

TOWN OF BEDFORD
September 23, 2019
PLANNING BOARD WORKSHOP
MINUTES

The annual workshop of the Bedford Planning Board was held on Monday, September 23, 2019 at the Bedford Meeting Room, 10 Meetinghouse Road, Bedford, NH. Present were: Jon Levenstein (Chairman), Harold Newberry (Vice Chairman), Karen McGinley (Secretary), Chris Bandazian (Town Council), Rick Sawyer (Town Manager), Jeff Foote (Public Works Director), Mac McMahan, Randy Hawkins, Kelleigh Murphy, Charlie Fairman (Alternate), Matt Sullivan (Alternate), Becky Hebert (Planning Director), and Mark Connors (Assistant Planning Director)

I. Call to Order and Roll Call:

Chairman Levenstein called the workshop meeting to order at 7:00 p.m. Town Council Alternate Phil Greazzo and Alternate Priscilla Malcolm were absent. No alternates were appointed to vote for this workshop.

II. New Business:

Ms. Hebert stated tonight is the annual workshop for the Planning Board, a time to have an open discussion about planning topics that are on the horizon.

a. Performance Zone District Residential Uses

Chairman Levenstein stated I am not going to participate in the discussion on this topic because I have sort of a conflict.

Ms. Hebert stated we have had an interesting year reviewing multifamily housing in Bedford. We had an interesting year with zoning amendments that were passed by the residents in March, and those zoning amendments changed how workforce housing is permitted in Bedford by shifting it as an allowed use in the Commercial Zone. Referring to the posted zoning map; the areas in pink along Route 101 and creating it as an allowed use with certain criteria in the Performance Zone, which is a much bigger zoning district with many more acres of available land for development. That zoning amendment did put some criteria on eligible sites for workforce housing and some design standards for future workforce housing projects, limiting the number of units to not more than 12 units per building, and limiting available sites to only sites that do not front on the FE Everett Turnpike or South River Road. Even with that said, you will see in the staff report we have noticed an increased interest in Bedford as a location for multifamily housing, and we felt we really needed to bring this topic forward to the Board for some discussion so we could be proactive moving forward.

Ms. Hebert stated you will see in my staff report we have three concept plans in the pipeline, and we are not going to talk about each of those projects and the details of each of those projects because you will hear them in the coming weeks at your regular meetings and the applicants are not here to speak to those projects. The three applications collectively would introduce 720 new residential units to the town of Bedford in the Performance Zone, and that represents a 51 percent increase in multifamily housing in the Performance Zone. I don't know how those projects were proposing to be phased, they are all just in concept form at this point, although we have a design review application just in for one of them. The Board in the past has looked at housing in the Performance Zone very carefully, and I think the changes to the zoning in March may shift how you look at housing in the Performance Zone, and I just wanted to hear some of the Board's thoughts on housing. We are recommending that the Board put together a study committee so that we can look at the current zoning, and the committee would ultimately make some recommendations on what the Board might want to see in terms of mixed-use. We have talked a lot about mixed-use with multifamily housing. When waivers have been permitted in the past to allow residential uses, it has usually been when the use is part of a larger, more innovative mixed-use project, so looking at criteria for what defines mixed-use so you can have some standard, architectural design guidelines, to get an idea of what people want to see in terms of the look, feel, scale, and size of buildings. Also, when should these uses be allowed and under what circumstances.

Ms. Hebert stated I think those are all the topics that the Board generally hits when they reviewed waiver requests in the past, but we are hoping that if you do form a study committee, we can come up with some standards that might add some consistency to have the Board review these requests and take a careful look at when and where they might be most appropriately permitted.

Councilor Bandazian asked is the density also 12 units per acre in the Performance Zone? Ms. Hebert replied no; the density is just 12 units per building.

Mr. Sullivan asked based on the new zoning ordinance, aren't there only a couple of lots that match those criteria, unless they started to join lots or something of that nature? Ms. Hebert responded there are only a few lots that would meet the criteria. I think where we come into some confusion with this is that in the past it has been allowed via the waiver process, and the Board grants waivers all of the time but we don't always get into the details about what you are doing when you approve a waiver. The Performance Zone was established as an innovative land use ordinance, and using the innovative land use statute that the State of New Hampshire has, the Planning Board has been given the authority to waive the zoning. It gives you an incredible amount of latitude and flexibility when you are reviewing applications, but I think what you are going to see coming forward are applicants looking for the Board to waive certain criteria. The residents passed new zoning with certain criteria, so the Board will need to carefully weigh how you navigate that moving forward. Mr. Fairman asked rather than go to the Zoning Board if they wanted to change the 12 residents per building, they could come to us and we could approve it? Ms. Hebert responded that is correct. All of those zoning criteria, except the wetlands ordinance in the Performance Zone, the Planning Board has the authority to waive those zoning standards, provided you all find that the waiver is not counter to the purpose statements of the Performance Zone.

