a

little more controversial than it really warrants, but I think you are right that one of the things that the committee should do is probably put together a list of who we want to get, or who does the committee want to get input on this whole question from and try to draw that list so that it solicits different perspectives. Ms. Hebert stated we could invite people to come as guests at working group meetings, we could do some outreach. Mr. Newberry stated I haven't given it a lot of thought, but one of my concerns where I heard you say reporting in September, I am not sure how realistic that is seeing that we are basically approaching June. I think in September a status report; I am not sure that a proper job can be done in that timeframe. Ms. Hebert stated it is a big topic; it is complex. Mr. Newberry stated I would even go so far as to say that the committee may want to create some kind of a questionnaire as a start and circulate that to different perspectives and different organizations as a starting point just to get the thought process going, not only with the committee but also with anybody with positive or negative input and that might help to kind of structure the input a little bit also, so that it is a little easier to look at an organization that is neutral, an organization that will we have to do this, and an organization's perspective that is no way, and that way you would get their take against the same basic set of questions where that might make it a little easier to evaluate what kind of recommendations you might end up with. Acting Chairman Duschatko stated I don't disagree with you, however, there has been a survey out for three months regarding a question on housing. It has not been well publicized. There have been minimal responses in Bedford, but Bedford is better than the other communities. It is a State deal; it is not just a southern New Hampshire thing. The State has put in \$500,000 to each one of the planning commissions to run this housing analysis study, which all stated from a similar survey, that asks for your attitudes, how do you see it, good, bad, the whole works. It is not the best survey in the world, in my opinion, but it is certainly not the worst. The problem is that you are getting very limited response. It is poorly designed in the sense that the same person could answer multiple times. I think they cleaned that one up. But if this bill passes, which I think it is going to, we are going to be put into a situation that in a year from July, we are going to have to treat all of our housing based on what our zoning is for elderly and there is no way around it because they are very specific in the legislation saying, "Housing developments that exclude minor children from more than 20 percent of the units, or which are more than 50 percent of the dwelling units that having fewer than two bedrooms or subject to age restriction, shall not constitute workforce housing for the purpose of these restrictions." That is elderly. In this particular statute there are a couple of inconsistencies, this being one of them. If this goes through, it is basically, from my simplistic interpretation, has told you what you are going to have for your zoning. You can't restrict anybody or the type of development, and you can't use the elderly exemption, that everyone has gone around for years, and doing it. I think we have to be aware of that. Ms. Hebert stated you have to provide the same incentives including location for both. Acting Chairman Duschatko stated if you say you can't have workforce housing apartments on Route 101 in a Commercial Zone, but we just allowed an elderly project, guess what, we are going to have those apartments in that Commercial Zone. It is a major problem. I really don't know how to get around it. They have complicated matters also by allowing a community to go out and set the size, something like a TIFF district, and saying this is going to be a housing district now, and there will be all sorts of incentives and tax programs, but as Ms. Hebert and I were going over the language, the interesting thing is we could take a 20-acre shopping mall, say we are going to make it housing and all of a sudden there is a guy in the middle that owns his property that says I am not going to sell my store. We can't take it by eminent domain, so that whole district sort of becomes

worthless. Why can't we take it by eminent domain, because the statute that is proposed here explicitly prohibits that. This is the type of legislation that is going through, and to my person opinion, is really sloppy. Mr. Clough stated like I said in the beginning, it is all to the advantage of the developers, and it is sneakily written. It is tagged onto HB 1661 in the dead of the night. Acting Chairman Duschatko stated the same thing on the Governor's housing investment thing. They don't have a clue what they are trying to do in term so getting that money out or how to do it. When the Executive Councilors asked them for answers, they didn't get any answers, they just got a lot of mealy mouth stuff coming back and they say we are not going to fight anymore and they passed it, because election season is coming up.

