

TOWN OF BEDFORD
September 9, 2019
PLANNING BOARD
MINUTES

A meeting of the Bedford Planning Board was held on Monday, September 9, 2019 at the Bedford Meeting Room, 10 Meetinghouse Road, Bedford, NH. Present were: Jon Levenstein (Chairman), Harold Newberry (Vice Chairman), Chris Bandazian (Town Council), Rick Sawyer (Town Manager), Mac McMahon, Kelleigh Murphy, Charlie Fairman (Alternate), Matt Sullivan (Alternate), Priscilla Malcolm (Alternate), Becky Hebert (Planning Director), and Mark Connors (Assistant Planning Director)

I. Call to Order and Roll Call:

Chairman Levenstein called the meeting to order at 7:00 p.m. Regular members Ms. McGinley, Mr. Foote, Mr. Hawkins, and Town Council Alternate Phil Greazzo were absent. Mr. Fairman, Mr. Sullivan and Ms. Malcolm were appointed to vote.

II. Old Business & Continued Hearings: None

III. New Business:

1. **Pennichuck Water Works, Inc. (Owner)** – Request to remove a development restriction placed on Lot 34-36 by the Planning Board at the time of its original approval restricting the use of the lot to a water supply at Back River Road, parcel is located between 168 and 174 Back River Road, Zoned R&A.
2. **Villeneuve Family Revocable Trust (Owner)** – Request for approval to subdivide one lot into two residential parcels at 146 County Road, Lot 22-82, Zoned R&A.
3. **RK Bedford, LLC (Owner)** – Request for approval to change the use of 2,019 square feet of a restaurant/shopping center use to a fitness center at 7 Kilton Road, Lot 12-23, Zoned PZ.
4. **Alan & Nancy Goedecke (Owners)** - Request for approval of a site plan amendment to add a second floor with 1,200 square-feet of office space to the Goedecke Decorating Center, 284 Route 101, Lot 27-55, Zoned CO.
5. **Pinhan & Muge Cakir (Owners)** – Request for site plan approval to redevelop the former Grenon Trading Post Co. warehouse into a 72-seat restaurant and bakery and 2,620 square-feet of retail space and associated access, parking, and landscaping improvements at 276 Route 101, Lot 27-29, Zoned CO.

IV. Concept Proposals and Other Business:

6. The Planning Board will review and comment on the proposed Capital Improvements Plan (CIP) for 2020.

Mr. Connors stated all the applications have been reviewed by staff, and staff would recommend that the Board find the applications to be complete. The abutters have been notified, it is the opinion of staff that none of the applications pose a regional impact. Staff would recommend that the Planning Board accept the agenda and in so doing, find the applications to be complete and that none of the applications pose a regional impact.

MOTION by Vice Chairman Newberry to approve the agenda as read. Ms. Murphy duly seconded the motion. Vote taken – all in favor. Motion carried.

- 1. Pennichuck Water Works, Inc. (Owner) – Request to remove a development restriction placed on Lot 34-36 by the Planning Board at the time of its original approval restricting the use of the lot to a water supply at Back River Road, parcel is located between 168 and 174 Back River Road, Zoned R&A.**

Mike Hammer of Meridian Land Services and Don Weare of Pennichuck Water Works were present to address the request to remove a development restriction.

Mr. Hammer stated I can't find the name of the subdivision, but in 1965 you called it by a specific name at one point in time. Ms. Hebert stated the Devco development. Mr. Hammer stated the subdivision consisted of about 35 lots, all about an acre in size, this is before there was public water in the area, and I don't know the exact history, but I have seen lots of subdivisions like this in the interest of making more smaller lots, there was a lot that was dedicated for a public water supply, for a well, for this particular subdivision. On the posted drawing it is the parcel indicated, it is of unspecified size, they show that here is a deep rock well proposed that is going to go in here with a lot restriction saying to be dedicated for public water supply and have this protective well radius. This was endorsed in 1969 by the Planning Board. That is where we are today.

Mr. Hammer continued the history of the parcel is it was owned by the community for a while. I would gather that they found it difficult to maintain this particular water supply as a lot of these subdivisions did, so eventually a private water company took it over and included it in their portfolio. Over time Pennichuck acquired this and expanded their water operations through this area, first to incorporate the well, and then at some point in time, fairly recently, it was decided that it was redundant, inefficient, any number of things. They have removed the well and now have a lot that remains that serves no significant purpose. Certainly it is not providing any water supply.

Mr. Hammer stated so here we are today. A year ago we were asked by Pennichuck to make a precise survey of the boundary. I have recovered a lot of the monuments, it is a particularly interesting lot in that a portion of it is encumbered by the power easement that is over there, but

there is adequate land area that something could be done with it. There is a water main that runs that connects the Bixby farm subdivision with the public water system. It is Pennichuck's desire to take this existing main, turn it into an easement and then divest themselves of the parcel. I can't do that with the water restriction placed upon it. The purpose of this particular application is to remove that. The best possible use that we can see for this is for an abutter to acquire it and incorporate it with their lot, but in fairness, they would also like to see reasonable market value for it. So the purpose of this is to remove that, make it a marketable lot, ask a reasonable price, and it may turn into a house or it may end up being part of someone else's parcel. One thing to note is that while the well is gone, this semi-circle on the plan and this other semi-circle, are existing well easements that are on the neighboring lots that really don't serve much of a purpose anymore. We would like to release those, however, I guess the negative result that could happen here tonight is that the Planning Board doesn't find this a reasonable request, which we think it is, we would have to reserve those for the potential of maybe using this as a well lot in the future, although I don't think that is in Pennichuck's plans whatsoever. We would have to do that to make sure the lot was viable for whatever Pennichuck's purposes are, if it can't be used as a building lot.

Chairman Levenstein asked are these lots part of the lots that had the PFOA? Mr. Weare replied a little bit more history. The original developer of this subdivision was a gentleman by the name of Henry Beak, and he developed the community water system that eventually served 62 homes up in that area from three wells that were in that area through the pump house that was there. It was an EPA designated community water system, we maintained it as that until a year ago when it is part of getting water down to the southern part of Bedford on Back River Road and we extended a water main down from County Road. That came right by this area; that station was actually at a point where it needed to be rebuilt, so rather than continue to maintain that station and put probably \$750,000 into rebuilding it, we connected up all the water mains that were there that went back to that community water system, booster station connected them into the main on Back River Road, so we could abandon that station. There is no purpose to this. Even at this stage we would never use this as a water supply lot again. I have no problem if we were going to reach out to the abutters to surrender that easement area, because, again, there will never be a well there again.

Mr. Fairman stated I have one request. The trees on this lot help protect the properties at 174, 178 and 180 from the lights and other activity on the soccer field, so I would like to add a condition that the back 50 feet of this lot remain treed and not clear cut all the way to the back of the lot. I don't know if that is possible or not that that could be added, but I would like to at least suggest that we do that to maintain the protection for those homes, the lights particularly from the soccer fields. Ms. Hebert asked would that be within the utility easement? Mr. Fairman replied the very back of this lot, it is mostly treed. Town Manager Sawyer stated Mr. Fairman, you are talking about the middle of the lot. Mr. Fairman replied that is right, the lot goes back further. In front of the easement is where it is treed, not on the back of the lot. Ms. Murphy stated I think that might be the only buildable area on that lot because of the way that easement is structured. Chairman Levenstein stated you can't build in the power line easement. Town Manager Sawyer stated and then you have the water line easement on the westerly side. Mr. Fairman stated it seems to me there are other places. Ms. Murphy stated that tree area back there and the left you can't build because that is where your water easement is. Mr. Fairman stated it

was only a suggestion. I thought it could be help for those lots to protect them because all if those trees are cleared in that lot, those houses would be affected by it.

Chairman Levenstein asked the purple on the posted plan is the power line? Mr. Hammer replied the purple right there is the edge of the power easement. Mr. Weare stated and the area that appears to be cleared in there, right in that area is where the original booster station and well were before they were demolished last year.

Chairman Levenstein asked for any further questions from the Board.

Town Manager Sawyer stated I was hoping the applicant would be willing to accept a note on the plan that any future home would be connected to the public water system given that it is either in the groundwater management zone or right adjacent to it, but I believe it is within the groundwater management zone for the PFAS contamination as mentioned. It is my hope, and if I end up making the motion, I would be including it in the motion.

Chairman Levenstein asked for any comments or questions from the audience.

Michelle Fortin stated I am here for my mom who lives at 167 Back River Road, which is directly across the street. We just want to be certain that it would be a home or it would be an additional lot that would be used for an existing homeowner and not a business in that place. Chairman Levenstein responded it is not zoned for anything other than residential or agricultural over there. It would have to be change in zoning before anybody could do anything. Ms. Fortin stated okay.

Lowell McPherson, 22 Bixby Farm Lane, stated on my map I have an easement from, I guess it was going to be piped in to the two houses that border my backyard, so I would hope to see the easement removed from my lot plan since that is on the back corner. That is 34-40-3. Mr. Weare stated the easement is actually the water main that serves Bixby Farm Road and that used to come from the house that now comes from Back River Road, and Bixby Farm that line comes in and terminates before you get back to Back River Road, so that has to remain. Mr. McPherson responded but there is nothing on the back side of my lot. I think that was supposed to go to the two houses on Back River Road, and now since the water main has gone through Back River Road, you have connected those from the front. Mr. Weare stated all the houses on Bixby Farm Road are fed off from that water line that comes through that easement. Mr. McPherson stated yes, but on the map there is an easement listed on the back side of the lot and goes on that lot as well. Mr. Weare responded we can certainly look at that. If that is no longer used, if indeed those homes that are there get service, we would certainly have no problem removing that water easement. Mr. McPherson responded those weren't completed. I think that was part of possibly piping the water into those two front homes that were built by the developer at the time when Bixby Farm was built out. Mr. Hammer stated I think what the gentleman is referring to, it doesn't show up on our plan, I am not sure if it is existing or not. This particular purple stretch right here runs across apparently connecting this water main, which is the one Mr. Weare was talking about that feeds Bixby Farm Road. There seems to be a little leg that comes off through this gentleman's backyard into the back of these two. Ms. Murphy asked so if that is not needed, you would not have a problem releasing that? Mr. Weare replied no.

