

**TOWN OF BEDFORD**  
**June 14, 2021**  
**PLANNING BOARD**  
**MINUTES**

A meeting of the Bedford Planning Board was held on Monday, June 14, 2021, at the Bedford Meeting Room, 10 Meeting House Road, Bedford, NH. Present were: Mac McMahan (Chairman), Town Councilor Bill Duschatko (Vice Chairman), Priscilla Malcolm (Secretary), Harold Newberry, Steve Clough, Charlie Fairman, Matt Sullivan, John Quintal (Alternate), John Nelson (Alternate), Matthew Nichols (Alternate), Town Councilor Kelleigh Murphy (Alternate), Rick Sawyer (Town Manager)

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

Chairman McMahan called the meeting to order at 7:00 p.m. All members of the Planning Board were present. Planning Director Becky Hebert and Assistant Planning Director Jillian Harris were absent.

**II. Old Business & Continued Hearings: None**

**III. New Business:**

1. **Raymond and Nancy Demers (Owners & Applicant)** – Request for final approval of a subdivision of one lot into three lots located at 501 Route 101, Lot 30-10, Zoned R&A.
2. **Nicholas S. Key (Owner & Applicant)** – Request for revocation of final Subdivision (Lot Line Adjustment) Approval for 96 and 98 Nashua Road, Lots 27-1 and 27-1-1, Zoned R&A.
3. **Bowman Place of Olde Bedford (Applicant) & Senior Living of Bedford (Owner)** – Request for a Conditional Use Permit for a sign located at 24 Old Bedford Road, Lot 10-50-3, Zoned R&A.
4. **Amber Bedford Associates, LLC (Owner & Applicant)** – Request for final site plan approval for a change of use at 10 Iron Horse Drive, Lot 35-13, Zoned PZ.

**IV. Concept Proposals and Other Business: None**

Town Manager Sawyer stated the Planning staff has reviewed the applications and has determined that they are complete and none of the applications pose a project of regional impact. The abutters have been notified and Planning staff is recommending that you accept the agenda, and by doing so, accept the applications.

**MOTION by Vice Chairman Duschatko to accept the agenda as read. Ms. Malcolm duly seconded the motion. Vote taken – all in favor. Motion carried.**

**1. Raymond and Nancy Demers (Owners & Applicant) – Request for final approval of a subdivision of one lot into three lots located at 501 Route 101, Lot 30-10, Zoned R&A.**

Jeff Kevan of TF Moran was present to address this application for final approval of a subdivision on behalf of the applicant. I am glad to see everybody in person.

Mr. Kevan stated this property is located in a western section of Bedford at the intersection of Joppa Hill Road and Route 101. We have been before the Board for conceptual discussions before on this property. It is a 12-acre property, and they are proposing to subdivide it into three lots, keeping one lot around the existing house and creating two new lots. If you are looking at the property, the DOT had taken some widening, which is about 450 feet down the western section of the property and created a controlled access right-of-way, which means you can't have any driveways between that bump-out and the property and Joppa Hill Road. Currently there are two driveways. One where we are showing we have used the existing driveway to the house and then there is an additional driveway to the east just on the opposite side of the existing house.

Mr. Kevan continued as part of this what we are looking to do is create a single driveway based on a discussion we had with the Board where they are looking for us to limit access points into the site, limit driveways, and we would discontinue the second driveway on Route 101. We are asking for a waiver to allow a common driveway that would come in, create like a T or hammerhead and then turn and go to the west with a common driveway that would service all three houses. It is a unique situation. Again, a large 12-acre parcel with a lot of frontage but because of that controlled access right-of-way and the Board's interest to limit driveways, we thought this was the best way to service the site and get the three parcels.

Mr. Kevan stated if you look at the three lots, they comply with lot area and frontage requirements, the lot to the far west is 3.3 acres, it has more uplands than is required by the regulations, which is required as 1.125 acres, it has 1.13, 150 feet of frontage, it has 195 feet of frontage on Route 101 and 310 feet on Joppa Hill Road. The second lot is 2.54 acres, has uplands that is 1.25 acres and has 363 feet of frontage. The existing house lot is 6.58 acres and has 4.7 acres of upland, 387 feet of frontage on Route 101 and 150 feet on Joppa Hill Road at that far side with the finger down at the far end. Each lot provides the 75 x 100-foot box, 4K area, well, and protective radius and test pits to satisfy the New Hampshire DOT and proving out septic. If you look at lot loading calculations that the State requires, the first lot to the west, if it is a 4-bedroom house it generates about 600 gallons a day and based on soil lot loading calculations, it can support 2,145 gallons. The middle lot generates about 600 gallons for a 4-bedroom house and it can support 2,091 gallons per day. The larger remaining house lot is over 5 acres and it has a great deal more land than is necessary.

Mr. Kevan continued the second waiver that we have requested, it came up last week that I guess we didn't put together and hadn't been caught, is with the middle lot, you have a requirement in your land use regulations that requires 13,000 square feet of contiguous dry ground inside the

setbacks. The first lot to the west has 13,935, the middle lot is under at 8,913 in one section and 3,000+ next to the road, but it is separated by where the culvert crosses the road, basically where the DOT dropped their culvert created a wet finger that cuts that property. The final lot just in the area of the existing house has 16,000 and conforms. We requested a waiver for that, and I did provide a couple of examples, handouts, that I provided. I was trying to think of an alternative so that you wouldn't necessarily have to grant that waiver. If you look at the first attachment that I gave you, it shows the existing situation, and if you turn to the second page, what I have done there is instead of attaching this long finger that goes to the west, I basically included that with the middle lot. That back portion there is about 25,000 square feet of contiguous uplands, so that would be included in the middle lot that would technically then meet your regulation, you wouldn't have to grant the waiver. Does that make sense. I still believe that the most reasonable location for the house is where we have it shown, I think that is where we would propose it still being built, the alternative would allow you to comply with your regulation, not grant the waiver. Then the third handout was one of the discussions where a lot of the abutters came out to the conceptual and talked about how do they preserve woodlands next to them, so the third is that we would be willing to put a deed restriction in with the second lot that would say there would be a no-cut area, which is about 150 feet wide, that whole back area would be a no-cut area that would be a deed restriction.