Ms. Malcolm asked how economically feasible is it for developers to put in affordable housing or what we used to call workforce housing? I see there is something here about \$10,000 per unit. I am thinking about the proposal that we had on the Board for Circle Drive down near the border of Merrimack, and there was going to be workforce housing there, there was going to be elderly housing there and they could not make that go economically. Is that right? Ms. Hebert responded no. It is still out there, but they are looking for the right developer and the right financing. Acting Chairman Duschatko stated look at all of the other things. You have Bedford Village Inn's development of very, very expensive housing and the first thing they need is a waiver because we can't have two units out of our ten that might be a little bit cheaper. This is getting ridiculous. We either deal with it upfront or we don't. As long as they thing they can come in here and they can get a waiver for all of this stuff, why bother to have it, why waste our time and trouble. What is going to happen because of that is that we are going to get more of this legislation telling us what we can and cannot do in our communities. That is all that this is; it is a push by three or four developers, a major one in Concord who is very well connected, and has made his fortune on low income housing and he gets the word out. Mr. Fairman stated but also not if you can't get financing. Acting Chairman Duschatko stated you get financing for this because it is all tax incentive, money from the state and feds. Mr. Fairman asked is that what this development is waiting for? Acting Chairman Duschatko responded sure; I do. They didn't know how to put it together correctly to start with. If they put it together correctly, it wouldn't have been any problem. We all hear about Bow Lane, that had to be market rate units. Well it didn't. It has turned out to be 80 percent subsidized. All of the money is made up front. It financed more per unit than two times the construction cost. They would take those every day. Mr. Clough stated and the Planning Board swallowed that hook, line and sinker. That is one reason I ran for the Planning Board. Acting Chairman Duschatko stated this is not a new program. This has been done in this country and New Hampshire since the 1960's; you just package differently. In the 1960's we put it together, we sold the loans to Fanny Mae, we had to hold them for eight years, we turned around and took those apartment houses and turned them into condominiums. Ten years later the condominiums went down the tube, we bought them back and turned them back into apartments, and then ten years later we turned them back into condominiums. Nobody likes to hear this, but that is what is happening.

Ms. Hebert stated this was recently passed by our Governor and Executive Council. This is a \$100 million program to stimulate workforce housing development and construction in New Hampshire. The program does include potential funds available for zoning analysis at the local level, and there is also grant award of \$10,000 per unit with a cap of a million per project and a million per municipality for new units that are created within six months of the initial permit

being filed, which is a pretty fast track if you think about a permitting process. I looked for more information on this and the BEA memo seems to be what is out there right now for description and a breakdown of how the money would be spent and made available to New Hampshire communities, developers, stakeholders. That is another topic the Housing Working Group would want to track and follow and discuss. We may want to put a request in for grant monies. It is a big initiative, it's something that I think Bedford would want to stay on top of and be aware of.

Ms. Hebert stated lastly we have this Regional Housing Needs Assessment in process at Southern NH Regional Planning Commission. I don't know if they are on schedule, but they are targeted to have this analysis done by the end of the year. It would be good to also have that information and have a working group in place ready to review those results.

Mr. Newberry asked Acting Chairman Duschatko and Mr. Fairman, how much of that Southern NH Regional Planning Commission assessment and analysis is dependent on this questionnaire? Are they doing anything that is looking at the available data to analyze it and not depend solely on response or a lack thereof in a questionnaire? Ms. Hebert stated I do know they have a demographic consultant, so they have someone specifically analyzing demographics statewide and looking deep into census data and information on housing units and they will be providing a breakdown per municipality and per region. Mr. Fairman stated knowing the staff we have in there; I am sure they are doing more than just a survey. Their survey has to be just part of what they are doing. Mr. Newberry stated I know that there are some technically qualified people on the commission staff. Acting Chairman Duschatko stated they are pretty much following their guideline that they all agreed in. Ms. Hebert stated all of the regional planning commissions are doing this at the same time, and they have a form that they have agreed upon for the housing needs assessment reporting and there is a demographic that is assisting each of the regional planning commissions in the state on their analysis and breakdowns. In the past Nashua Regional Planning Commission's housing needs assessment was very different from Southern NH Regional Planning Commission's and very different from Lakes Region, so from a statewide perspective, they are trying to align all of these studies so we can look at where New Hampshire is statewide and then drill down into the regions and into the individual communities. Mr. Newberry responded that sounds good. I could imagine that where adjacent areas could have impacts on everybody else who touches.