Katherine Dent, 168 Back River Road, stated as you can see, I am right next to the path and I have two little ones. My main concern is you guys sell this off, you build a house and then I have people literally driving right up past my kids, and then if somebody decides to sell that property in the future and tries to zone it for commercial, I think all of our biggest fear is that it is going to get sold to Bedford Soccer like the fields did and we are going to have an accesspoint through there. Somebody builds a house, decides that that is not where they want to be and they want to sell it off commercially and rezone it. It could be a major problem for us, and we would also like to see our easement removed for that as well if you guys are going to go ahead and do that. It's just a concern for me that that path is literally in my yard. It is a major concern with building right there, if you guys remove the restriction. Ms. Murphy stated it is not to say that it could never be rezoned. Given that it is largely a residential area; it would certainly surprise me to see it rezoned. Ms. Dent stated we just moved in three years ago, we don't know a lot about the easements and stuff, we are trying to learn, get involved and understand it better, especially with having kids. We are just concerned. I think anybody who would build a house there would build it right where that well station was crushed and that is pretty much right behind my garage. Ms. Murphy stated there are setback requirements that they would have to follow as far as building is concerned, and they would have to be in compliance with all of the Town regulations. I don't think that it would be on top of your house per say, but unfortunately if it does get developed into a residential property, looking at the map, that would seem sort of the logical rectangle to put it in. Ms. Dent responded it would because there was already a building there; it just makes sense that that is where it would go. Ms. Hebert stated there is a sliver of land between this parcel and the Global Premiere Soccer fields that is owned by New England Power, so there is no direct connection, although it looks like it when you are out there because of all of the renegade ATV trails and what not under the power lines. There is not a direct connection to the Global Premiere Soccer fields, so they don't directly abut the lot. Ms. Dent asked so the chances of that becoming that is slim? Ms. Hebert replied it is. I understand your concern though. Ms. Dent stated thank you.

Town Manager Sawyer stated I am just questioning the easement to those other two lots. I don't recall, I don't know if either of you know if that was a public easement or if that easement is held by those property owners and Pennichuck would have no authority over it. It might be those two private homes that have the rights to that easement. Mr. Weare responded we will obviously have to do some research on that. If the easement doesn't run to us, we obviously have no ability to surrender it. If the easement runs to us, then we could look at it, but my suspicion is that it runs to the property owners not to ourselves. Town Manager Sawyer stated so I wouldn't want to condition this plan on something that you have no control over, but if you can at least commit to, in my opinion, researching it and following up with Planning staff and dealing with it that way, would be my preference.

MOTION by Town Manager Sawyer that the Planning Board grant the request to remove the restriction limiting the use of Lot 34-36 to water supply uses only, in accordance with the plan prepared by Meridian Land Services, Inc., last revised July 24, 2019, subject to the following conditions:

1. **All recording fees shall be submitted to the Planning Department at the time of recording.**
2. **A note shall be placed on the plan stating that any new use on the lot will be served by underground utilities and a public water service.**
3. **A note shall be placed on the plan stating that prior to the issuance of a building permit for a residential use, the owner shall apply for and received approval of a driveway permit from the Department of Public Works.**
4. **All requisite easement documents shall be executed by the Applicant and submitted to the Planning Department to be recorded simultaneously with the plan, including:**
 - a. **A water easement across lot 34-36 to be retained by Pennichuck Water Works, Inc. for the existing water line; and**
 - b. **Release of the existing protective well radius easements on lots 34-37, 34-38 and 34-34.**

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

2. Villeneuve Family Revocable Trust (Owner) – Request for approval to subdivide one lot into two residential parcels at 146 County Road, Lot 22-82, Zoned R&A.

Bob Kilmer, Sandford Surveying and Engineering, was present on behalf of the applicant to address this request to subdivide one lot into two residential parcels.

Mr. Kilmer stated they are proposing one new lot, a 2-lot subdivision, at 146 County Road, which is now Map 22, Lot 82. Maurice Villeneuve had owned the property since approximately 1955. The lot now consists of 4.99 acres; it is level from County Road heading north for about 300 to 400 feet. When you get past that, it drops into the area, which contain wetlands and Patten Brook runs through the northern part of the lot. We are proposing to create one new, 1.51-acre lot, which is basically the western side of the existing lot now. This is a residential building lot for a family member and the existing residence will maintain 3.47 acres, including the area of the wetlands and Patten Brook to the north. The new lot will be serviced by municipal water and sewer and the existing home will remain on septic system until such time as the field fails and at which time they will hook up to the Town sewer. The existing drive has ample sight distance as per Town regulations as also does the proposed driveway. You see it coming in on Sheet 2, the driveway to the west coming off the road. The sewer and water connections for actually the existing house and the new lot already exist, so it will be very minimal impact to the Town road at this time.

Mr. Kilmer stated I am asking for two waivers. The first waiver would be from Section 218.1.11, topographic survey of all the subject parcel, and Section 218.1.13, wetland mapping of all subject parcel. The purpose of this plan is to subdivide Map 22, Lot 82, which is 4.99 acres, into two lots. Due to the constraints of the wetlands and the floodplain issues, we have not provided the topography or wetland delineation along the northerly boundary line, which will

remain with the parent parcel. We have provided the required minimum areas for each lot. The area not covered by topography and wetland delineation does not account for any usable area as far as the lot buildability. We feel that with the extent of the topography and the wetlands that we have shown, the Board can make an informed decision with regard to this subdivision.

Mr. Kilmer continued what we are looking for is a conditional approval. With most of the conditions that the staff recommended I just have questions about Condition #8. Patten Brook runs through and you will see in between the edge of wet and building setback the floodplain limit is the single dashed line running through there.

8. When the septic system for Lot 22-82 fails, the Lot shall be connected to the municipal sewer system and all accessibility fees shall be paid.

Prior to recording the subdivision plan, the private pump station and sewer design shall be submitted to the Planning Board for approval.

Mr. Kilmer stated I would like to have that treated kind of like the new lot, whereas since the system is functioning now, that at the time of failure, they would size the pump through the pump company, submit it to Public Works for their approval and do their permitting that way.

Chairman Levenstein asked what is your feeling on that, Ms. Hebert? Ms. Hebert responded I think we wanted the condition just so that there were no surprises if the lot were sold, because the connection would be required and it does have a private force main pump, so we would want a future buyer to understand the cost of the pump and what the liability might be. Mr. Kilmer asked even though the notes are written the way it is? Ms. Hebert replied yes. Mr. Kilmer asked you are not looking for the monetary expenditure, you just want the sizing for the house and you just want that paperwork in the file? Ms. Hebert replied yes, the same way we would have a backup septic system designed in lieu, in case the system failed we would have it ready to go so the owner could just quickly install it.

Ms. Malcolm asked how close to the lot line is this septic system that could fail? Mr. Kilmer replied you will see it right there on the posted plan. I believe it is a 25-foot setback, so it within 20 feet of the new property line.

Chairman Levenstein asked for any comments or questions from the audience.

Lynn Renault, 18 Lynn Drive, stated we live directly behind the entire parcel and concerned about trees because right now we have a nice brook that goes through the property and all we see is trees. I know where the proposed house is, are there any other proposals for cutting down any trees behind the property on either of the two lots? The proposed lot and the existing lot or other structures that could be built on the back side? Mr. Kilmer responded at this this point I couldn't answer that. The desire for the family member building here is up front, that is why we have shown that area. I can't say never say never, they are not going to keep it natural. They have the right to trim, remove trees and whatever else as a landowner. Ms. Renault asked can they build any sheds on the back side with regard to wetlands? Ms. Hebert responded no. Chairman Levenstein asked what is the setback? Ms. Hebert replied there is a 50-foot wetland setback and

no structure could be placed within 50 feet of the edge of the wetland, so that wetland edge creates a nice natural buffer to your property. Any vegetation that would be removed in the future in the wetland area, would have to be done either by hand or during frozen ground conditions. It seems a little unlikely that someone would go in and remove the vegetation in the wetland area because you have the brook running right along the back of the property. Mr. Kilmer stated you can also see from the wetland to the building setback that it is fairly steep in through there. It comes off from the plateau and drops down and comes into Patten Brook, so it wouldn't be conducive to really doing anything in there.

Ms. Renault asked the proposed house is like a 3-bedroom house or it is whatever they decide? Mr. Kilmer replied if we were doing septic systems and all of that, the design for Bedford would be a 4-bedroom, so it could be three or four. That basis would be their pump into the sewer and their usage.

MOTION by Ms. Murphy that the Planning Board grant the waivers from Section 218.1.13, requiring the entire wetland area to be delineated on the subdivision plan and 218.1.11, requiring 2-foot topographic contours, from the Bedford Land Development Control Regulations. Mr. Sullivan duly seconded the motion. Vote taken - all in favor. Motion carried.

MOTION by Ms. Murphy that the Planning Board grant approval of the subdivision application prepared for the Villeneuve Revocable Family Trust located at 146 County Road, Lot 22-82, to create one new residential lot, in accordance with the plan prepared by Sandford Surveying and Engineering, Inc. with a revision date of August 20, 2019, with conditions precedent to be fulfilled within one year and prior to plan signature:

- 1. A letter shall be submitted to the Planning Department by a Licensed Land Surveyor, certifying that all boundary monumentation has been set as noted on the approved plan, or in lieu of a letter, the final subdivision plan to be recorded may be submitted noting that the bounds have been set.**
- 2. The Planning Director and the Department of Public Works Director shall determine that the applicant has addressed all technical review comments to the Town's satisfaction.**
- 3. If the waivers are granted by the Planning Board, they should be noted on the plan.**
- 4. All outstanding (if any) engineering review fees shall be paid to the Planning Department.**
- 5. Easement language for the utility crossing over Lot 22-82-1 shall be approved by the Planning Department and the easement recorded with the subdivision plan.**
- 6. All recording fees shall be submitted to the Planning Department at the time of recording.**
- 7. Prior to the issuance of a building permit for Lot 22-82-1, calculations for the proposed pump station and the existing low pressure sewer line shall be**

provided to the Department of Public Works to ensure the pump station will be sized adequately.