Mr. Kevan stated we submitted to all permitting agencies and we have preliminary comments back. We submitted to the State subdivision, the wetlands application has gone in, so where we have this driveway, again, there is a finger of wetlands that was created by that culvert crossing coming under Route 101 that kind of runs right through the middle here, so we have a culvert crossing for that common driveway, and it has an impact of 2,400 square feet of impact where we put that culvert. We have gotten a couple of comments back from the wetlands bureau, nothing significant, they were asking us to see if we can reduce our impact slightly. They actually asked me to take a look at that the outlet and some things like that that we are going to respond to. New Hampshire DOT has looked at it and had come back and said they like what we have provided, they asked for one little change to the entry. There is a small 1-inch lip that runs along Route 101, he called it a curb but it is only about an inch high that keeps the water there, so we talked about how he would like to see that pavement managed.

Mr. Kevan stated there was discussion about expansion of extending the maintenance easement across the frontage of where that property jogs out. If you are looking at the plan, right now the plan is to leave the house, it would be up to the buyer whether they occupy, renovate that house or take it down and put up a new one. The DOT has asked if and when that house is removed, the easement could not be put in place now because it would run through the house, so they have asked if and when that house is removed, then they asked if a maintenance agreement or easement be provided to them across here, so that is all they are looking for right now. The pavement is relatively close to the right-of-way line; they want a little bit of extra room there to take care of their roadway. They don't need it for widening, just for maintenance.

Mr. Sullivan asked was it investigated at all building a road coming off from Joppa Hill Road to access the properties? Mr. Kevan replied we looked at it and talked about it, and right now I have this minor wetland crossing and they are kind of squeezing me to reduce that. Coming off from Joppa Hill Road would definitely create a much more significant disturbance of wetlands,

not just off from when you first cross Joppa Hill Road coming off the back, but then if you wrap the road all the way around, you would impact wetlands in the middle of the site to get back around to those houses. They wouldn't grant that. I would have to somehow prove there was no other way to do it. Mr. Sullivan stated I assumed that was the case. I just wanted to make sure that I wasn't misinterpreting that.

Mr. Sullivan asked with the shared driveway easement, would there be any type of bonding for the pavement there or covenants between the homeowners there? Mr. Kevan replied we have provided an easement document that would be put in place so that this is a shared driveway, shared maintenance costs, and so forth, that all three people are responsible for. Mr. Sullivan responded okay.

Mr. Newberry stated the staff memo mentioned an issue with a cistern. Could you speak on that? Mr. Kevan responded the Fire Department has a new chief, a slightly different interpretation and test, the Fire Chief is saying a cistern needs to be provided and we have added it to the plan and said we would work out the details with the Fire Chief. Mr. Newberry asked so they are not quite onboard yet but think you have a solution? Mr. Kevan responded the Fire Department is onboard, there is no question to them. We have to have one, so we have provided a plan that shows it when you first come into the development on the left where that garage or barn is.

Mr. Newberry asked the third proposed alternative to the issue of the center lot having inadequate buildable area, you would need a lot line adjustment to execute that? Mr. Kevan responded what I would be asking for is a condition that we would provide on the final plan that lot line corrected with that middle lot configured as shown. Mr. Newberry asked that deed restriction that you show on Option 3 would be part of that central lot? Mr. Kevan replied that would be part of that lot and we would show it on the plan, and then I would assume that we would have to provide deeds prior to the signing of the plan to show that that would be in the deed. Mr. Newberry stated thank you.

Mr. Fairman asked what are the details of that no-cut requirement? Are people allowed to cut down dead trees, clean up the yard, or does it just mean that they never can cut anything? Mr. Kevan responded typically you would allow, this could be conversation for the Board, you would say you could put a path through there but you are not going to cut anything over a couple of inches in diameter, you would be able to take down dead trees for safety purposes and so forth, but you are not going to cut any live trees over a certain size. Mr. Fairman asked that would be all detailed out in some kind of an agreement? Mr. Kevan responded it would be in that deed restriction of what could be done. Mr. Fairman stated you don't want any trouble or an eye sore either with a lot of dead trees, even if they are not a safety issue, and clean up all the stuff that is down on the ground. Mr. Kevan responded sure. Mr. Fairman stated thank you.

Ms. Malcolm asked did you indicate on this plan where buildings are going to be removed? Mr. Kevan replied yes. It is basically where that common driveway is coming in. The two buildings on either edge of that are labeled to be removed. The remaining house and other buildings to the east would remain. We have the two buildings labeled on there to be removed. Mr. Fairman stated the building on the left side is the one that has the tree leaning on it. Mr. Kevan stated yes.

Town Manager Sawyer stated I just wanted to respond to the question by Mr. Newberry. It is my understanding that the Fire Chief has requested that the cistern be along the Joppa Hill Road frontage, but there is a Condition #15 that addresses it that if it can't be worked out with the Fire Chief, then they would have to come back to the Planning Board to resolve that in the future. It is my understanding that the Chief does not accept the location that is proposed on the plan. Mr. Kevan stated all I can say is we had the discussion, he basically said either spot was acceptable, but we understand that we have to provide it and we have to satisfy him before it is signed off.

Chairman McMahan asked Town Manager Sawyer, is there any other case where buildable area has been non-contiguous. Town Manager Sawyer responded in this case he's saying that it would be contiguous, that's just not where they would build the house. They would build it in an area where they also have a buildable envelope. They are not penalized for having other pieces of the property that have buildable areas. I want to say that I have racked my brain since he mentioned that, I feel like there was one other lot in town that this came up one other time, but I honestly can't be sure whether it was conceptual or final. It is an interesting quirk to get around or to satisfy the regulation. I think if you decide you want to go that route, you would need an additional condition for the Planning Director to review the revisions and the lot sizing calculations prior to the recording. Mr. Kevan stated what we are trying to do is we have heard the various concerns at the conceptual meeting, there were two or three of those rear abutters that came out and showed concern with not having that screen buffer for noise and so forth coming off from Route 101. You could go to the back and put a house back there but we thought this is the best solution across the board and it addresses their concerns as well. Chairman McMahan asked may I make the assumption then you are only going to request one waiver? Mr. Kevan replied yes.