Mr. Fairman asked what kind of changes in zoning has the Planning Board waived in the past in the Performance Zone? Ms. Hebert responded the Planning Board waives zoning all the time. Starting with the Wayfarer site, there were several waivers at the Wayfarer redevelopment site for signage, setbacks, for the use and the Board talked a lot about the use. That apartment building was approved as 100 percent market rate apartments with primarily studio and 1-bedroom apartments and there was a careful review of a fiscal impact analysis before the Board approved the waiver. That is a good model on how the Board has approached housing requests in the past. At the staff level we typically tell people this is a big ask, this isn't a simple waiver request. You are not going to get housing without your project being part of some innovative design or mixed-use development.

Ms. Hebert stated the Calamar project is 116, 62 and older apartments off from Technology Drive. The Board waived the zoning for that application. The developers created a pad site for a retail use where Noah's is along South River Road and the Board approved a waiver for the housing use off from Technology Drive. I think in that instance the record kind of shows that people felt that you were one tier away from South River Road, with the property having frontage on Technology Drive, and the 62 and older rental apartments was something new for Bedford and there might have been a demand for other options for seniors.

Ms. Murphy stated my concern is that say we are looking at three projects for 750 units, and hypothetically speaking, even a third of those units are more than 1-bedroom, then the concern to me becomes what is the impact going to be on the School District and enrollment and are we going to get to the point where we need to recut the School District lines in order to even out attendance in various schools. I sat on the Zoning Board and you have very clear-cut perimeters that you must operate within and the Planning Board seems sort of less so. Can you consider those impacts on a School District and an enrollment when you are looking at those applications or is that not something that we do? Ms. Hebert replied yes; you can consider impacts to the School District and municipal facilities.

Vice Chairman Newberry stated I don't know how much we could achieve in time for these three potential applications, I wouldn't say criteria, but maybe some guidelines in general that would help the Board be consistent in reviewing waivers. I think there is a lot of plus and minus potential in these and it would be good for the Board to have a general set of guidelines, particularly if you already anticipate that these proposals are going to have significant waiver requests, so that if we say no, we have some basis on which to say no, or if we say this looks like a good idea, we have some basis to support it. Ms. Murphy stated my concern would be Project A comes forward and we grant certain waivers, and then Project B comes forward and says you granted the waivers for A, so why aren't you granting them for us, having some sort of a clear-cut consensus on what direction we are heading before those applications start coming in front of the Board. Vice Chairman Newberry stated I would add, to make it clear to these proposals in your preliminary discussions with them, in my opinion, they should be coming in prepared to convince the Board why each one of the waivers that they are going to be requesting is a good idea for the Town. I think we should put them on notice that that is what I think the Board should be looking at. Ms. Hebert stated you have a lot of latitude. You can say no; you can say yes under certain criteria.

Mr. Fairman stated I believe strongly in the 25 percent workforce housing in apartment complexes. The other end of the workforce housing also is important to me and that is senior citizens that need low rent apartments. The workforce housing down on Kensington Lane has at least four people that are living on social security, so I would like us to figure out how workforce housing applies to seniors so that if we have an over 62 apartment complex, we can enforce the low rent apartments of some percentage. Ms. Hebert responded our elderly housing ordinance does require 25 percent be set aside as affordable. Our elderly housing developments do meet that requirement. Because the Calamar were rental units, the Board waived that requirement.

Mr. Hawkins stated the numbers listed as 1,400 existing units and 720 new in combination with the three applications. Do we have any sense for what the cap could be, would be, should be for the total number of units in the Performance Zone? Also, how long did it take us to get to 1,400 units because we are talking about we don't know the timeframe of how these three applicants are staging their projects. Ms. Hebert replied I would say that my general feeling is that it has taken about 20 years to get to that with the Performance Zone being adopted in the late 1990s early 2000s and the sites being developed slowly over time. In 2006 the Board took the multifamily use out of the Performance Zone as a permitted use because there was a general sense that we had enough housing and the Board wanted to see more diverse uses developed in the remaining land.