- 8. When the septic system for Lot 22-82 fails, the Lot shall be connected to the municipal sewer system and all accessibility fees shall be paid.**
- 9. Prior to the issuance of a certificate of occupancy for a house on Lot 22-82-1, school and recreation impact fees shall be paid.**
- 10. Prior to the issuance of a certificate of occupancy for a house on Lot 22-82-1, the sewer accessibility fee shall be paid.**

Mr. Sullivan duly seconded the motion. Vote taken - all in favor. Motion carried.

3. RK Bedford, LLC (Owner) – Request for approval to change the use of 2,019 square feet of a restaurant/shopping center use to a fitness center at 7 Kilton Road, Lot 12-23, Zoned PZ.

Jason Hill of TF Moran and Katrina Forrest of Hotworx were present to address this request for approval of a change of use on behalf of the applicant.

Mr. Hill stated a little bit of this discussion was held at a conceptual meeting last month. This is the Bedford Hannaford's plaza on South River Road anchored by Hannaford's and Home Goods. There is an outbuilding that formerly has the TCBY Frozen Yogurt and is also occupied by the Super Cuts. The remaining portion of the site is just parking and access. We are looking to convert 2019 square feet of the outbuilding from the TCBY use to the Hotworx, which is really a fitness center type use. It is a virtually instructed exercise program utilizing this infrared heat absorption technology that is a subscription-based program for the customers, which offers 24/7 access through the app and there are some other measures that are involved with the 24/7 access. There is a manager daily throughout the week in the facility to manage the operations but there is really no staffing otherwise. These are just several studios with heat sources and various exercises are performed in these various studios, so it is not a gym like a Planet Fitness or one of those workout clubs with weights and large classes and such. It is a different type of use but it is classified under fitness center.

Mr. Hill continued normally we wouldn't be coming for a change of use site plan of this nature, however this plaza has parking restrictions or there is a parking situation which we need to address and clarify in order for them to continue and obtain their Certificate of Occupancy. The change of use from the restaurant to the fitness center generates an additional four spaces bringing the site into non-compliance by two spaces. The development provides 425 spaces, which is two more than the existing requirement of 423 spaces. The change of use that generates the additional four spaces, the requirement becomes 427, we have 425, we would like a waiver to enable the change of use. We have done a study, which I summarized last month for the bank project I am working on, and the findings are such that the capacity of the site is underutilized and there is ample available space to enable this change of use, and other things, but I am here tonight for the change of use. So we are asking for a waiver from Section 322.2.1. I mentioned the hours of operation. There are really no changes to the landscaping, hardscaping, access, or circulation patterns throughout the property. For the signage, this facility is maxed out, the plaza

in terms that it has two monument signs, so they are looking to just put a single building sign on South River Road that just meets code. We will go to the Building Department for that. Two permissible building mounted signs. There is really no change in the parking generation rates even though I didn't submit any paperwork on that. Even a TCBY restaurant use, which is not a traditional sit-down or fast food restaurant, has significantly more trip generation than this, so there shouldn't be any issues there. That is the project in a nutshell; getting the parking squared away.

Chairman Levenstein stated Mr. Connors, you have something in the staff report about building out two parking spaces which currently exist but haven't been striped. Is that right? Mr. Connors replied yes. That 425 count includes four spaces in the back that they got approved for last year but they never painted. Mr. Hill stated it is these four spaces in the loading dock area for Hannaford's behind the building. Chairman Levenstein asked that just consists of striping them? Mr. Hill replied right. It is paved, they load in this area, so it doesn't interfere with the activity of them actually loading for the tractor trailers. This additional striping has been discussed with RK and they are aware of it. Chairman Levenstein asked do they have an issue with it? Mr. Hill replied no.

Chairman Levenstein stated I assume there are other Hotworx locations in the country. Is that right? Ms. Forrest replied yes. The franchise is about 2.5 years old now, and we will be about the 75th location in the US. There are more locations in the south in southern areas, so we will be the first in New England. Chairman Levenstein asked do you have information as to what the usage hours generally are for people using it? Ms. Forrest replied usually the busier hours are after work, so anywhere from 4:00pm to 6:00pm. Mr. Hill stated they are usually busier on Monday, Tuesday and Wednesday and tapering off through the work week. Mr. Sullivan asked is there staffing 24/7? Ms. Forrest replied there are certain staffed hours Monday through Saturday. We don't have staff hours on Sundays but it is generally from 11:00am to 6:00pm for staffed hours, and then we have 24/7 access through an application, via a phone, or a pin pad that the members can get in. We have 24-hour video surveillance within the studio as well, and we also have a necklace that members can wear when they come in or carry with them if an emergency happens. It will alert the Police Department, Fire Department, ambulance, and us, that type of situation in case there is an emergency any time of the day. Vice Chairman Newberry asked at 2:00am, how would emergency responders access your facility? Ms. Forrest replied that is something that we would have to get in touch with the local EMT's and Fire Department and let them know how to access that. Vice Chairman Newberry asked part of your plan will address that? Ms. Forrest replied absolutely, and we will be alerted as well, so we will be able to contact somebody. Ms. Murphy asked is the emergency necklace patron activated? Ms. Forrest replied yes. There are several on the way in and you can grab it and carry it with you throughout the studio. It is almost like the life alert button, so you would have to hit that button and that would alert the emergency services. Chairman Levenstein asked the Fire Department has lock boxes to all of these commercial buildings? Town Manager Sawyer replied that's correct.

Chairman Levenstein asked for any comments or questions from the audience. There were none.

MOTION by Vice Chairman Newberry that the Planning Board grant the waiver to Section 322.2.1, to permit 425 parking spaces on the site where 427 spaces are required, which is fewer required than the previous use. Ms. Murphy duly seconded the motion. Vote taken - all in favor. Motion carried.

MOTION by Vice Chairman Newberry that the Planning Board grant approval to the change of use of 2019 square feet of space from a restaurant use to a fitness center at 7 Kilton Road, Lot 12-23, in accordance with the plans prepared by TF Moran, last revised August 26, 2019, with the following conditions to be fulfilled within one year and prior to plan signature:

- 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. In the event that the Planning Board approves the waiver, the plan shall be updated to list the waiver granted as approved.**
- 3. Exterior lighting in the immediate vicinity of the fitness center shall be on or operational through motion detection during all hours when the fitness center is open for use.**
- 4. Prior to the issuance of a Certificate of Occupancy for the use, the four rear parking spaces on the site shall be painted as shown on the plan.**

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

- 4. Alan & Nancy Goedecke (Owners) - Request for approval of a site plan amendment to add a second floor with 1,200 square-feet of office space to the Goedecke Decorating Center, 284 Route 101, Lot 27-55, Zoned CO.**

Tom Carr of Meridian Land Services was present to address the site plan amendment on behalf of the applicant.

Mr. Carr stated looking at Sheet 2 to give a little history of the project. We were last before this Board in 2004 for a lateral expansion of the building, which was this part of the building back here. There was some drainage proposed in that plan with revised parking and so forth. At the request of Planning staff, we did do an onsite survey to verify that the conditions that were on the 2004 plan were constructed and built according to the plan and they were. Sheet 2 represents a current existing conditions plan of the site.

Mr. Carr continued the new proposed expansion is in the front, it is a second floor expansion. Their intention is to move their office space up there. Right now they have a fairly cramped office space downstairs, so the intent of this is just to provide a more professional environment for their staff and for the clients that come to the store. We have a sample of the siding that was requested to be brought in. It is a brick veneer; it will look exactly like brick only it is not a full brick.

Mr. Carr stated there are no external changes proposed to the building at all. Parking is

sufficient, drainage is as proposed in the last site plan, and we have two waivers that we have requested formerly for the site. One is high intensity soil mapping. The expansion, again, is not intended to add employees or more loading to the site or septic system. It is simply an expansion to just make the building more professional for the staff and for the clients that come to the store. The high intensity soil mapping regulations are more geared toward lot sizing and loading and we are not intending to increase loading by the vertical expansion of the building.

Mr. Carr continued we would also like to discuss the dumpster location. It is recommended by staff that we relocate that. The dumpster is located as shown on the post plan and it is surrounded by a nice wooden fence. As you drive by from Route 101 or if you are egressing from the adjacent parking lot here, you are not seeing a dumpster front or any part of the dumpster. You are just seeing a fence. This dumpster location was existing when we did the 2004 site plan upgrade for the back of the building. If we were to relocate this dumpster to a location that met the sideline building setbacks, the only place we could put it would be in this place right here. You wouldn't want to have it out here in the front and this place back here just doesn't have access for the trucks to get to it. The only place we could do it would be here and it would face this way, so from the road as you drive by, rather than see a picket fence surrounding the dumpster where it currently is, you would see the open face with the dumpsters in there, and we think that would be a deterrent to the site.

Mr. Carr stated with regard to the staff comments; first of all, we understand we saw the email from DOT so we will obviously have to bring this plan to them to get them to reissue the DOT permit for the driveways, but we would like to talk about the landscaping plan. If we go to the photographs, the dumpster location is right here and it faces toward the building. This is a view from the road and this is the retaining wall that I am talking about in the back. If we had to relocate that dumpster to meet and comply with the setback requirements, it would be against that wall and facing us. This is a view aspect from the edge of Route 101 toward the site, and, again, if the Board feels we do need to move that, we will and we will adjust the parking. We can recover those spots that will be lost because the parking spaces on this site are 10 feet wide and not 9, so if we have to do that we can and not compromise the parking calculations, but we don't think it is in the best interest of either the company or the Town of Bedford to have that dumpster facing the road.