Mr. Sullivan stated the house that is going to be remaining after the subdivision, the discontinued use of the second driveway would that occur with the implementation of the shared easement? Mr. Kevan responded yes. Mr. Sullivan asked after everything is said and done, that would be the only accesspoint to the three properties? Mr. Kevan responded that is correct. I would just throw this out, and this may be a little bit early, but one of the conditions on the staff memo was the out-buildings on the parcels to be removed, we would like that before occupancy or building permit on one of the lots, not having to do it before the Board signed the plans. Town Manager Sawyer responded Mr. Chairman, I don't think that would work because leaving those buildings in place would create a zoning non-conformity with the new zoning setback line. Mr. Kevan, you can review that if you want but it appears to me looking at the plan quickly here, that at least two of those buildings would be in the new side yard setback, and those would need to be removed prior to recording, which is why I believe staff drafted the condition the way that they did.

Chairman McMahan opened the meeting for public comments or questions on this application.

Paul Toscano, 9 Hearthside Circle, stated I am one of the rear abutters. Thank you for the opportunity tonight and thank you for the consideration of our prior concerns. In reference to the waiver, that is the first I had heard about that is this evening. I was just wondering if the waiver were to be granted, that rear property would remain intact as drawn on the screen. Option B was

if there was no waiver needed the lot lines for the middle property would have to be redrawn. Is that what I understand tonight? Mr. Kevan responded that is correct.

Mr. Toscano stated my question is on the no-cut zone, which is a very nice consideration. Thank you very much. What would that no-cut zone look like in both scenarios A and B? Mr. Kevan responded it basically is saying that this 150-foot swath through here would be in a deed restriction for no-cut. Mr. Toscano stated it goes all the way to the east now across the entire property. Mr. Kevan stated it is shown right now ending on the two new parcels. I didn't extend it across the rear of the existing house lot. Mr. Toscano asked so the middle lot would now have that L-shaped property? Mr. Kevan responded correct. This would be the property line, this would be eliminated, this lot line would come across and this would be the no-cut area

Mr. Toscano asked is there any protection to the property to the east, the original home site? Mr. Kevan replied we hadn't proposed any at this point other than the buildable area and where the house would be is up by Route 101. Mr. Toscano asked if the waiver were to be granted, would that no-cut zone be accommodating across all three abutters? Mr. Kevan replied we have proposed it the same in either instance.

Mr. Toscano stated I have one other comment and just a thought my neighbors and I had. We just wanted to present to the Demers as food for thought, and that is under any circumstances would they possibly consider keeping three lots as shown but having that back portion be donated to the Town or the State in the form of a preserve. They would still be able to sell and develop three lots and also have the benefit of preservation and possibly some financial benefits to them as well in terms of a tax benefit. Mr. Kevan responded we hadn't considered that. Most Conservation Commissions and State agencies don't want small parcels because there is a responsibility that comes with those, you are now responsible to monitor or take care of them. That is kind of why you saw a big change in wetlands mitigation because for a long time people were proposing 3 or 5 acres of mitigation and you couldn't find anybody to take the easement because they didn't want the responsibility. I think this rear parcel would be too small. I know there is no one at the State and no conservation agency, most of them are looking for significant 50 or 100 acres if they are going to take responsibility for them. I wouldn't think that the local Conservation Commission would want a small parcel, unless the only time you have that exception is if it is attached to another very large conservation piece that connects things. We thought the deed restriction was really the only feasible option.

Mr. Newberry stated with regard to the waiver, I think that the creative solution, I am looking at the proposed Option #3, my only concern is that it meets the letter but it doesn't seem to meet the spirit of the requirement, and I would be a little hesitant to support it for that reason. Mr. Kevan stated what we were attempting to do is get the house lots in their appropriate location. I understand the Town regulation within the land use regulations, but, again, the buildable area and what not conforms to all other standards, including State and other Town dimensional and upland standards. Again, we thought the alternative is to put a house in the back of the site, which we didn't think was the best approach. This meets the letter of the law and we thought this would satisfy the letter of the law and position the houses in the most appropriate locations. Mr. Newberry stated I think being able to articulate a reason for the requested waiver is certainly positive. Thank you.

Aniko Bouley, 3 High Gate Road, stated I am off from Joppa Hill Road, the first street on the left. Back in December they spoke about getting a traffic study done, I don't know if that was done. I know there were concerns about these three houses having a school bus dropping right on Route 101 in case there are young families moving into these homes. Also, across the street from here, off from Stowell Road I think they are building eight or nine houses, which is very close to Route 101 and is the same situation. These houses are literally on Route 101, and I feel like for us it is very hard to sell those homes, I am sure. These are not going to be sellable lots or sellable houses across the street from us and here, so my main concern from back in December is that it is going to bring down our property values in the neighborhood. That is the concern of mine, especially right now these three lots plus eight or nine across the street going on.

Chairman McMahan asked Mr. Fairman, did you want to respond to the bus item. Mr. Fairman stated I would have much rather have had the option coming off from Joppa Hill Road for the school bus situation. I presently stop my bus at Freedom Way. Over the years, the bus stopping at Freedom Way has resulted in a whole bunch, four or five, rear-end collisions of cars driving on Route 101. It is a bad situation. We will now have another bus stop for this driveway, I appreciate for the three houses there will only be one driveway, but you will have different ages, so potentially three buses stopping at that driveway. It is not a good situation. I don't know what options there are other than the option that you rejected because of the wetland coming off from Joppa Hill Road. The only other option I can think of off the top of my head would be a walkway for all three homes to Joppa Hill Road. That would be more complicated, maybe another easement or something, I don't know what the requirements you would have to do for that, but at this point I don't know whether they could put a condition on looking at that or not. It is a problem stopping on Route 101 for school buses. I just don't see an easy solution to it. I would mention that it is a concern every time you stop cars are going 50 MPH and if you have somebody that is not paying attention, you have a rear-end collision. We don't like it. As I said, I don't know if there is a solution other than a walkway so the bus stop could be on Joppa Hill Road. Mr. Kevan responded it would be impossible to prove to the wetlands board that taking a driveway through these wetlands is the only way. We have two entities looking at two different concerns or issues. Again, we limited the driveway to one, we eliminated one driveway where initially we were looking at using the two driveways we had. I know the bus won't come in on a private road or private driveway. I don't really see a simple solution. I drive Route 101 early morning and then in the evening and I come across the school buses and I hear what your concern is. I usually see a big school bus with lights on, but I know there are people not paying attention.