Ms. Hebert asked are there any thoughts on the working group? How and when to kick it off, who should be involved, how often and when we should meet? Mr. Newberry asked what was the Board's thinking on that? Was that just volunteers or does the Board vote to appoint or what are we comfortable with? Mr. Fairman stated I think volunteers is fine. It sounds like we have a good base of the Board that has volunteered for it and I think a meeting should be scheduled. Acting Chairman Duschatko stated we have to get some people outside of the Board. Ms. Hebert stated we could look for three other resident members and have a committee of five. Mr. Newberry asked would Planning Staff work with that group? Ms. Hebert responded yes. Mr. Newberry stated I am willing to volunteer. Acting Chairman Duschatko stated I would also. Mr. Nichols stated I will volunteer also. Ms. Hebert stated we can't have a quorum of Board members. We need to keep it to three Planning Board members. Ms. Harris stated we could aim for 9:00am meeting time. We can pick a date of a Thursday in June and get that scheduled.

- **LDCR Update – Landscape Architect certification**

Ms. Hebert stated at your last workshop we had a nice presentation from a local landscape architect, Leo Urban. I wanted to let you know that we are working on drafting that amendment to your Land Development Control Regulations. and it hasn't fallen off our radar. We wanted to put a reminder that that would be coming before the Board hopefully mid to late summer.

Mr. Newberry asked the way it is now is that the landscape plan can be created by any engineering firm and doesn't require that they have a licensed landscape architect on their staff for approving the landscape design? Ms. Hebert responded yes. Mr. Newberry stated I think that would be an improvement. I don't recall a landscape plan that to a layman like myself that looked absolutely horrendous, but I think having that level of review on it and approval of it, would probably consistently result in better landscape plans. Ms. Harris stated Mr. Urban explained that if they certify it, then they certify that things are going to be planted as they are on the plan. I think it helps us when we are doing site inspections.

- **Any other topics or comments from Board members**

- **Temporary Signs and Real Estate Signs**

Ms. Hebert stated some background on the temporary sign ordinance because it is a little different from what you typically work with from a regulatory framework. The temporary sign ordinance is housed within the General Code of Ordinances and it is amended and administered by the Town Council, so waivers requests to the temporary sign ordinance are made directly to the Town Council and approved by the Town Council. We don't have them very often. The Planning Department administers the permit process itself but we do that on behalf of the Town Council.

Ms. Hebert stated the regulatory framework for real estate signs is housed within the Zoning Ordinance. If someone can't meet the dimensional standards or requirements for a real estate sign, technically that would be a trip to the Zoning Board of Adjustment for relief and/or a Conditional Use Permit with Planning Board. They are a little different; they are two different categories of signs, and the temporary signs are those roadside signs that you see all over town, especially this time of year, advertising a myriad of events and sales. We are broad in how we interpret special event, but they are supposed to tie back to a special event for either a not-for-profit group or a business and businesses are allowed to have up to 120 days of temporary signs. You will see them come up and come down and they are popular and we do the best to control the ones that aren't permitted. If you every drive by the Town office building and you look where the Planning Department entrance is, you will see a big pile of temporary signs that Kathleen Ports, our Code Enforcement Specialist, will go out and collect and bring back so that the businesses can come and retrieve their signs. We don't throw them away right away.

Mr. Quintal asked who regulates road races in the town? Ms. Hebert responded the road race itself is managed by the Police Department through a permit for a special even, and they get a special allowance for additional road directional signs that may pop up right before the event to

let people know that the road might be closed or the race might be happening and to plan ahead. Mr. Quintal asked the Police Department is the decision maker if a road is going to be closed? It is not the Town Council? Ms. Hebert responded it is the Police Department.