Mr. Carr stated the other thing I wanted to talk about was the landscaping, the request for an updated landscaping plan, and, again, I am going to use this picture as an example. This is essentially the only area around the building that is not landscaped. You can see a landscaping berm that starts right here and then on this side up through the grassed area and the vegetated islands that aren't pavement, it is treed, so there are trees that are mature, good looking trees. Posted is another picture of the berm. The addition is going up here on the top, so we feel that the landscaping that is there is adequate. The hatched area on the posted plan is that large landscaping berm that we saw, this location here is the picture aspect standing at this point looking up this way and we saw just the edge of that. The other picture had a little bit more of that, but these islands all have trees and vegetation in them. So, again, I am going to leave it to the Board's discretion. I think it is a matter of opinion as to whether we think it needs more or better landscaping. We don't feel it does. Mr. Connors stated just a note on that one; the reason we had it as a condition is because the Board waived landscaping when it came before you in

2005 and since this will make the building a more significant presence on Route 101, we just wanted to talk to them about adding some additional plantings. We weren't anticipating a formal landscape plan. Mr. Carr responded okay. I guess we would need to get more clear on what the request is. Certainly they maintain the landscape and they replace vegetation that doesn't make it through the winter. That is kind of open ended. Mr. Connors stated if the Board kept that condition, it could be as simple as you sending us an email with a list of some additional plantings and we will send you back an email saying okay. Mr. Carr responded okay. Other than that, Mr. Chairman, I think that covers the presentation.

Town Manager Sawyer stated I was just hoping that we could add a note regarding the future sprinkler system in the building just in case the Goedecke family ever sells this, there is at least some record somewhere that if water is extended, that that building is required to be sprinklered in the future. Mr. Carr replied we can do that.

Vice Chairman Newberry stated could you go back to the aerial photograph that you were showing and zoom in on that area of the dumpster. Mr. Carr stated the dumpster location is as shown. Vice Chairman Newberry asked that is screened to the adjacent property by mature vegetation? Mr. Carr replied yes. I am not sure how recent this photograph is, but there is sufficient vegetation here, and, again, as you drive by and look down the driveway, you can see the side of the wooden fence here and you can see the fence going back in along the back of the tree line but that is all you see. Vice Chairman Newberry stated I understand Staff's concern to try to get that to be compliant, but given this particular situation, I think it is probably better where it is. Mr. Connors stated I don't have strong feelings on it; it is just nice to get the waiver so that it is formalized. And if we do want to waive that, the section of the code is 327.2.1.

Mr. Fairman stated I have a question for staff on the landscaping plan. Is there additional landscaping that you feel is needed or is it just to document what is there now? Mr. Connors replied it would be nice to get some additional landscaping along Route 101 to buffer it a little bit. Mr. McMahon asked were you thinking it would help to be able to mask the parking? Mr. Connors replied sure. Mr. McMahon stated that is something that we have done before, have we not. Mr. Connors replied in the Performance Zone we have. Vice Chairman Newberry stated I agree with staff's point too that the addition on the front there is going to make that building a lot more prominent than it currently is. Mr. Carr stated I guess the question that we have is we have this existing landscaped island and then we have this grass area, which is the only area that is not particularly landscaped in front of the building. We just want to be clear on what the request is so we can address that. Chairman Levenstein responded I think the request is that you meet with staff and work out something, and if you can't work something out, then you can come back and tell us. Mr. Carr responded okay; that is fair enough. Ms. Hebert stated I think Mr. Connors was just thinking a handful of additional plantings, four to five additional plantings. I don't think there is anything with a lot of height along that section of Route 101, so maybe a tree, not anything that would block your building, but it is fairly open along that lawn section, and the intent of the regulations is to soften the views into the sites. Mr. Carr replied okay; that is not a problem. That works.

Chairman Levenstein asked for any comments or questions from the audience. There were none.

MOTION by Councilor Bandazian that the Planning Board grant a waiver from the Bedford Land Development Control Regulations for Section 317.1.11, to provide HISS mapping as the impervious surface has not been increased. Mr. Fairman duly seconded the motion. Vote taken - all in favor. Motion carried.

MOTION by Councilor Bandazian that the Planning Board grant a waiver from the Bedford Land Development Control Regulations for Section 327.2.1, requiring a dumpster setback of 30 feet from the lot line. The existing dumpster location better screens, therefore, the waiver would be to allow the dumpster to remain in its current location. Mr. Fairman duly seconded the motion. Vote taken - all in favor. Motion carried.

MOTION by Councilor Bandazian that the Planning Board grant approval of the site plan amendment to Alan and Nancy Goedecke, to permit a 1,260 square-foot addition to the Goedecke Decorating Center at 284 NH Route 101, as shown on the plans by Meridian Land Services, Inc., dated August 22, 2019, and the architectural plans by Eskin Associates Architects, with the following conditions to be fulfilled prior to plan signature and the other conditions to be addressed as noted:

- 1. The applicant shall address all remaining technical comments to the satisfaction of the Planning Director and the Director of Public Works.**
- 2. If the waiver is granted by the Planning Board, the plan shall be revised to note the waiver as granted by the Board and date of approval.**
- 3. The applicant shall provide a landscaping plan to be approved by the Planning Director and installed as part of the improvements.**
- 4. The applicant shall provide a copy of the updated NHDOT Driveway Permit to the Planning Department and note the permit number on the plan.**
- 5. The applicant shall provide a copy of the updated NHDES septic permit to the Planning Department and note the approval number on the plan or provide documentation to staff that such a permit is not necessary.**
- 6. Prior to a certificate of occupancy being issued for the addition, all improvements depicted on the plan shall be complete.**
- 7. In the event that municipal water service is extended to the location, the facility shall be sprinklered.**

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

- 5. Pinhan & Muge Cakir (Owners) – Request for site plan approval to redevelop the former Grenon Trading Post Co. warehouse into a 72-seat restaurant and bakery and 2,620 square-feet of retail space and associated access, parking, and landscaping improvements at 276 Route 101, Lot 27-29, Zoned CO.**

George Chadwick of Bedford Design Consultants, Attorney Mike Tierney of Wadleigh, Starr and Peters, Zachary Brock of WarrenStreet Architects, and Rick Galipeau contractor, were present to address this site plan approval request.

Mr. Chadwick stated we are proposing a 72-seat European bakery with an attached 2,620 square foot retail area. That retail area being the furthest area away from Route 101. The parcel is zoned commercial; it is 6 acres in size with 1,243 feet of frontage. The proposed use is an allowed use and the structure will be serviced by individual well and subsurface disposal system and we do have necessary permits for those two uses. We are looking to utilize the existing structure, we are looking to remove the east and west end of the structure and use the center portion of the existing structure for the building. The architecture will be more Colonial in nature, and I do have some elevations here to show with the architect. We would also be utilizing the existing pavement that is out there for the parking. With this proposal we will be reducing the impervious coverage significantly by removing portions of the building, some parking and loading area to the west of the portion of the building we are looking to utilize, and the loading dock area. We meet all of the landscape and lighting requirements of the Town, and that all additional utilities will be underground.

Mr. Chadwick stated with regard to the access. On this particular project access is a concern. We acknowledge that there is a high volume of vehicles out there on Route 101. There is an existing 44 feet of pavement where as it is striped today there is a 10-foot westbound shoulder, 12-foot westbound travel lane, a 12-foot eastbound travel lane, and larger than a 10-foot shoulder going eastbound. I believe right where our entrance is shown on the plan it is actually 18 feet wide. In December of 2017 an application was filed for this particular project by the current owner, which was for a 75-seat bakery, a 4,721 square foot CrossFit training facility, a 4,884 square foot retail use, and approximately 2,400 square feet of warehouse space. All that totaled up to about 17,900 square feet. As part of that process, it was determined that a curb cut permit would be necessary and a left-hand turn lane would need to be constructed in order for DOT to approve the project. Our client just can't afford to construct a left-hand turn lane. What he has done is he has downsized the project significantly and would like to restrict left-hand turns into the site by the use of signage and physical barriers. The plan that you front of you we do have a DOT curb cut permit, we know that the staff has concerns regarding the left-hand turns into the site so our permit that we obtained specifically excludes those left-hand turns. What we have done is we have signed the entrance with a 'No Left-Hand Turn' sign and that is in the location indicated on the posted plan. At the exits we will put do not enter signs along with 'Stop' signs from the site side, and our monument sign basically we will put a statement on that monument sign that says make a U-turn at next set of lights.

Mr. Chadwick continued this project was scheduled for a public hearing last month, and the staff asked that we continue the hearing so that we could come sort of compromise between the plan that you have in front of you tonight and the concerns that the staff has regarding the left-hand turns into the site. We did that; we postponed the hearing. I believe on the 21st of this month we met with the Police, Fire, Public Works, the Planning staff at the Town offices to try to come up with a compromise. My client and myself left the meeting with this right here, this being a compromise where we take the westerly access, move it further to the east or move it toward the exit of the project, still keeping the right-in configuration. I believe when we left that meeting, from our side we all thought that the we staff's approval as a compromise, so I did speak to DOT and I believe I can get DOT support on an access similar to this. What does that do? It takes and it moves the westerly access further to the east, it eliminates a great deal of pavement that is out

in front of the building, which then could be landscaped, and continues to force the driver to slow down on the shoulder and maneuver itself into the site. We have two options that we feel we can do here. We have tried to get the support of the staff and I think we are at a point now where I need a little bit of direction from the Board as to whether the Board would agree to a right-in scenario only. We have done our best to exclude left-hand turns, we do have a DOT curb cut permit, our client cannot afford to build the turn lane, so we are sort of in a predicament. If the Board does approve or would like the initial plan submitted to the Board, there are two waivers that would be required. They both have to do with the existing drive that is out in front of the building and I can go over those if the Board would like. We are here to get a little bit of direction from the Board as to what the Board could support.