Mr. Newberry asked what is the application's proposed way forward on the issue of the middle lot? I would like to hear what you are proposing and then I would like to also discuss maybe with Town Manager Sawyer what additional requirement conditions might be able to be added to the application. Mr. Kevan responded the lot to the east has more than enough land to satisfy all requirements. I am looking at going from this monument back here to this corner and eliminating this rear lot, so this would become the middle lot. That way we satisfy all requirements from the Town of Bedford, so I would ask for a conditional approval, as Town Manager Sawyer said, that would be following the conditions outlined by staff and add one that would say that the final orientation of that middle lot with lot sizing calculations would be

reviewed by staff prior to Board's signature. And then keep in mind that we have the waiver for the common driveway that needs to be acted on. Town Manager Sawyer stated Mr. Chairman, I think you have two options. You could either table the application tonight and ask them to come back with the new lot lines shown and reviewed by staff for your next meeting, or you could go the route of putting a condition on there. I have some draft language if you think you want to head in that direction that I could share with the Board. It is really the Board's decision if you are comfortable with what you are hearing tonight, that those new lot lines can be approved by the Planning Director, or at least reviewed by the Planning Director. You have a handout tonight on the second sheet that conceptually shows where those lot lines would be.

Vice Chairman Duschatko stated given Town Manager Sawyer's comments, I have another comment. You have a cistern that apparently the Fire Department would like to have located on Joppa Hill Road, which is about as far away as you could get from the cistern indicated would be down by the new driveway servicing those three lots. How do we propose to take the water supply from that cistern and supply it quickly to let's say the most easterly lot? Mr. Kevan responded if you look at this again, I had the conversation with the chief, you have the subdivision across the street that didn't require a cistern, again, it was a different chief with a different interpretation of the regulation. I asked the same thing. I would rather do either fire suppression systems, sprinkler systems for the residents or something like that, he said no, you have to do the cistern. When I talked to him, he said either location works. His preference is Joppa Hill Road because the cistern isn't there just to service these lots. There is no other cistern out in this section of the town. He is asking for the cistern to service these three lots and anything else in the area, so that is why it's easier for him to come across and pull off Joppa Hill Road, pick up his water and leave. Like I said, we are happy to work out the final location with him, and if Joppa Hill Road is it, that is fine. Again, the cistern is basically for him to have a spot that he can refill a truck in the case of a fire, and, again, it is there not because these three houses have to have it, it is really picking up the whole area that doesn't have one. Mr. Fairman stated I believe there is a cistern on Joppa Hill Road within a half mile north. Mr. Kevan stated he didn't mention that. Mr. Fairman stated there is a pond on the other side and just north of Hearthside there is one on the left side headed north on Joppa Hill Road. You might want to check that out. Mr. Kevan stated I had asked him and he basically told me what I just told you that it was servicing an area that doesn't have one. But, again, when I talked to him, he said either location was acceptable to him and that is why we put it where it is. If during our final details he wants us to move it, we will. Town Manager Sawyer stated I think that is a great response by the applicant and we can let the chief work it out with the applicant, but I think some of what you heard tonight is true that if the truck needs to refill, pulling into the driveway that is really serving three residential homes, it is impactful to the residents as well as potentially to the Fire Department having to turn around on that tight driveway and so forth, and potentially just being able to be off from Route 101 to refill a truck I think is the safer condition that the chief was looking at. And the answer about the regional response for a cistern is absolutely accurate.

**MOTION by Mr. Newberry that this application for final subdivision approval be tabled for the following reasons:**

- **The applicant can update the plans to avoid the waiver from Section 231.2.2 of the Bedford Land Development Control Regulations that would allow the**

**creation of a lot with 8,585 square feet of buildable area where 13,000 square feet is required.**

- **The applicant shall finalize the location of the cistern with the Fire Department.**

Mr. Newberry stated I do think that if the cistern is to service the area, it probably is better over on Joppa Hill Road than it is in someone's driveway.

**Vice Chairman Duschatko duly seconded the motion.**

Mr. Fairman stated if you are going to run a pipeline down through there, consider running a sidewalk for students as well or something down through Joppa Hill Road. Just consider it and tell me your answer the next time. Mr. Kevan stated there won't be any pipe. A cistern is basically either a fiberglass or a concrete tank in the ground with a fill stack that they can draw from. Mr. Fairman asked the water will come from the wetlands? Mr. Kevan responded no, they fill it and the water sits there until they need it. Mr. Fairman stated I didn't understand that. That other one is probably not a cistern, it is a draw from the pond behind it. Mr. Kevan stated there might be a fire pond behind it. You need a fairly deep pond for that because you have to account for ice and have X amount of storage below. We had requested the approval solely because the length of process, the applicant or owners of the property are anxious, and, again, moving that line we thought was relatively minor and that the staff could review that, then I am not sure what purpose it would be to come back to the Board and review the same thing. I will leave it up to the Board. Mr. Newberry asked how much time would you need in order to make those adjustments and come back? Can you be on the next scheduled meeting if there is room on the agenda? Town Manager Sawyer stated the next meeting is June 28, 2021. Mr. Kevan stated we can do that.

Ms. Malcolm asked if we do table this tonight, when you come back, could you have some verbiage for this no-cut deed restriction? I would like to know exactly what it is and what you are going to do with that no-cut area. Mr. Kevan responded yes.

Richard Beuchsenschuetz, 19 Hearthside Circle, stated my property faces the one to the right on the plan that is not designated as a no-cut zone. If this is to be allowed to be cleared or cut or whatever else, it would seriously impair the value of my house and my lot. You can see on the plan that I am a little closer than my two neighbors to this. I don't understand why there would not be a no-cut zone back there. There is significant wetland formation around there. It is something that is very important to me as a barrier to traffic and to noise, and being even closer, I would appreciate it if the Board would consider that to be a no-cut zone also behind that lot. That is my primary consideration. The other consideration is that this whole area, this whole plot right here, is a transit zone for wildlife. I have had nine bears on my deck so far living there and deer are rather prevalent there also. Mr. Kevan responded I can talk to the owners.

Chairman McMahan closed the public hearing.