Ms. McGinley asked is there another way of doing this so that it doesn't leave the whole Town with more workforce housing units than they can handle and how do we determine that in terms of the schools and other municipal services that we all pay for? Ms. Hebert replied as you know, we have to provide for the opportunity to build workforce housing in Bedford and we have to provide for the opportunity to build it in a multifamily style building. We have to provide our regional fair share, which is kind of a moving target. We were not near it. It was several thousand units, and just because a unit is a multifamily apartment, does not mean it is a workforce housing unit. They are not interchangeable. Ms. McGinley stated one of the things we are burdened with is that we are in the Manchester region and the workforce housing costs less. Londonderry can have apartment buildings of a higher use, in terms of how fancy they are, but Bedford is not able to do that. Mr. Connors responded the median income is lower for Manchester than for Nashua. Mr. Fairman stated it is harder to make them profitable if you are getting less money for 25 percent of the apartments and that is not necessarily a bad thing.

Ms. Hebert stated our thoughts were these were complicated issues, and because of the way the waiver process exists today, none of the proposals that are coming down the pipeline meet the current zoning for workforce housing, create a committee, take a year, study the issue and have recommendations for the following zoning season. If we rush and try and quickly study this in the next two months and develop a zoning amendment, I feel like we will be leaving a lot of things not yet evaluated, and we also won't have the benefit of the Master Plan and the recommendations from the Master Plan. I think we will have more thorough recommendations in a year and after some thought and study. We were thinking this is going to be challenging for the community to review, especially given the year we just had reviewing multifamily projects and the zoning amendments.

Councilor Bandazian asked what are the size of the parcels that are attracting such interest? Ms. Hebert replied I believe two are about 15 acres and one is 25 acres. Councilor Bandazian stated so that is almost all of the inventory in Town. Town Manager Sawyer stated those are our three biggest, most profitable, potentially, parcels that are left.

Mr. McMahon asked with your work in the Master Plan and the demographics, how does that match up with these three proposals or any proposal to be able to provide housing as far as youth that may be looking for workforce housing? If I remember, elderly is probably a little bit higher percentage than the youth. How does that match up? Ms. Hebert replied the three projects are very different and one is a senior housing project, and I would say two provide opportunities for housing for younger folks or empty nesters or folks who just want a smaller home.

Mr. McMahon asked for the developments that have workforce housing now, is it fair to say that they are filled, they have waiting lists? Ms. Hebert replied they are filled and they have a waiting list in Bedford. Town Manager Sawyer stated but you didn't say that any of these projects coming are workforce housing proposed projects, you just said they are multifamily projects. Ms. Hebert stated they are multifamily projects. It is not clear that any of them are proposing workforce housing at this point. They would have to get a waiver not to provide workforce housing. All three projects need a long list of waivers.

Ms. Hebert stated we wanted to get you thinking about the waiver process, what you do when you grant a waiver. Town Manager Sawyer stated right now we have five criteria and those have been the same five criteria since the Performance Zone was adopted. Sometimes they apply to the things we are talking about and other times they don't really apply because we are doing a setback to a dumpster to a property line or whatever. It is the same five criteria that we use for each and every one of the waivers in the Performance Zone. Ms. Hebert stated they are broad statements and were reviewed with the Board.

Councilor Bandazian stated there is a negative side to optimize financial return and that is to minimize negative financial impact and that is sort implied, but I think when we are contemplating adding a lot of bedrooms that we ought to be looking at the negative side of optimizing financial return, which is minimizing negative financial impact. Town Manager Sawyer added which is why I think the Planning Board took residential uses out of the Performance Zone so that you could maximize on commercial and industrial uses in the zone. Ms. McGinley stated and we don't have that same ability in other areas of town. Ms. Hebert stated that is correct. Town Manager Sawyer stated this is the zone that has water, sewer infrastructure, gas infrastructure, and access to major highways. This is why the Town created this zone because of its location and it is away from most residential neighborhoods in the community and that we really could maximize the density and development of this zone. Ms. Hebert stated it has been an economic engine for Bedford and for maintaining our stable tax rate.