Ms. Murphy stated I have many questions. Which is the proposal that you are submitting for consideration? Is it the large print one? Mr. Chadwick replied yes. Ms. Murphy stated so this top right-hand one was what was previously discussed but it is not the proposal that you are making. Mr. Chadwick responded it is a modification to the plan that is front of you tonight that we would be willing to modify our plan to. Ms. Murphy stated in a perfect world, and there is none, but in a perfect world, is it your preference to go with a right-hand. I am assuming the reason why the drive is so long on the plan that I am looking at, the main image, is because it would be much harder to take that left-hand turn and swing around through that drive. Mr. Chadwick responded correct. It is more of a 270 degree turn, per say. Ms. Murphy asked where are you proposing putting the signage that says go to the next light and take a U-turn? Mr. Chadwick replied currently it is shown right here in this island or this landscaped area. If we were to slide the entrance down, I would suggest moving it and sticking it right here. Ms. Murphy asked is that going to be visible where you are proposing it? Mr. Chadwick replied yes it will. Ms. Murphy stated so when you say the next intersection, I assume that you mean Hannaford's intersection. How far away is that from the driveway? Mr. Chadwick replied the staff report says it is a half mile. I don't think it is that far. I think it is a little less than that. I didn't clock it myself. Mr. Connors stated it is approximately a half mile. Vice Chairman Newberry asked is a U-turn allowed at that intersection? Mr. Chadwick replied it is. Chairman Levenstein stated it is on the sign if you look at the next page. Ms. Murphy responded right, but I am looking at the location more than the signage itself. It looks to me like it is set back from Route 101 and I am just wondering if you are even going to be able to see that, particularly because I am not sure that with it being left of the exit and in my opinion far before you get to the actual left-hand turn that you would take the entrance, not having a second sign where you would take that left-hand turn that says don't turn here, you might just have people swinging in there anyway. Mr. Chadwick responded right here there is a sign that says that there is no left turn. Ms. Murphy stated okay; I missed that one.

Mr. McMahon asked with the plan that is in the circle for your compromise, has the Police Chief and the Fire Chief taken a look at this or have they only seen the larger one? Mr. Chadwick replied they have seen both. When the one that is in the circle was presented to them, I believe it came back from the Police Chief that he wouldn't agree to anything without a left-hand turn lane. Mr. McMahon asked and the Fire Chief? Mr. Chadwick replied I don't believe he chimed in at the end. Mr. Connors stated he told me over the phone that he agreed with the Police Chief. Ms. Hebert stated and our DPW Director. We had our public safety officials with a very strong position. Mr. Chadwick responded I understand. They are all concerned about illegal left-hand

turns. To me it sounds like an enforcement issue more than anything. We acknowledge that the road is very, very busy, it is, but for anything to be developed on this, and I assume the Goedecke property when they find out that one additional left-hand turn into either of those sites, they are going to find out that they are going to need a turn lane. Mr. McMahon stated I don't know if it is as much of an enforcement issue as it is of safety. I don't know whether you have a copy of this. Mr. Chadwick replied I do. I was given that tonight. I understand none of those accidents occurred at this particular driveway but I do understand left-hand turns are a concern in this area. I do, and that is why we excluded left-hand turns. We are not allowing those left-hand turns to occur with this plan and we have done everything in our power to exclude them both by signage and physical barriers. I guess the only other thing to do would be to build a center median down Route 101 and our client can't afford to do that either.

Vice Chairman Newberry stated we have seen some communication indicating that New Hampshire DOT if they get reports of problems there would change your requirement. How are you going to address that? It sounds like you are willing to bet the business that that isn't going to come to pass. Mr. Chadwick responded I think the whole reasoning behind this is my client believes a left-hand turn land would be more safe as well. What he is trying to do is get into the building and get going. He doesn't have the capital initially to front a \$500,000 left-hand turn lane or whatever it would end up being. It is just cost prohibitive for him to do that, so he would like to get into the building and once capital is starting to be raised and funds are available, if there is an issue, he understands that he needs to take care of it. We understand as well that it is putting the Town at a little bit of a predicament too having to go back to a business or DOT having to go back to an existing business and say sorry guys, you have to go address this somehow. Ms. Murphy stated that begs a question. Maybe the profit margin on Turkish ice cream is just outstanding, but would wonder how you could possibly raise that kind of capital off from a restaurant/bakery if there is an issue and DOT comes back and says you have six months to put this left-hand turn lane in. Mr. Chadwick responded I personally can't answer that. I can have our client address the comment if you would like. All I am telling you is that I have been told that he is aware of it and he is willing to take care of it when the time arises, but he just physically cannot do that upfront with all of the expenditures to build this building. Ms. Murphy responded I completely understand that, it is just a very expensive gamble.

Councilor Bandazian stated some of the discussion with staff apparently was about making a financial guarantee, a letter of credit of something of that nature, you could ask to be relieved of that after some finite period like 5 years if there isn't a bad experience there. Is that something that would be of interest? Mr. Chadwick replied I guess we would have to figure out the mechanism to do that with it being a State road. I would assume the financial guarantee would be held by the Town. The State doesn't have a mechanism, that I am aware of, to accept financial guarantees like that.

Mr. Fairman stated the problem I have with this situation frankly is a fairness issue. We have six other businesses along this stretch, one of which was new three years ago, all of which are allowed left-hand turns, and all of a sudden the State says another new business can't have a left-hand turn. I think that the applicant has worked hard to come up with a compromise to satisfy the State and has the State permit to go ahead with this compromise, so I think that in fairness to the applicant, and I don't see why we should stop it. I understand the safety issue and the Police

Chief's concerns, but there was no issue three years ago when the animal medical hospital went in and as they say, there are a total of six businesses within a half mile here all have left-hand turns and some of them have a lot more traffic than this one is going to have. Chairman Levenstein asked do they have left-hand turns for the karate studio or something like that? Mr. Fairman stated that is a daycare and a karate studio and there is a lot of traffic going in and out of there. That one is probably the highest amount of traffic, Goedecke has a fair amount. Chairman Levenstein stated we can't do anything about that though. The State has already said, no left-hand turns. Ms. Hebert stated and we have to look moving forward. Mr. Fairman stated my point is that the State has now approved it and for us to now say because of we don't think there are enough safety features on this State road, I think would be inappropriate. Ms. Murphy stated I want to make sure that we are not misstating the facts because they haven't approved it. Ms. Hebert stated they did approve the driveway permit. Ms. Murphy asked they approved it for left-hand turns? Ms. Hebert replied they approved the driveway permit. Ms. Murphy stated so that is my point. There was a misstatement. Mr. Fairman responded I agree, they did not approve left-hand turns, they approved the compromise. Ms. Murphy stated I just wanted to be super clear on that because the way it was said made it sound like they approved it for left-hand and that is not what happened. I appreciate that the business owners are taking on a substantial amount of risk, not just with the turn lane, but you have got to think if you can't make that left-hand turn there, then they are going to lose some business from people that would not necessarily go down to Jenkins and turn around and come back the other way. As far as I am concerned, if they are willing to shoulder that kind of risk in the hopes of getting the business open and getting it operating, then that seems fair. Mr. McMahon stated I think it is a good observation about the left-hand turns. If you take back a bit for the Bedford Village Common, at a Town Council meeting they in fact gave permission for the Village to be able to make left turns. But after they build the Grand, all of that changed and you are not allowed to do that and there was a circuitous route for them to come around. Chairman Levenstein stated that is a road, that isn't a driveway. I wasn't their private driveway that they were saying you couldn't make a left out of, the Town actually decided that they prevent left-hand turns out of Olde Bedford Way. Town Manager Sawyer stated it is actually the Planning Board first when you approved the spa that was never built at Bedford Village Inn and you put in the diamond there. Chairman Levenstein stated and frankly that hasn't worked so great. Town Manager Sawyer stated it is all changed now. There is the median on Route 101 now. Ms. Hebert stated in our conversations with Police and Fire, especially Police, they are concerned that the driveway doesn't enjoy full access, so whether it is with a left-turn lane or without, the left-turn lane is obviously the safest option, but they are concerned about people making a turn illegally or roguely into the right-in only slip lane the way it is designed on the larger site plan. That is something that happens quite frequently at the Whole Foods right-in only on South River Road. Ms. Murphy asked what is the distance between the two concrete pavers in that drive? Mr. Chadwick replied I don't scalable one with me. Maybe 130 feet is I had to guess, 140 feet. Ms. Hebert stated I was going to say 75 feet. Ms. Murphy stated I was going to say 70 feet. Does that seem about right? Mr. Chadwick stated the building is 70 feet wide, so it is 90 feet maybe. Ms. Murphy stated I guess my only concern with a driveway that long on the plan on the larger map, is that you have a car take the left-hand turn by accident while you have a car in the drive and there is no way to see the car that is coming out the wrong way and there is no way to see the car that took a left-hand turn and come in and then you have a collision. To me that shorter drive that is up in that circle picture, would seem to make more sense from a safety perspective because then you are not risking a collision

on that longer driveway. Mr. Chadwick stated there is a 'Do Not Enter' signs as you enter the long driveway from the parking lot side as well. Ms. Murphy stated unfortunately all motor vehicle operators follow signs at all times. Ms. Hebert stated I think the driveway with the long slip lane also utilizes an existing curb cut that would be closed in the option that is in the circle up above. There is an existing sort of, is it for a loading area. Mr. Chadwick replied it is. Ms. Hebert stated that is accessed from that driveway. Mr. Fairman asked do you have to back to the State if it is the one in the bubble that gets approved, the compromise? Mr. Chadwick replied I do; and I have spoken to the State. I believe I have their support on that.

Vice Chairman Newberry asked have you explored the idea of a cross-connection to the adjacent property? Mr. Chadwick replied we have not. Vice Chairman Newberry stated I don't know if it is even feasible, I am just curious. Mr. Chadwick stated they don't line up exactly and I will show you. Shown is the rug place; this portion of the access drive is what we are talking about, so they really don't line up really well to make that interconnection. Vice Chairman Newberry asked the grade is about the same? Mr. Chadwick replied yes, they are the same for all intents and purposes. Then from going down, there is a long way the other way. Vice Chairman Newberry stated I don't think it would be feasible to the east, but to the west I was just curious if you had either considered or explored that at all. Mr. Chadwick responded I have not, and if I did, I would assume it would be the same problem. Town Manager Sawyer stated you would have to amend their permit. Vice Chairman Newberry stated and the State would put the restriction on that. Mr. Chadwick stated plus we would be getting closer and closer to the cross street here. Now we are quite a distance down from that cross street.