**Chairman McMahan called for a vote on the motion. With all members voting in the affirmative, the motion carried.**

Chairman McMahan asked Mr. Kevan, you will be able to come back in two weeks? Mr. Kevan replied yes. Town Manager Sawyer stated that motion serves as public notice. There will not be any new abutter notices for anyone. The tabling of this agenda item tonight serves as notice to the next meeting on June 28, 2021 at 7:00 p.m.

Mr. Kevan asked can I make an assumption that the waiver is acceptable from the Board, because I would hate to come back and get into a discussion on the waiver for the common driveway for the three lots. Is that something the Board can act on tonight so that that is behind us? Chairman McMahan stated we should do it all at the same. It seemed like the people were satisfied with that. I think it would better if we did it clean.

Chairman McMahan stated we have an email from Mr. and Mrs. Foley and it will be included in the file for this application.

**2. Nicholas S. Key (Owner & Applicant) – Request for revocation of final Subdivision (Lot Line Adjustment) Approval for 96 and 98 Nashua Road, Lots 27-1 and 27-1-1, Zoned R&A.**

Joe Wichert, surveyor, was present to address this request for revocation of final subdivision approval on behalf of the applicant.

Mr. Wichert stated we are asking for revocation of a lot line adjustment plan that was approved by the Planning Board back in 2008. We gave you our narrative and our attorney had prepared a draft revocation notice that I believe staff has reviewed. I don't know how much detail you want me to go into, but certainly we can give you a presentation or if you just want to ask questions, whatever you prefer.

Chairman McMahan stated from my reading, it looks like it is cut and dry. Would any Board members like to add to that? There were none.

Chairman McMahan opened the meeting for public comments or questions on this application. There were none. Chairman McMahan closed the public hearing.

**MOTION by Mr. Sullivan that the Planning Board vote to approve and endorse the Declaration of Revocation to revoke the Lot Line Adjustment Plan prepared for Nicholas Key, approved by the Planning Board on February 11, 2008, recorded at the Hillsborough County Registry of Deeds as Plan Number 36013. Ms. Malcolm duly seconded the motion. Vote taken - all in favor. Motion carried.**

**3. Bowman Place of Olde Bedford (Applicant) & Senior Living of Bedford (Owner) – Request for a Conditional Use Permit for a sign located at 24 Old Bedford Road, Lot 10-50-3, Zoned R&A.**

Eldon Munson, Development Director of Bowman Place of Olde Bedford, was present to address this Conditional Use Permit application.

Mr. Munson stated Bowman Place of Olde Bedford is an assisted living community on Old Bedford Road that is owned and managed by Senior Living of Bedford, a not-for-profit organization in New Hampshire. We are a brand new community built at the behest of approval by this Planning Board over on Old Bedford Road. We are now in operation. We are licensed by the State of New Hampshire as an assisted living supported residential care. We now have 18 residents in our community.

Mr. Munson stated we come before you for approval of a permanent sign on Old Bedford Road so that folks may find us. I have a short rendition of why we are looking for an approval. We believe we meet the Conditional Use Permit requirements because the sign that we have had designed for us by Sousa Sign of Manchester would indicate the entrance road of our community from Old Bedford Road. We currently have people missing the front entrance and ending up in the complex of the Bedford Village Inn on Olde Bedford Way looking for our community, so we would like to have a sign that clearly designates our entrance. The space is set back from the main road, allows to be seen from both directions on Old Bedford Road yet it is back far enough to allow for visual pick-up of traffic in both directions on Old Bedford Road. It is designed as painted wood with granite posts and we think it fits nicely into the environment. We have pine trees planted around it, they are not shown in this visualization, but we have new little pine trees that have been added by our landscapers. We believe it is complimentary in both design and size compared to other signs in the neighborhood that indicate our next door neighbor, the Bedford Village Inn, and some communities across the road that their signs are similar in size and intent. We want people who are coming from away, because we have a lot of visitors, to be able to find us on first drive-by on Old Bedford Road and the address 24 is included. Currently there is no mailbox and we have a construction sign but it seems to be missed by people, so we believe that folks looking for us would be able to find us this way. Also, we are consistent with other commercial and hospitality and senior living signs in the neighborhood along Old Bedford Road. We believe that this is consistent with the purposes of the sign ordinances, we want to be allowed to put this size sign up as opposed to a residential size sign, which is much smaller, so that we can be seen by passing traffic. The site for the sign has been chosen far enough back from the road away from the common way and if there is ever a sidewalk placed, as has been discussed in this area, there is plenty of room for a sidewalk to go along the road and still have the sign remain where we are proposing it. It is also set up in such a way that snow removal can be occurring and leave the sign visible but with snow banked up away from the main road. It complements the natural area, being made of wood and stone. Our building is pretty far up the drive, so we want to have a sign that will attract people's attention to where we are on Old Bedford Road. We are trying to complement and not adversely affect the aesthetics and the natural surroundings that are currently there, both the trees that were left when we made our construction and the landscaping that we have had added. For these reasons we ask that you find us in compliance with the spirit and intent of the sign ordinance in Bedford.

Ms. Malcolm asked how much frontage do you have on Old Bedford Road? Mr. Munson replied we would have to refer to the plan. I am not certain. We have from above our driveway on the

side of the Scott property, where they have their landscape business, all the way down to the corner of Olde Bedford Way. Ms. Malcolm stated I have to comment. I drove up there today to take a look at the site and I missed you. I had to back up. The sign is necessary.

Vice Chairman Duschatko stated I would add to what Ms. Malcolm just said. Last week I had a phone call from someone saying where is 24 Old Bedford Road and they were in the Grand parking lot. You have a magnificent building, which I don't know how people could miss quite frankly, but obviously it is missed. They can see the building; they can't figure out where the entrance is. It is overdue and I understand why you need it. I think it is a great addition.

Mr. Fairman stated I agree with the sign; I question the size. Why can't it be a smaller sign? A smaller sign would still give people an indication of where you are located and if you could go through the size of the sign a little bit. It looks huge in the picture. I was not looking at the drawings that were provided. What is the size of it? Mr. Munson replied the size of it is less than 4 x 8, which is the maximum, and there is another sketch that we have available that has the actual measurement. Because of staying several inches narrower and several inches shorter, it is not as large as the ordinance permits overall. Town Manager Sawyer stated 31 square feet in total. Mr. Munson stated as opposed to 32 in the overall sign ordinance. To answer the other part of your question, Mr. Fairman, we believe that in a high-traffic area like that, and especially if people are coming from away, the standard sign that is approved for this district is just 2 x 4. It is not very large, so we think that this is more appropriate, easier to see, easier to find, and people can anticipate the driveway when they are coming toward it. This is a very large area surrounded by trees, so we didn't think that a smaller sign would be visible enough to prevent people from rushing by and then having to turn around. Mr. Fairman stated I agree that the 2 x 4 is too small, but it seems to me that something between that and this size sign would work all right and still give you all the things you went through. I oppose this sign because it is too big for the area and it is a residential area, I would think that you could come back with a sign that is smaller, some place between this and the residential size sign, bigger than that, but smaller than that. It is too big.