Ms. McGinley asked is there anything that is needed in that area that more apartments would satisfy in terms of uses? I don't see that having more apartment buildings is a benefit to the Town. Town Manager Sawyer replied just for attracting workforce development. Every economic development session I go to still talks about the need to have affordable places for people to live in order to continue to grow the workforce. Bedford's unemployment rate is lower

than the State's, and it is the lowest in the country, and there are not enough people for the jobs that we are trying to attract to the community or already have. That would be one reason for more housing of different values. When was Planning Director, I routinely had seniors come in and mention that they would like to get out of their homes, they can't take care of the maintenance and they would like to stay in Bedford but don't have other opportunities. Mr. Connors stated we hear that a lot. Town Manager Sawyer stated there was no question if the townhouses had been built, in my opinion, behind the Copper Door on Bedford Hills that was originally proposed there, those would have sold out in minutes. I don't think the projects we have talked about that are coming in are townhouse style projects. Do we need them? I would say yes. They are needed for both ends of the age group.

Mr. Sullivan asked what happens in a situation where people start proposing a mixed-use vertical development and how does that get classified? Ms. Hebert replied that is a true vertical mixed-use building, and it is still a waiver. It is not permitted in the Performance Zone in that arrangement, but it is something that the Board has set up zoning for in the past through this river corridor overlay district. There is a code in the ordinance that hasn't yet gone into effect but it allows for that vertical mixed-use arrangement. We have yet to see a project that has true vertical mixed-use in Bedford. Town Manager Sawyer stated that came straight out of the last Master Plan where that was discussed at length. It was talked about that if we were going to have multifamily housing in the Performance Zone that it would be only allowed if it was vertical mixed-use. We did get away from that with the Wayfarer and that was a lot of the discussion as it was still mixed-use, it just wasn't vertical, it was separated buildings. Ms. Hebert stated as the Wayfarer apartment complex is built at 4 – 5 stories, that will help as we continue to navigate proposals. It may feel too big or you may say I like it. That type of thing is very subjective, but we don't have anything like that in Bedford, so it will be interesting to see that start to take shape and hear how it is received. Ms. McGinley stated I don't think we have seen the impact on the site that is developed because the parking is being done a lot where the apartment building would be. Ms. Hebert stated the parking is done on a shared parking analysis that is carefully thought out but it is also theoretical. Seeing it actually working in reality and how that shakes out, will be interesting to see.

Town Manager Sawyer stated I know the Fire Chief is especially concerned about all of our big buildings, not just with equipment, but personnel and being able to quickly save or help the people in these buildings in times of emergency. It would be hard to say we can't allow additional building, but I understand his concern that we need to continue to grow staffing and equipment to be able to service these buildings. Some of them are going to be pretty far away.

Vice Chairman Newberry asked I would like your recommendation that we consider a subcommittee to look at this in a little more detail. Ms. Hebert responded a few years ago we had a Performance Zone subcommittee that looked at uses in the Performance Zone, wetland setbacks, signage, and dimensional standards. Kind of reinstituting a committee like that to take on housing and we can set up a standing monthly meeting and take this committee through these issues and they can report back periodically to the full board. You don't have to set up the committee tonight, but I think giving us some direction on whether or not you think that is a good idea would help. The Board agreed it would be a good idea. Ms. McGinley stated seeing what is being proposed would help the subcommittee members. Ms. Hebert stated you will see

two of those applications at your October 7th meeting and one at your November 4th meeting. This will be a hot topic this fall as we move through those applications. They are just concept applications, which would be a nonbinding discussion with the Board at first with those applicants. You don't have to take a position while the subcommittee is studying the issue in general.

Mr. McMahan asked could you give us an idea historically what percentage of people coming before the Planning Board have requested waivers and a rough estimate of how waivers on average they have requested? Ms. Hebert replied I would say every application typically has a waiver. As staff we can ask the applicants to provide a letter that specifically answers to the Performance Zone purpose statements for these waiver requests so that you draw a little more attention to the waivers when you are acting on and reviewing them. You have two different kinds of waivers. They are waivers for projects to the Performance Zoning and then you also use the waiver process in your site plan and subdivision regulations. There are specific criteria in the Land Development Control Regulations for waivers for site plan and subdivision regulations. I think we can highlight that a little bit more in our staff report and as you go through the projects, take note to those waivers. Town Manager Sawyer stated I think the big difference in the waivers being requested, is whether it is use versus dimensional. We haven't had a lot of use waivers that have been granted anyway. Dimensional waivers, setbacks, parking, those you see on every project. Housing in the Performance Zone isn't a new push. People have been asking to build houses on many of these sites for as long as I have worked here. They would come in annually asking to build housing on these projects and we would say that it is not permitted, but we have now opened the zoning slightly by putting workforce housing as a permitted use in the Performance Zone. Plus, just the development pressures on multifamily housing have become that much more intense in southern New Hampshire, not just in Bedford. Ms. Hebert stated there is a regional push to build this type of housing. I think all of the communities are seeing applications.