Vice Chairman Newberry stated going back to the bubble on the map, it is your understanding from the last conversation that that bubble design was preferable if for no other reason than it would slow down traffic as it entered. Mr. Chadwick responded yes, plus with the bubble we were able to remove another percentage of impervious surface on the lot. Town Manager Sawyer stated it is more typical for the driver. Mr. Chadwick responded it is more typical for the driver. One thing it does although start to look like a normal access. Chairman Levenstein asked is the State allowing you to make a left turn out? Mr. Chadwick replied yes. It has to do with the ability for a vehicle to have the amount of time necessary to make a safe maneuver and not have another car come barreling up behind them, similar to what occurs up the street and in all other accesses along there. Mr. Sullivan stated currently if you go 75, 100, 200 feet west to Goedecke or Sultan Rugs, it is left-in, left-out there. Mr. Chadwick stated that is correct. All of those are left-in, left-out. Mr. Fairman stated and also the two businesses down the other way. Vice Chairman Newberry stated the left-turn out the stopped vehicle is not in the travel portion of the highway. Mr. Chadwick responded that is correct. Ms. Murphy asked was it Brian that indicated to you from DOT that he was okay, you thought, with that. Mr. Chadwick replied I did email a plan to Brian, he called me with a couple of comments and this is what we did up. The original plan that was submitted actually our meeting had this portion of the island squared off, which in fact looked even more like a normal access, and I was asked to submit that, I did submit it, they came back and said I would prefer it look more like a slip-in similar to what you have on your approved plan. Ms. Murphy asked what were his exact words? Did he say I think this is okay? What was the indication? Mr. Chadwick replied I honestly couldn't give you his exact words. My opinion what he said was we could approve this. I can't tell you his exact word for word. Town Manager Sawyer asked whose write-up is the one that says 9/26/19? Mr. Chadwick

replied that is mine. You can see the original that was underneath and then the red line with a date of whatever that date was and it said DOT comments. Ms. Hebert stated VHB did review the alternative driveway design as well and had a few comments. Mr. Chadwick asked are they in the packet? Ms. Hebert replied yes.

Town Manager Sawyer stated just your pork chop island on that looks a little more flared than the one you have in your rendering tonight in the bubble. Mr. Chadwick responded that was just me redlining it on the plan. Town Manager Sawyer stated your handwritten one to me looks better. Vice Chairman Newberry stated I was going to say to your issue of the bubble design, is beginning to look like a normal turn-in. You may want to consider exaggerating more. Mr. Chadwick responded sure.

Mr. Fairman stated getting away from the turn problem for a moment; I just wanted to compliment you on what you have done to the building and the property in general. I think it is a great improvement and it is certainly a building that we all look forward to having a property developed. I think you have done a nice job with it.

Chairman Levenstein asked for any further comments or questions from the Board. There were none at this time.

Sheila MacDonald-Smithson, 279 Route 101, stated my driveway is pretty much directly across from the westerly entrance to this building. I was here two years ago when this was initially proposed and expressed my concerns. My understanding that there was going to be a traffic survey done to determine if a left-hand turn needed to be created, and I did speak to Brian DesFosses about the driveway permit and he is a resident in Bedford and he told me he has nothing to do with the safety of what is going on on Route 101. He is just giving the permit for the driveway. I expressed my concern that everybody gets on the same page as to what he is able to determine, whether something is safe or not. I have three school-aged children 279 Route 101 is a bus stop three times in the morning, three times in the afternoon, I understand there are other properties I heard you say that are allowed left-hand turns. They do not have the volume of traffic that is going to be going into this property here. I don't even believe the karate studio exists anymore, it does exist, there is another building beyond that that was like a karate studio that is shut down, but I'm just concerned because if you don't mandate that there is no left-hand turn there, people are going to make a left-hand turn there. To put a sign up and say to go down Hardy Road and at the intersection and do a U-turn, have you seen how backed up that is at 7:30am. It is absolutely impossible to do a U-turn there. The traffic would be backed up; it is backed up so that the westbound lane isn't moving because it is not moving past Hannaford's yet when that light turns for people to turn. I just want to make sure I am making sense on that part. I have great concerns. I think it is up to the Town to consider the safety issue here, and I fully understand that this owner probably didn't realize a left-hand turn was going to be needed for a growing community but safety is number one and we can't put a financial number on that. We can't wait for an accident to happen, I have seen several accidents happen outside of there, I also will say on those left-hand turn properties, there is not a residential property or a school bus stop across the street from those properties where they are still a left-turn turns. Chairman Levenstein asked Sultan is right across the street from your driveway? Ms. Smithson replied yes it is. It opens up at 9:00am, maybe 10:00am, not open on Sundays, and it closes at 5:00pm. There is a

limited amount of traffic going into there.

Ms. Smithson stated the other thing is, even to put the sign up that says do not enter, if there is traffic backed up, how is somebody even going to see ‘Do Not Enter’ there. I ask the Board before you make a decision really think about this a little bit more and I would hope that we go off our Town officials on the safety issue here because I truly believe it is a safety issue. Chairman Levenstein asked do you think that having a left-turn lane would make it better? Ms. Smithson replied I do think it would make it better. I think you have people going in a lane that at least the flow of traffic is going that way and people know and that you can get around them. Mr. Chadwick stated I would just like to add that if a left-hand turn lane is constructed, the lanes would be pushed closer to her property, and I would think that that would be a worse situation.

Ms. Murphy asked what are the hours going to be? Mr. Chadwick replied it should be on the site plan. Mr. Connors stated the hours are listed at 6:00am to 10:00pm.

Mr. Chadwick stated Mr. Connors mentioned the VHB comments. I do see the two VHB comments regarding the access and I believe I have already submitted a plan to the staff showing how deliveries would be made. The memo says “The applicant should clarify how they anticipate customers will reverse direction to enter the site.” I believe we have talked about that where they would reverse direction at the next light. I am aware of the comments. That’s fine. Ms. Hebert asked are you reading the email from Mark Verostick or was it a written comment? Mr. Chadwick asked was I just handed that or is it in the packet? Ms. Hebert replied it is in the packet. Just so you can scan those comments; they are technical in nature, I think they can likely be accommodated. They would like the applicant to ensure that they driveway width is adequate to accommodate turning movements for both the fire truck and anticipated design delivery vehicle. Mr. Chadwick responded again, if the staff recalls, I did submit a plan in previously showing that. Ms. Hebert asked for the revised driveway? Mr. Chadwick replied the fire truck will have to jump that little bump out of the island to make it in the exit. I do have a plan that I submitted to staff showing the Fire Department would gain access using the plan that’s been previously approved by DOT, but they would have to jump that little corner, that little nub of the island. I guess if a fire truck has to get somewhere, they are going to get somewhere. Vice Chairman Newberry stated I would suspect in practice that they would come in the exit. Mr. Chadwick stated that is correct.

Mr. McMahon stated I think I have to agree with some of the points that the resident made. Again, to reiterate, I think the Chiefs still object to the original one for safety reasons. I would think to be able to have a sign that would do any good, especially at night, it would be really ugly, it would be lit up so folks could actually see it, so I don’t know if that would really do any good. I think we have all been down that road before. By self-disclosure, I’ll have to admit that on those areas I have made left-hand turns. It is only because of luck that it worked. Ms. Murphy stated the sign is lit up. There is exterior lighting on it. Mr. McMahon asked how big will the sign be? Ms. Murphy replied it is attached to the handout that was sitting on your desk when we started the meeting. There is a big exterior LED light bar at the bottom of it right underneath the make a U-turn at the next set of lights. Mr. McMahon stated I was thinking of something almost like a traffic sign. Ms. Murphy stated and then there is note on it that says aluminum cabinet with exterior illumination and steel frame. Mr. McMahon asked how tall are

the letters? Mr. Chadwick replied I would need to bring up the sign. I couldn't tell you. Ms. Murphy stated it looks like the entire sign is 7 feet, 8 inches to the arch. Mr. McMahon stated I would be surprised. These letters are much higher than 8 inches of whatever. Mr. Chadwick stated I couldn't guess. Mr. McMahon stated it would be difficult, I would think that I would see that. As much as I would like to see an authentic Turkish restaurant in this town, I am still very concerned about the safety.

Ms. Murphy stated I do agree though, there was a note in the staff report and forget which page it was on, about it just being a substantial improvement over the way that the property looks right now, so it would be nice to see that redeveloped because it is such an eyesore to look at at the moment. Chairman Levenstein asked how can it be redeveloped? You would have to obviously get somebody who is willing to put in a left-hand turn lane. Ms. Murphy stated or you just allow the waiver and let them redevelop it as per the plans that are submitted this evening. That is the easy way. Mr. McMahon stated I guess the real issue is, if in fact you do build it and if later on it is determined that a left-hand turn lane is required and there is a financial penalty that you can't afford, you just spent an awful lot of money to set up a business that apparently would then go out of business unless there was a bond. What did you say, Councilor Bandazian, a financial guarantee? Councilor Bandazian replied yes; a performance guarantee. I will tell you what concerns me less than, and no offence to the applicant, their finances it sounds like will prompt the State to act is the number of adverse incidents. I have never seen anything where the Police Chief, the Fire Chief, the DPW Director, and the Town engineers have all advised us not to do something. I have just sort of quickly consulted DeBenedetto v. CLD and happened to be the State DOT and the DOT was I think immune in that law suit, but they certainly had some defense costs, or the AG had some defense costs. The Town enjoys very broad immunity but those four recommendations against really do give me some pause, and it is only an adverse incident or more than one that would trigger the State apparently to act.