Mr. Fairman stated I passed out photos of four signs that I would like to discuss because I think they are examples of some of the problems I see. I am specifically talking about the business temporary signs, not these other political signs that people stick in the ground. I would like to be clear that I am not criticizing the enforcement of the rules, I frankly don't think they are enforceable, I don't know how anybody can count 120 days on a sign when it is over when it can be spread out over four different events over a year. So a business can put up a sign four different times for a total of 120 days. Mr. Fairman stated I don't know a lot of answers but I feel that the temporary signs are a blight in Bedford. You go into Amherst and you don't see them, you go to a lot of places and you don't see nearly the number of temporary signs that we have, and they are all over.

Mr. Fairman stated the first example I submitted is a Primary Plaza. It is a 32 square foot sign and one post is 3 feet higher than the other, it is up continuously because they do change the banner occasionally because there are several businesses in here, and they can fill this up year-round. It is always there, it is not at all attractive, and I wonder why if you are going to have a place like this plaza that is going to have a sign permanently up, why isn't it part of the monument sign. I would like us to consider, or somebody to consider, electrical changeable signs restricted to letters and numbers rather than having these big temporary signs. That is one example.

Mr. Fairman stated the second example is in front of Copper Door and you can see two temporary structures, three green stakes and then the one that Copper Door actually uses. The ordinance does say that the frame is supposed to come down when it is not in use, and I assume the green stakes were probably a political sign, but I don't know that, but that just shows another part of the problem. This board spends a lot of time on signs to make sure the signs are good, a good size, we compromise on waivers, and then we get all of these temporary signs.

Mr. Fairman stated the third sign is an example of the many For Lease signs, and they fall into different categories, this one has been up for 30 years at least, and you can see that needs paint, there are black things driven in the holes to keep it up, it is leaning, and, again, they have a monument sign. If they are going to have a permanent For Lease sign, which this certainly is permanent in my view, why isn't it part of the monument sign? I know we can't go back and make them do that, but I would like to see going forward that maybe we could make that happen. There is another semi-permanent one that has only been up three or four years up on what used to be the Bedford Mall, a sign right by Citizen Bank, and that will be there for a long time. There are real estate signs all over this town that have been there for a long, long time, and where it is an empty lot, I don't think you can do much for that, but I think if we have a business and the business has a business For Lease sign should be incorporated into the overall business sign.

Mr. Fairman stated the fourth example is a sign on Route 101 that is there forever. I don't know if anyone of us can say that that sign is not up, the structure is definitely permanent, and I think the sign is almost always there.

Mr. Fairman stated the fifth sign that is another type of sign, that I don't have a picture, is in front Shorty's "Financing by Primary Bank" and that has been there four or five years since they started thinking about the project. I don't know what the rules are on that, but I think if we don't have rules, we ought to have rules.

Mr. Fairman stated I don't have solutions tonight, I am throwing this out as something I think the Board ought to be talking about, maybe have a separate working group committee to do something about it, and I will leave it to the Board to respond.

Mr. Newberry stated none of these look very temporary to me. Mr. Fairman stated if you look at them carefully, the one in front of Primary Bank, it is set into tubes. I think the wooden one at Copper Door is also set in tubes. The others are pretty permanent. Ms. Hebert stated if we called them up and said you have to take your frame down; they can pull that out of the tubes. Mr. Fairman stated it is permanent because they are just going to keep putting new banners on them. I drove down Route 101 today in Amherst and I didn't see a temporary sign, there are not a lot of businesses but there are some. Maybe you will see more along Route 101A. Mr. Newberry stated maybe we should take a look at see what their temporary sign ordinance looks like and whether that is something that we should be considering as a board. Mr. Fairman stated maybe look at two or three other towns and see what they have for temporary sign rules. Does this come under the Town Council instead of us? Acting Chairman Duschatko stated this hasn't come up in a couple of years. I think they have gotten worse. Mr. Fairman stated I didn't get into the political signs because we don't control that, but they are getting bigger and bigger and more and more signs.