Town Manager Sawyer stated I am very torn with the concerns of the Fire Chief, somewhat the Police Chief, and the workforce zoning now being in the Performance Zone because we do have concerns about building them safely, but if we are only building 12 units in a building on a site in the Performance Zone, we are not using that site to maximum ability to return on investment, in my opinion, to really return the tax dollars that we hope to generate from this zone, so it is a challenge for me. Yes, we have workforce housing there, but the zoning that the citizens put in place to meet, isn't high enough density if that use is going to be permitted. Granted there are all different size lots, so if it was on a small couple of lots up off from Beaudoin Street, or if someone were to try and put workforce housing on Beaudoin Street, I think 12 units in a building there would probably make sense, but to me it doesn't make sense on one of these bigger parcels on south South River Road. I am torn on how to make those work in terms of maximizing our tax dollars.

Ms. McGinley asked will we have an issue if we approve one, we are going to have to approve others? Town Manager Sawyer replied I think we end up in court if we approve one and not the other. But if they come in with the same criteria and they have the basically the same property abutters and the same wetlands and the same traffic. Each project stands on its own, but you already have multifamily in the district, the courts are pretty clear that if the use is similar and in

the zone, it is hard to deny another one. I am sure we will be challenged, absolutely. Now that it is a permitted use, in terms of at least workforce housing, so going to a judge and saying I can't build workforce housing anywhere else in Bedford at any kind of density that allows me to do it at a reasonable price to meet the criteria that the State has defined without having a waiver from the Route 3 frontage requirement, for instance. I think a judge would overturn that requirement in a heartbeat if all the other items are met. Ms. Murphy stated but because of the results of the election that happened last March, you have a much narrower list of parcels where you can build workforce housing at this point without a waiver. If the Planning Board were to support the literal interpretation of what got passed in March, I think that that is something that is defensible in court. Town Manager Sawyer responded at this point we should probably have a judge tell us. I don't want to go too far down this road because we haven't seen the projects yet. Ms. Murphy stated the initial challenge would be to the actual ordinance itself. Ms. Hebert stated we need to be in compliance with State law and provide a reasonable opportunity for the development of workforce housing.

Town Manager Sawyer stated if you want to volunteer for the subcommittee, email the Chair or the Planning Director.

b. Impact Fee Update

Ms. Hebert stated the impact fee update is a process that happens about every five years to take into account changes to the municipal facilities for which the impact fees are charged, or the schools, and to take into account any other adjustments that need to be made. We typically hire a consultant. Bruce Mayberry was hired the last time this project was taken on and the impact fees were last updated in 2015.

Ms. Hebert stated right now the Town charges two impact fees, which are the recreation impact fee and a school impact fee, and it is assessed against all new residential units, including accessory apartments, in Bedford. These fees are paid at the time a Certificate of Occupancy is issued, but they are assessed when you approve a subdivision for the new residential unit or the site plan for new housing. The Planning Board is the group that sets that impact fee, the rate of the impact fee and is in charge of updating that fee every five years. We wanted to introduce this project to you and answer any questions about impact fees as we prepare for the next update.

Ms. Hebert stated the last time the fees were updated, the Board looked at whether or not it was appropriate to charge additional fees. You can charge fees for various items and various uses in Town, so you can charge an impact fee for public safety facilities, for the transfer station, for the library, and the last study looked at what it would mean for the Town of Bedford to charge an impact fee for additional services, and it didn't make sense at the time because we didn't have these municipal facilities that were being studied, weren't programmed into the Capital Improvements Plan at the time and there wasn't a solid plan for their facility needs going into the future, so there were no additional fees adopted in 2015. Something the Board may want to talk about is we have come a little farther with our facilities planning, so I'm not sure if it makes sense to study additional fees. Town Manager Sawyer stated a conclusion from our expert last time was that we really couldn't charge a fee until we had committed to the building of it