Attorney Michael Tierney stated I am the attorney for the applicant, and I just wanted to make sure the Board remembered of course that just a couple of minutes ago you approved a plan just two doors down subject just to obtaining a DOT permit because Route 101 is of course a State road. And DOT does need to make a determination of what is going to be safe looking at all of the different factors. I can't explain to you why there is opposition to this particular project with 44 parking spaces when two doors down Goedecke has 44 parking spaces. It is actually the same size lot just two doors down. So I would respectfully suggest that to the extent the Board wants to put on a condition to this project, it should be substantially similar to the condition it put on the project that received approval for an expansion just a couple of minutes earlier, which is subject to the requirements of the DOT who has the authority to make a determination of what is a safe driveway entrance from Route 101. Chairman Levenstein responded but DOT has already said that you can only have right-in, whereas DOT lets them have both. Mr. McMahon stated there may be a significant difference in traffic flow and a difference in ambient light for Goedecke as compared to a restaurant. Chairman Levenstein stated I don't know why they aren't letting you have a left-in. Mr. Chadwick stated let me clarify something. They do not have their permit. They have not even approached DOT yet, and you approved the project with a condition that they go get it. So you are relying on DOT to make that decision. Ms. Murphy stated and there is an email conversation in the packet for the prior application that specifically

says yes you are going to need a permit, yes, you are going to have to come apply for one, and then there is no further correspondence in that chain.

Vice Chairman Newberry stated I was just going to comment that the State has approved a plan here and I really don't see how we as a board can deny this based on, even given all of the concerns around potential safety issues, deny it on the basis of that issue when the State has approved the access. It is not up to the Board in this instance because it is a State highway, to approve the access. The Board really has no direct say. We can say no, but I have a little problem with that in that both to the point that Mr. Fairman made earlier and to the fact that the State has approved an access plan here off from their highway, not the Town's highway, and I, after reading this packet before I came in here tonight, I was thinking there is no way to approve this. But listening to everything that has been said and thinking about it, I don't really see that it is up to us to say no based solely on that. I do think that we need some assurance as to how the applicant would respond to the possibility that the State comes back and says guess what, you will put in a turn lane or you will cease to exist.

Ms. Murphy stated I have technical questions on the waiver requests. Section 321.2.1, and I am no Page 5 of 10, to allow the driveway width of 18 feet where a minimum 20-foot width is required. Does that waiver request go away if we are looking at the plan in the bubble as opposed to that narrow entryway? Mr. Connors replied no. I believe the entrance is still 18 feet isn't it? Mr. Chadwick stated the total curb cut is well over 18 feet if you look at the access portion and the exit portion. If you add that all together, that is over and that is how you would measure a normal access being the whole access. I believe that both waivers would go away if the bubble was as the Board approved. Ms. Murphy asked so the minimum 20-foot width wouldn't be a problem if the plan in the bubble were approved? Mr. Chadwick replied that is correct. Ms. Murphy stated so then that does not necessitate a waiver request under that particular section. Mr. Chadwick responded that is correct. Ms. Murphy stated so then I go to your second waiver request under Section 322.1.9, and your circulation driveway really goes away under that as well because you are opening up straight into the parking lot. Am I reading that correctly, Ms. Hebert, that that waiver request would also disappear? Ms. Hebert replied yes. Ms. Murphy stated so there would be provided that the ingress and egress that is more direct to the parking lot, that we keep referring to as the bubble, that is on the top right-hand side of your plan is approved, then there would be no associated waiver requests. Mr. Chadwick responded that is correct.

Dickie Desei, 250 Route 101, stated I own the Hillbrook Motel. This is the 25th year that I have been on that property. I am probably the only innkeeper resident on Route 101 from the traffic light at Hannaford's all the way to the Mobile gas station that sees every car that goes up and down this street in the winter, summer and fall, I see all of the driveways keeping left-hand turns and right-hand turns. I have a few observations and comments. If people try to approach that property to take a left-hand turn and if they find a sign that no left-hand turn, they are going to again accelerate to the next entrance, that is going to create more problems for the traffic because somebody has a left-hand signal on, stopped at that sign, reads the sign and can't take a left-hand turn and then they are going to proceed to the next level or the U-turn, which is at 60, 70, 80 miles per hour traffic going on that Route 101, you are looking for dead bodies. That is all you are looking for. I feel like a lot of properties got approval. The neighbor of mine has more

traffic going in between 7:00am and 9:00am, the peak hours now that they have pet daycare service, than these people for the entire day. What we made a mistake as a town that properties from west of Wallace Road to the Hannaford's have been ignored for a long time. Everybody focused on properties right between Wallace Road and when the high school came up. Nobody looked at in a more long-term view what is going to happen to the properties west of Wallace Road. Somebody came up seven or eight years ago when the Board had no applications whatsoever and there were no new businesses coming to town, somebody decided why don't we ask the existing businesses what they need. There has been no water for us, no gas, I don't see in 100 years a gas line coming, no sewer line, these people are spending thousands and thousands of dollars to put a septic system and then 10 years later you are going to put a sewer system and asking them to come up with \$200,000. I don't think they can afford it. So what we need to do, I think what my observations are, that property existed before, people took a left-hand turn, I don't see any more traffic in that property with a bakery and a store than what it was before. Certainly not more than what the veterinarian clinic has on peak hours. If somebody wants to come in and see how many cars turn a left-hand turn in a veterinarian clinic to drop off their pet between 7:00am and 9:00am, it will be more than their entire days' traffic, and I see each and every car coming and going at the same time. So let's not take away their right to develop their property, God knows my customers need one more restaurant next door. Lately there have been more choices but the last 25 years I have to send them all the way to Manchester because restaurants open and close, open and close. There has been a lot of difficulty finding a good dinner place. I welcome that development coming next door to us.

Mr. Desei stated when I bought this property in 1995, the car volume on that highway was 8,000 cars. Today it is 22,000 according to your latest traffic study. All the businesses that existed there had a left-hand turn. What we should have done, and I think now that the train has passed, we should focus instead of taxing these folks to come up with a half million dollar bond, which I know they can't, I know I can't, none of the businesses, including Goedecke, can, or any new business, if you want more businesses and increase the Town tax base on that stretch of highway, the best thing we as a town can do is expedite the calendar with the State to have a turning lane from Wallace Road all the way to Hannaford's. That should have been done right with the other one.

Mr. Desei continued let me tell you a safety concern if you are worried about safety. In the middle of January and February and there are 3, 4 5 inches of snow, all the big trucks trying to get up on Route 101 west, and I have seen this with my own eyes, if the police want to see the video, I videos of that too. They are turning wheels right in front of my property because they can't get up that hill. Do you think you don't need a turning lane for all the cars that are stuck behind that truck to get around it? Sure you do. That is a bigger safety concern more than the left-hand turn that I see here and this happens every winter. People are trying to go to the left of it, right of it, while the cars are coming down 60 miles per hour while the truck is turning the wheel right in front of my property on Route 101 going westbound. So that to me is a bigger safety concern. The last improvement on that stretch of the highway has been I think was in 1993 or 1994. I remember when I moved in in 1995 the construction had just finished and I was surprised that all of these three or four properties, mine, Goedecke, the carpet guy and a few others, that they never put a turning lane while they expanded that road. We, as a town, missed that boat. I think we need to now hurry up. Rather than waiting for another half a dozen dead

bodies on that stretch of that highway, let's get proactive and force the State to expedite the calendar. I know it is not going to happen next year or in three years, it is probably going to take five to seven years, but at least let's move that forward and be aggressive about it and explain to the State why they need to do what I am proposing.

Mr. Desei stated with regard to the U-turn. Honestly, I want some of you Board members to try to take a U-turn in the peak hours right in front of Hannaford's. It is very difficult. All of the delivery trucks that are coming to them, do you really think they are going to be able to take a U-turn at the light? They are going to take a left turn into that property regardless. If anything, I would propose to expand that egress and ingress wider so that their truck can safely get in while one car is waiting to egress out of their parking lot because the truck will have a hard time taking a left turn at all.

Mr. Desei stated if you do pass this proposal with no left-hand turn based on DOT, I highly recommend that there is another sign put on Route 101 westbound somewhere before that property so the drivers before they reach that entrance and then find out that they can't take a left turn, they are warned before the entrance to that property, that for this bakery go to the next light and take a U-turn. Something like that because in the middle of the winter, don't expect those people to watch their rearview mirror while cars are coming 60 miles per hour trying to get up the hill, look at the sign, look at those letters and then proceed to the next light. I think you are asking too much for the motorists to do. I also think a solution long term until there is a third turning lane on that stretch of the road, is to put a permanent speed indicators left and westbound because as soon as the construction east of Wallace Road is over, that 2-lane traffic trying to merge into one lane they are jockeying for the position at 60 – 70 miles per hour. At least three or four times a day I see people honking their horns trying to jockey in because now trying to speed up ahead of the other cars so they are not stuck behind the cars after they finish. So I think the Town has not looked at, or the Police Department has not looked at, what a mess it is going to create as people are trying to jockey the position of west of Wallace Road and traffic is turning into businesses on the left side, what is that going to do. The owner of the veterinarian clinic just got hit a few weeks right in front of the property in the middle of the afternoon on a weekend trying to take a left-hand turn. Thank you.

Ms. Smithson stated I just wanted to add one more point. I want to mention again that I did speak to the State, to Brian DesFosses, who is a Bedford resident and I want there to be no confusion over the permit for the driveway is what they are responsible for, not the safety, that is the Town, this comes directly from what he told me, the Town is to determine if the driveway proposed is safe. Once again, it seems like all of our high Town officials are saying it is not safe. I just ask you to take some time. Believe me, I look at this every single day. I would love for something beautiful to be across the street from my property but safety has to be the number one concern. I am just pleading with the Board that safety is your number one concern as well. Let's not let there be an accident in order for them to have to pay money for the left-hand turn.

Mr. Chadwick stated Mr. Chairman, we are all concerned about safety as well. We have done our best to eliminate that left-hand that we are all worried about by this proposal. To say that this project isn't viable because someone says someday someone is going to make a left-hand turn, I don't think is fair to the applicant. One last item: There was some discussion about

possibly putting a sign further to the east on Route 101 saying bakery turn left at light or something like that. I did mention a similar situation to Brian over at DOT and he had said they are not in the position of putting private signs out on the State right-of-way. Chairman Levenstein stated you have plenty of land that way. You could put it on your land. Mr. Chadwick stated we could put it on our property but actually sticking it out on the opposite side of the street in the State right-of-way where the motorists will be traveling west, I won't be able to get that done.