Mr. Newberry stated I don't know what the answer is, but I think you are pointing at an issue that should be looked at. Part of me says I am sympathetic to local business and needing to promote themselves, but it looks like they have managed to turn them permanently placed signs. Mr. Fairman stated this is not mean to be business unfriendly, but I think we could improve our ordinance so that going forward you make space on your monument sign for a For Lease sign. Mr. Quintal stated or if it is a sale. You put the sale sign out at the beginning of your operation and then you take it down at the end of the day. Acting Chairman Duschatko stated the Town Council used to see that as the sandwich board signs that were only supposed to be up for a relatively short time and it just grew and grew and grew. Mr. Fairman stated non-profits are pretty good for putting them up for 30 days for sandwich signs. Ms. Hebert stated non-profits fall under the same category as these signs. There is no fee for these. Mr. Quintal stated for the animal hospital we said no to a changeable sign, for them to use a temporary sign. Mr. Fairman stated I think maybe in hindsight that that might be wrong. Maybe we ought to be allowing a changeable sign as part of the monument signs like Godecke has. I would rather have that than temporary signs. Mr. Newberry stated my initial reaction to an electronic sign would be caution. I could see that getting out of control. Mr. Fairman stated that is why I said only letters and numbers and no other lights. I agree that it is a slippery slope, but changeable signs to me if they are electronic, are better than temporary signs. Mr. Quintal stated is 120 days really a temporary sign. Mr. Fairman stated the idea was that a business could put up four different events for a total of 120 days. Nobody can enforce that. Mr. Nichols stated the propane company temporary sign is not advertising an event. Ms. Hebert stated there are First Amendment rights that we have to

cautious about when we are working with a sign ordinance. Technically if you have to read the sign and you truly have to read the sign to determine whether or not it is allowed, it can be argued that that is a violation someone's First Amendment rights. We look at that special even definition very broadly, and what might be an event to you, might not be an event to someone else. We can't regulate signs based on what they say; it has to be size, dimension, appearance, color, lighting, design standards. Ms. Malcolm asked temporary signs are not controlled by those same guidelines? Ms. Hebert responded they are, which is why we interpret special events very broadly. And we have to treat not-for-profits the same as commercial enterprises in Bedford and everybody gets the same amount of temporary signage for the same number of days.

Mr. Quintal stated I think if a regulatory change came into effect where it was during your operating hours only, they would get tired of going out there to hang that sign every morning and taking it down every night. Ms. Hebert stated it would require a lot of enforcement though. Mr. Quintal stated what about the Police Department. Ms. Hebert responded they don't typically assist with the sign enforcement. Mr. Quintal stated but they drive around enough so they would notice. Put it on a list and bring the list over every day.

Ms. Hebert stated staff can put together an analysis of how our neighboring communities regulate temporary signs and we can look at size, number of days, location, etc. Mr. Quintal stated it should be a regional thing because we want Route 101 to look the same no matter when you go from town to town. Ms. Hebert stated we are fairly strict. We are constantly policing those smaller yard signs. Sometimes you have a special event and somebody sticks 20 signs along Route 101; we get word of that and we are out there pulling them from the right-of-way. It is a constant battle. They are kind of like flowers where they pop up daily. These sort of semi-permanent temporary signs we can look at how other communities handle something like that because this is different than from those yard signs that you see along the roads.

Mr. Nichols asked those sign sizes fall within the size guidelines? Ms. Hebert responded yes, up to 32 square feet. Mr. Newberry stated the square footage may be a part of the issue also because you have a 32 square foot sign, you are not going to be able to put that up on bamboo stakes. Ms. Harris stated it makes it harder to remove. Mr. Quintal stated on the other hand we don't want to restrict our commerce. Mr. Fairman stated I don't think that the Ace Hardware sign would lose anything if it was 25 percent of the size, or a third of the size. The non-profits put up the sandwich board signs and they are fairly effective unless they put too much on them, but if you do them right, they are effective. You don't need a great big sign to let somebody know that Ace Hardware is there.

Ms. Harris stated we will put together an analysis of what is going on in neighboring communities.

### **III. Adjournment:**

**MOTION by Ms. Malcolm to adjourn at 8:33 p.m. Mr. Fairman duly seconded the motion. Vote taken – all in favor. Motion carried.**

Respectfully submitted by  
Valerie J. Emmons