Mr. Newberry stated the illustration here and the staff memo say this sign is not illuminated. Somewhere in your other dialogue you had talked about it being illuminated. Can you speak to that? Mr. Munson responded apparently I had an interchange of emails with Ms. Hebert this afternoon. Illuminated apparently is internally lit signs, it is not a neon or an electronic sign that is illuminated internally. This is a plain wooden sign that would have a light on it so that it is illuminated in English, but not according to the definitions. Town Manager Sawyer stated you are trying to say it is not internally illuminated but it is externally illuminated. Our code does require that that to be downlit, you can't shine light up into the sky or up into the air, so they could illuminate it from the exterior. Mr. Newberry stated that design looks like it is going to be tough to illuminate downward. Mr. Munson stated we were planning a small light that is specifically designed for this purpose up in the corner and it would shine downward on the sign. It is an LED light; it is very low wattage but high intensity for display over such a thing as a sign face. Mr. Newberry asked that would be in the high corner of the upper right as we are facing the illustration? Mr. Munson replied I believe so. I don't have the electronic schematic here.

Mr. Sullivan stated I remember being asked for approving a similar granite posted sign for the Grand for their entrance in that area, and looking at it now through the available photographs, it is much smaller than the sign you are proposing and just as adequate for directing traffic into that street. I agree with Mr. Fairman that there has to be some way to split the difference between the 31 square feet that you are requesting versus the 8 square feet, which is zoned for the area.

Mr. Fairman stated I would also like to see the specs on the lighting, exactly how that is going to be mounted and work for whatever sign you come up with. Are you going to have a problem getting power to the light? That is something to be considered too. Mr. Munson stated to the second point, there is already an electric stub placed near that utility pole that was done by our electricians planning for this eventuality. We will be able to provide power with just a short extension underground. I think it is only 8 feet or so from where Florence Electric left a stub for us.

Chairman McMahan stated when Conditional Use Permits come up, we usually ask people to run down the six criteria. Listening to what you said, I believe that you have addressed all six.

Chairman McMahan opened the meeting for public comments or questions on this application. There were none. Chairman McMahan closed the public hearing.

**MOTION by Mr. Fairman that the Planning Board table this application for a Conditional Use Permit, and for the applicant to return to the Planning Board with a more appropriate size sign and the specifications for the light. Mr. Newberry duly seconded the motion. Vote taken - all in favor. Motion carried.**

Mr. Munson asked is it appropriate to ask what guidance would you give for an appropriate size between 8 square foot and 32 square foot? Mr. Fairman replied look at the Grand sign right next to your property that labels and shows that road very nicely. You can't miss it. I would think that you should take a look at that as guidance. Mr. Munson stated I don't believe that has an address on it, so it is a little smaller. Mr. Fairman stated you asked for guidance, so I think that would give you some guidance. I am not sure you need the advertisement but you can put the number. People are looking for Bowman Place and know what it is, so I am not sure you need the assisted living and memory care on the sign. You are looking for people that are coming along knowing what it is looking for your driveway, and that is exactly what your Conditional Use Permit said and that is exactly what your write-up said that you read to us, so I don't think you need the advertisement. Come down on the sign that is maybe a little bigger than the Grand but use that as guidance.

Chairman McMahan asked will you be able to come back in two weeks? Mr. Munson replied I believe so, yes. I would like to be invited back. Chairman McMahan stated thank you for your patience. We are looking forward to talking to you again. Mr. Munson stated thank you for your guidance and your decision.

Town Manager Sawyer stated the tabling of this Conditional Use Permit serves as the notice that there will not be additional public notice on this item, and this case is continued to the June 28, 2021 Planning Board meeting.

**4. Amber Bedford Associates, LLC (Owner & Applicant) – Request for final site plan approval for a change of use at 10 Iron Horse Drive, Lot 35-13, Zoned PZ.**

Jeff Merritt of Granite Engineering LLC was present to address this request for final site plan approval on behalf of the applicant. Also present were Peter Levine of Amber Bedford Associate, LLC, Attorney Andrew Prolman, and Brenton Cole of Granite Engineering, LLC.

Mr. Merritt stated what we have for the Board this evening is a site plan application, which is relative to the property at 10 Iron Horse Drive, and this property is about 7.7 acres in land area. I have posted the existing conditions plan for the property. This is a recent survey of the property and illustrates the development that is on it. As you can see we have frontage on both South River Road and Iron Horse Drive. The property is entirely within the Performance Zone. It was developed in the early 1990s. There is a single building out there today, as you can see on the plan, there is a total of roughly 150,000 square feet of floor area between a lower level, a main level and some mezzanines. Historically the building was occupied by a company called Car Component Technologies. They remanufactured car parts, large car parts, like axles and transmissions, that kind of thing. The majority of the building was used for warehouse, there was some accessory office space and a little bit of manufacturing space, but predominantly the building was used as warehouse by about 85 percent of it and in 2005 they shut down. I believe there have been some tenants in here in the past from 2005 to now, but it has been vacant for quite some time. It is an empty building.

Mr. Merritt stated the proposal and why we are here this evening is to modify the facility in order to accommodate five separate tenants. The way that it is developed right now it was developed for a single tenant and we are looking to split it up in such a way that we can still accommodate industrial tenants but smaller tenants, and in this case that would be five tenants.