MOTION by Ms. Murphy that the Planning Board grant final approval of the site plan for a 72-seat bakery and 2,620 square-feet of retail space at 276 NH Route 101, Lot 27-29, in accordance with engineering plans prepared by the Bedford Design Consultants, last revised July 18, 2019, and the architectural plans prepared by WarrenStreet Architects dated July 23, 2019, 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. In the event that the Planning Board approves the waiver, the plan shall be updated to list any waivers granted as approved.**
- 3. The Applicant shall submit any outstanding engineering review fees to the Department of Public Works.**
- 4. Prior to the commencement of work, arrangements shall be made with the Planning Department regarding payment and coordination of third party inspections.**
- 5. Prior to commencement of work, a pre-construction meeting shall be held with the Planning Department, Department of Public Works and the Building Department.**
- 6. Prior to commencement of work, a performance guarantee in an amount approved by the Town for onsite maintenance of erosion and sedimentation controls shall be placed on file.**
- 7. Prior to the issuance of a certificate of occupancy for the building, all site improvements depicted on the plan shall be completed.**
- 8. Prior to issuance of a certificate of occupancy, all driveway improvements depicted in the circular section of the color plan that was handed out at tonight's meeting, not the larger depicted version on that same plan, shall be completed to the satisfaction of the Town and the NH Department of Transportation.**
- 9. The applicant shall revise the driveway design so it is more consistent with the revised design dated August 26, 2019 that is depicted in the circular section of the color plan that was handed out at tonight's meeting, not the larger depicted version on that same plan. The final driveway design shall be**

to the satisfaction of the Planning Director and the NH Department of Transportation. The revised NHDOT Driveway Permit number shall be noted on the plan. The applicant shall prepare a monitoring plan for the driveway to be reviewed and approved by the Director of Public Works and the Planning Director.

Chairman Levenstein stated I assume that because of your last two comments you are not making a motion for waivers because they would not be needed. Ms. Murphy responded I am not making a motion for waivers because we established in earlier conversation that they were not needed if that circular plan driveway went into effect.

Mr. Fairman duly seconded the motion

Vice Chairman Newberry stated just to be clear, how is Condition #9 going to read? Or is your motion striking Condition #9 from the staff report. Ms. Hebert stated Ms. Murphy, Condition #9 does reference a plan that depicts the driveway layout as shown in the bubble. Ms. Murphy responded okay. I just wanted to be super clear about that. Ms. Hebert stated it does also include a requirement to develop a monitoring plan for the Town so that the Town can sufficiently monitor how all the driveway is functioning. Ms. Murphy stated I figured I would leave that in there just because of the public safety concerns that were articulated during the meeting. Ms. Hebert responded yes; and that was recommended by VHB as well.

Chairman Levenstein asked before we vote on this, do we need an actual plan as opposed to that bubble picture? Ms. Hebert replied no; we do have a plan and it is dated August 26, 2019 and it is also in your packet. It shows the red line driveway sketch. It is actually dated September 26, 2019 but it is actually August 26, 2019.

Chairman Levenstein called for a vote on the motion. Those voting in favor: Ms. Murphy, Mr. Sullivan, Mr. Fairman, and Vice Chairman Newberry. Those voting in opposition: Councilor Bandazian, Town Manager Sawyer, Mr. McMahon, and Ms. Malcolm. With a tie vote, Chairman Levenstein broke the tie with a vote in favor.

The Planning Board took a 5-minute break before continuing with the next item on the agenda.

6. The Planning Board will review and comment on the proposed Capital Improvements Plan (CIP) for 2020.

Town Manager Sawyer stated the Capital Improvements Plan is a document that is required by the Charter to be submitted to the Town Council one month prior to the budget, and the budget is required to be submitted in the end of October. State RSA's and the Charter request that the Planning Board weigh in with any comments you may have on it. In the way Bedford does capital improvements it is ultimately the Town Council and then the voters in March who have full responsibility for it. Other communities do it much differently, but in this case here, your role is just review and comment. You don't have to have those comments tonight. You are

certainly welcome to give those to me preferably over the next couple of three weeks, but you can give them to me or any member of the Town Council all the way through and up until Town Meeting. This document does remain flexible all the way through budgetary Town Meeting in March. As in the past, it is about an \$83 million 10-year plan with \$8 million in the next fiscal year, which 2020. \$4.4 million of that \$8 million is just for debt service for our road bonds that have been previously approved by the voters, so that doesn't leave a whole lot more but things that are included going forward in the plan is the last installment of the road bonds that have been approved would be sold in 2020 so that adds about \$137,000 in 2020 to our debt service and that ramps to \$1.2 million in 2021 when we would have our first principal payment for that bond. Those who have been following the roads program know we were scheduled to sell that bond in 2019 but due to the savings that the Public Works Department has been able to make on previous projects, we had enough money to complete the 2019 work without selling that bond, so we were able to save that money for an additional year.

Town Manager Sawyer stated the plan does take a new approach to completely some facility improvements and it calls for bonding at this point in time anyway at \$7 million in 2020 and again in 2025 for our facilities, so those would be our first installments into that. The 2025 works out really well because that is after two of our road bonds are paid off, so it really slides into the overall plan without major increases in taxes to the community. Right now as it stands the first installment in facilities would be to pay for the construction of a fire substation, the acquisition of a site for a police station, the design of that police station, and the design of the safety complex with the Police Department no longer in the safety complex, which would remain for fire, Public Works and Planning would move in to be adjacent to Public Works and the Building Department so that anybody doing design work like for the Planning Board would be able to go to one building and not have to go two different parts of town and the staff would be able to work closely together. That currently also includes the reconstruction of Sportsmen's Field at \$1 million. I would say that facilities is the piece of the plan that is most in flux in my thinking, and in the conversations with the Town Council, so it is certainly subject to change. Things like Sportsmen's Field I think could be paid for with the use of partially recreation impact fees, which I think will have about \$200,000 by the end of this year, plus operating money and not have to bond for those improvements. That is certainly something I will be looking at in the budget over the next month and that piece may change quite a bit. The remaining portions of the recreation master plan, which was discussed quite a bit at the end of last year and the beginning of this year, I am currently proposing in this plan to fund in a different way and not bond for those improvements moving forward, but rather to save as shown that \$125,000 and make those improvements to individual fields maybe every other year or every third year after we have been able to save money for one field at a time versus taking out another bond for that work.

Town Manager Sawyer continued a couple of other highlights: For equipment in 2020 the Public Works Department has requested an additional sidewalk tractor for the first time, we already have some, and they were scheduled to be replaced in a certain schedule, which has been we are now trying to push those off but buy a new machine now because of all the new sidewalks that we are taking on in the community, mostly due to Route 101. As typical, there is a 6-wheeled dump truck but we are only proposing to buy one dump truck this year rather than the two we normally buy because of the sidewalk tractor. And this is also a year where we buy a 10-wheel dump truck, which is something I believe we do every seven years. We only have one

10-wheel dump truck but we need that for our larger road, I believe that is what we use to plow South River Road with. Then the library parking lot and septic are included in 2020 and a pretty significant change has been made to our savings and proposed purchase of our next ladder truck, replacement of our existing ladder truck. Due to failure of that truck really over the last two years and the amount of time it has been out of service plus the number of multi-family and large buildings we have in the community and proposed, we need a much more reliable truck than the one we currently have, so the plan now includes moving up the purchase of that by two years and the cost has also gone up by \$200,000. That made a major impact in the overall cycle of how we save for our fire trucks. You see that I am putting off saving for some of the regular engines so that we can make up the additional cost and need sooner for the ladder truck, but in the end we still spend the same amount of money over that timeframe.

Town Manager Sawyer stated I believe those are the major pieces I wanted to hit. Again, if you are reading through it and you have a question or comment, I guess Mr. Fairman I should preempt your comment that I know is coming, there is no proposal in here currently for a community center. The Steven Buzwell building is definitely something that the Town Council is looking at quite heavily for has not yet made any recommendations on how to move forward with that building but is certainly something they are looking at quite closely. There is just no plan or policy statement ready to be included in the capital plan at this point in time. Mr. Fairman stated it is disappointing not to see it in that \$7 million bond. I trust the Town Council will ultimately see that the majority of the taxpayers in town deserve to have something.

Mr. Fairman stated one other question I have is that last year there was a discussion to have the fieldwork paid for by user fees. Where is that? Is that dead in the water or is that still ongoing discussion? What is happening? I hate to see like Riley Field, the million that we put into that and majority of the users not being from Bedford and yet we get no user fees out of it for what we paid for that and have no control over the field. Town Manager Sawyer responded the Town Council has not made any proposal in terms of a policy that would start charging for users to use any of our fields or facilities at this time. I have not heard of any meetings scheduled on that policy. I am sure the budget process will reinvigorate those questions though. I don't have an answer for you tonight other than nothing has come forward at this time. Mr. Fairman stated thank you.

V. Approval of Minutes of Previous Meetings:

MOTION by Vice Chairman Newberry to approve the minutes of the August 12, 2019 Planning Board meeting as written. Town Manager Sawyer duly seconded the motion. Vote taken; motion carried, with Mr. Sullivan, Councilor Bandazian, and Mr. McMahon abstained.

VI. Communications to the Board:

Ms. Hebert stated the next meeting is the Planning Board's Annual Workshop. We will be meeting here but it is meant to be an informal time for the Board to discuss long-range planning

topics. Let me know if you have anything you would like to discuss at the workshop. We do not hear applications and we are not on camera.

Mr. Fairman stated the work at the Colby Court strip mall has been a great success. I think it looks really good and it is nice to see a shopping center that had gotten outdated, updated like they said they were going to do.

VII. Reports of Committees: None

VIII. Adjournment:

MOTION by Councilor Bandazian to adjourn at 9:22pm. Ms. Murphy duly seconded the motion. Vote taken – all in favor. Motion carried.

Respectfully submitted by
Valerie J. Emmons