Mr. Merritt stated we have a site plan in the plan set, which is posted on the screen. You can see we have delineated the different tenants and where they will be. Shown is Tenant A, which is right in the front of the building. Tenant A will use the existing building entrance. We are proposing to modify some of the ADA parking spaces that are out there, as well as the sidewalk that leads to the main entrance to that unit. Those modifications will bring the site up to ADA compliance for that particular tenant. That tenant also will have two loading docks on the south side of the building, as indicated on the screen, and if we move around the building in a clockwise direction, Tenant B on the east side of the building. That tenant has access or ADA access from an existing door on that side of the building, and then we are proposing to cut in one additional loading dock on kind of the east side of that tenant area. Moving further east along that side of the building, you can see Tenant C. Similar to Tenant B we are proposing the addition of one overhead door; it is a loading area for that particular tenant. In addition to that we are proposing to provide ADA access for the Tenant C area. The elevation of the Tenant C floor relative to the grades of the parking lot exterior are substantially different, so we actually propose a small ADA lift there in that area, which will allow that area to be accessible from the parking space exterior to the first floor elevation of the building. Tenant D is at the southeast corner of the building. This tenant will have a new ADA entrance in the existing loading area

that is on the south side of the building. Again, just like Tenant C the grade differential between the exterior grade and the first floor is enough where we need to provide an ADA lift in that area, so that tenant also receives an ADA lift with ADA parking spaces. They will have three loading spaces on the south side of the building in the existing loading area that is there today, and then they actually also have a secondary staircase access off from the east side of the building, which is adjacent to the majority of the parking that they will use. The final tenant, Tenant E, is actually in the lower level. It is hard to see on this because it is the bottom floor. Not all of this building has two floors, but the eastern portion of the building has a lower level. That tenant has ADA access in the very northeast corner of the site, and then it has two existing loading docks on the very east end of the building.

Mr. Merritt stated all of the site improvements that we are proposing are limited to regrading for ADA access and regrading for overhead doors for loading docks.

Mr. Merritt stated the use as we are proposing to change it requires 152 parking spaces, we have 170 on the property, so we have more than enough parking to satisfy the code as well as satisfy the need of the future tenants.

Mr. Merritt stated I think you will find in your packet that we submitted three different waivers that are part of this project. The first one is from Section 275-63 of the Bedford Zoning Ordinance, and this is to allow the existing landscaping to remain and no additional landscaping or screening requirements. If you have been out to this site, again, it was built in the early 1990s, so the landscaping that is out there today is mature, there are mature trees and mature shrubs, the landscaping substantially complies with the purpose and intent of this section of the Ordinance. Additionally, if you study our site plan, you will see that we have identified either dead or diseased trees or shrubs that we found on site. Those shrubs or trees will be replaced as part of this application. All in all, the landscaping out there is quite nice, it is quite mature, so we are asking the Board for that waiver.

Mr. Merritt stated the second waiver is from Section 275-65(C) of the Bedford Zoning Ordinance, and this is to allow for existing vegetation and landscaping to be maintained for the screening of the existing loading dock areas. On the north side of the building and the east side of the building, those loading areas that either exist today or are being proposed are not visible from the public right-of-way, they are behind the building and to the rear of the building, and they are also screened heavily along the perimeter of the property and have good screening to the adjacent properties. The loading area on the south side of the building, the existing loading area that is there today, that one is visible from Iron Horse Drive. The reason it is visible is because there was a curb cut or a driveway right in front of the loading area. It has been there since it was constructed in the 1990s and it is screened by the building. If you look at the plan, you can see the loading area is cut into the building, so the building does help screen it as you come down Iron Horse Drive, and then since the landscaping is quite mature, as you drive down Iron Horse Drive, that mature landscaping does help screen it as it exists today, so we are asking the Board to consider that waiver.

Mr. Merritt stated the third and last waiver is from Section 275-65(B) of the Bedford Zoning Ordinance, and this waiver was to allow four dumpsters on the north side of the building without

the required screening. If you look at your staff report, I think you will find that staff supports the waiver in terms of not having the landscaping required for screening, but they suggested in the staff report that they would like to see the dumpsters screened with a fence and an enclosure. The applicant is fine with that. We would modify our waiver request to just be applicable to the landscaping portion of it and we will provide the screening required with a fence.

Mr. Merritt stated that is the proposal. Again, it is a change of use, it is going to repurpose what has been a vacant building and underutilized building for quite some time into a viable industrial building. We would be happy to answer any questions that the Board has.

Mr. Newberry asked can you show exactly where these four dumpsters are located? Mr. Merritt indicated the location of the dumpsters on the posted plan. There is a fifth dumpster for Tenant D, but we had proposed a screening for that dumpster since that was potentially visible from the throat of the curb cut on Iron Horse Drive.

Mr. Newberry stated I see that some of the trees that are marked as dead it looks like it has a lot to do with the location. I was just wondering if you considered possibly a different species might be a little heartier in those locations. It looks like the ones that are in the parking island are the ones that have not made it. Mr. Merritt responded there are a few there. There is one down here adjacent to Iron Horse Drive; I don't know why it died. There is plenty of the similar species in that location that are doing just fine, so we thought we would replace that one in-kind. I don't think that we are married to replacing in-kind. If staff had a species that they were interested in us substituting, I don't think we would have any concerns with that. Our intent was to replicate what was already planted out there so that we could at least maintain what should be the current level or the preexisting level of landscaping. Mr. Newberry stated I just thought it was worth considering at least seeing that it looks like four trees all in that island didn't make it. It may have been the salt. Mr. Merritt stated we would be happy to work with staff if they have some suggestions.

Chairman McMahan asked Town Manager Sawyer, are there any dumpsters in the Town of Bedford that are not screened. Town Manager Sawyer replied I am not aware of any dumpster having been approved by the Planning Board that doesn't exist within an enclosure. We have definitely waived the landscaping, certainly in conditions like this where it can't be seen offsite, but every dumpsters has been in an enclosure because of past Planning Boards really wanting to make sure that loose papers and trash weren't getting blown around the town.

Mr. Sullivan stated the existing loading dock on the south side of the building, I believe that there is a fence or gate that exists there. Would that remain in place? Mr. Merritt replied no; that would be removed. You can see why if I flip back to the existing conditions plan. Right now there are multiple loading docks here, so there is a fence that you open and the truck backs in there. If you flip to our site plan in that same area, these three doors right here are being added, still in the loading zone that cut out a notch of the building but those three buildings are added there, and then the handicap parking as well. To have five doors there with a gate it wouldn't work. The distance is expansive so you wouldn't be able to have a pole in the middle and have trucks backing in and out. It is just a different configuration. Again, it is tucked back behind the plane of the building, which is important, and then 30-some-odd years of growth of vegetation

and landscaping on the street side, does do a nice job of helping break up the loading area. Mr. Sullivan asked but that curb cut does give a direct vision right into the existing loading dock? Mr. Merritt replied it does. As long as you come down there, that would be the one point that you would see it from, as you do today, but without the fence.

Mr. Newberry stated I was just wondering how your tenants are designated on the sign. I can see that there is a strip for each, but how is that actually executed. Mr. Levine stated the sign would not be illuminated, just very basic with just the name. They are not even raised letters and they are not illuminated. They would just be printed on. Mr. Newberry asked is the sign itself illuminated. Mr. Levine replied no.

Chairman McMahan asked is there any reason why the support isn't more commonly seen in Bedford where the supports are parallel to the edge rather than the way they are designed here? Is there a reason for that? Mr. Levin replied not really. To be honest with you, this is what the sign designer laid out. Chairman McMahan asked so you have no objection to a redesign? Mr. Levine replied no. Mr. Newberry stated Condition #8 in the staff report addressed redesigning the sign to meet standard. Chairman McMahan stated I wanted to hear from the applicant to make sure he concurred. Mr. Levine stated I do.

Chairman McMahan asked is there any further discussion on Condition #4 concerning all of the dumpsters. There was none.

Mr. Fairman stated I would like to compliment the owners and planners on this. It is a nice reuse of an existing building. The Town really appreciates you stepping up and salvaging the building and making it useful again. Nice job.

Chairman McMahan opened the meeting for public comments or questions on this application. There were none. Chairman McMahan closed the public hearing.

**MOTION by Mr. Newberry that the Planning Board grant a waiver to Section 275-63 of the Bedford Zoning Ordinance, to allow for the existing landscaping to remain and no additional landscaping or screening requirements as the site, in its present condition, substantially complies with the purpose provisions of 275-58 (A-E) and the intent of the landscape performance standard of 275-63(A). Mr. Sullivan duly seconded the motion. Vote taken - all in favor. Motion carried.**

**MOTION by Mr. Newberry that the Planning Board grant a waiver to Section 275-65(B) of the Bedford Zoning Ordinance, to allow for four dumpsters on the north side of the building without the required landscape screening. Mr. Fairman duly seconded the motion.**

Town Manager Sawyer stated I'd like the motion to be amended to say five dumpsters because there is a total of five dumpsters that are not getting landscaping.

**Mr. Newberry and Mr. Fairman agreed to the amendment to the motion. Vote taken on the amended motion - all in favor. Motion carried.**

**MOTION by Mr. Newberry that the Planning Board grant a waiver to Section 275-65(C), of the Bedford Zoning Ordinance, to allow for existing vegetation and landscaping to be maintained for screening of existing loading dock areas. Mr. Sullivan duly seconded the motion. Vote taken - all in favor. Motion carried.**

**MOTION by Mr. Newberry that the Planning Board final approval of the site plan to convert an existing industrial warehouse use into a multi-tenant industrial building in accordance with the site plan by Granite Engineering, last revised May 24, 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.**
- 3. In the event that the Planning Board approves the waivers, the plan shall be updated to list the waivers granted as approved.**
- 4. Dumpster enclosures shall be provided for all existing and proposed dumpsters.**
- 5. Prior to the issuance of a certificate of occupancy for the building, the Applicant shall pay the sewer accessibility fee.**
- 6. The applicant shall provide a letter from Manchester Water Works stating that they approve of the construction plans and will be able to serve this project.**
- 7. The entire parking area shall be re-stripped with new paint and directional markings.**
- 8. The proposed sign shall be redesigned to meet the Town requirements for a monument style sign.**
- 9. Prior to the issuance of a certificate of occupancy for the building, a certificate of compliance certified by a Professional Engineer shall be provided confirming that the parking lot, accessible routes and entrances are in compliance with ADA requirements.**
- 10. Prior to the issuance of a certificate of occupancy for the building, all site improvements depicted on the plan shall be completed.**

**Ms. Malcolm duly seconded the motion. Vote taken - all in favor. Motion carried.**

Ms. Malcolm asked you said one possible tenant is Green Technologies that is going to manufacture nutrients. You are not talking about a smell there are you? Mr. Levine replied most of it is warehouse. They are manufacturing some nutrients and there are no odors.

**V. Approval of Minutes of Previous Meetings:**

**MOTION by Ms. Malcolm to approve the minutes of the May 10, 2021 Planning Board meeting as written. Vice Chairman Duschatko duly seconded the motion. Vote taken. Motion carried, with Councilor Murphy and Mr. Sullivan abstaining.**

**VI. Communications to the Board:**

Town Manager Sawyer stated unfortunately Ms. Hebert is not here tonight, and I announced this last week at the Town Council meeting, but it is my pleasure to announce that Becky Hebert, your Planning Director, has been announced as the 2021 Professional Planner of the Year from the New Hampshire Planners Association. We will celebrate with her at your next meeting in two weeks. This really is from not just this past year's work, which was tremendous, but really her entire professional career with Bedford, the City of Concord, and the Town of Windham, over the last year her dedication during the pandemic where she taught all of us and much of the community how to use Zoom and quickly got out agendas and guidelines on how to make those meetings work, as well as never missing a land use meeting over the 1 to 1.5 years to make sure that the staff and the boards could focus on the items on their agenda, and that she could focus on the technology or vice versa the other staff helped her with those board meetings. Really her dedication to the preservation of open space was cited tremendously in the application, and I do want to thank former Chairman Jon Levenstein for writing a really nice letter of support for her application. Lastly, I just would note that she always ensures that every voice is heard and I think has a tremendous rapport with our residents and our development community. Congratulations to Becky for that award. Chairman McMahan she has been extremely helpful to me. Without her I think I would have been lost. Mr. Newberry stated I think that is wonderful. I think it is more than earned. Having attempting to chair a few meetings, I have always found the staff, but particularly Becky, leading the staff has just made the Board's job a lot more effective and a lot easier than it would be otherwise.

**VII. Reports of Committees: None**

**VIII. Adjournment:**

**MOTION by Mr. Sullivan to adjourn at 8:30 p.m. Mr. Newberry duly seconded the motion. Vote taken – all in favor. Motion carried.**

Valerie J. Emmons