because you can only have it for six years. So if we haven't programmed it into some budgetary work, either capital improvements or the actual budget, we really couldn't apply those. If the Town Council and the citizens make some decisions on facilities, whether they happen in March of 2020 or at some time in the future, that would be the time, in my opinion and the consultant's opinion at the time, to implement a new fee if you wanted to do it. Since then I think you will see around the State many communities have gone away from implementing impact fees and actually have gotten rid of impact fees that they have had. You have to balance whether it is making you economically attractive to developers who could come build the same building here or in Londonderry, where here they might have to pay several hundred thousand dollars in impact fees but in Londonderry pay none, balance those things when you have that conversation. Ms. Murphy stated I remember being on the Town Council and the three of us sort of roundtabling this at the time. What is interesting to me is how some of these plans have progressed and how they are going to continue to progress in the future. Bedford is largely built out at this point, so it is attractive to me to look at impact fees for libraries, which does have projects listed in the CIP, and for potential municipal/public safety complex going forward, as a means of offsetting the cost of that for the rest of the tax base. Town Manager Sawyer stated it is the classic debate and it happens in all Planning Boards as to whether the increased taxes that you get from new development will offset the budgets going forward, so you just try to get as much commercial development especially and use that increased tax revenue to pay off those bonds versus having them pay their taxes and also have to pay a fee to come to town. Ms. Murphy asked what percentage of new development scenarios do we allow them to abate their taxes for the first couple of years? Town Manager Sawyer replied zero so far. Ms. Hebert stated these are for residential units too, so a lot of the communities that have abolished impact fees were charging a transportation impact fee. They were assessing impact fees against commercial development as well as residential development. Town Manager Sawyer stated we have no commercial impact fees. Ms. Murphy asked are other communities also moving away from commercial development impact fees? Ms. Hebert replied they are moving away from impact fees altogether is the typical trend. Town Manager Sawyer stated over the last decade or so, at least the last five or six years. Mr. Fairman stated I don't think Bedford has a problem with people not wanting to come here because they have an impact fee. I think the limited amount of space we have left and the advantages of coming to Bedford, I don't think we have to worry about people not wanting to come. Chairman Levenstein stated if you look at what type of development is happening in Londonderry on one side of the access road and is happening in Bedford on the other, which is really no industrial. Councilor Bandazian stated Mr. Mayberry went through a very good analysis last time and I think it was worth looking at commercial, but the fact is, there is so little developable commercial land in town, that the burden is still going to be on the residents and it is not going to be significantly reduced by doing an impact fee and then you have all of the negative PR about making it more expensive for business to be here. When we looked at the numbers last time, it just didn't add up to very much. Town Manager Sawyer stated we only had 4 – 5 years left on the library bond at the time. The safety complex was already paid off; we just didn't have anything to be using it for in that 6-year window either. Ms. Hebert stated you have to spend the money in 6 years or return it. We looked at the transfer station and the fee was going to be so small, it was going to be more trouble to administer it than to collect the fee. Town Manager Sawyer stated the school impact fees are currently going to the debt service for the high school and middle school, but once those are paid off, unless the School District needs to build a new building, and you can't use these for maintenance necessarily, you

still have 18 years left on the school bond. Councilor Bandazian stated there may be new school buildings needed in the near future. Town Manager Sawyer stated I would be very curious if there is any way to predict how many school children will come out of these types of projects, and when we compare them to our existing ones, these are going to be somewhat different than the existing ones too. It is hard to truly know until we have some experience with one of two of these, especially the ones in and around Market & Main or the Wayfarer.

Mr. Fairman stated when I was looking at the recreational fee and pushing to use some of that money from the recreation impact fee for the senior center, I was told it couldn't be used because the senior center wasn't part of the original calculations for that assessment fee. Town Manager Sawyer responded it is not a municipal facility, it is a private 501c 3 organization. Mr. Fairman stated it is Town-owned property. Town Manager Sawyer responded but we still can't use it if it is not our facility. Mr. Fairman stated I hope that any recalculation of the recreation fee will include something more than just the youth fields in town, will include recreation fields for all citizens. Town Manager Sawyer stated the Town Council would also have to include a budget item for a community center of whatever senior sports or activities seniors do more than younger generations. Seniors use our tennis courts, seniors use our basketball courts, seniors walk on our trails, I think there are a lot of senior activities. There is nothing precluding seniors from having a softball league or anything like that. What we are talking about is interior use of space; we just haven't gone there as a community yet. Chairman Levenstein stated something like the fire station that had been proposed down on South River Road would be something that you could have an impact fee for. Town Manager Sawyer stated if we had a budget in place that included that. The CIP that I gave a couple of weeks ago now does propose a couple of different bonds over the next 10 years for facilities, not necessarily specific to which ones, so we would have to become specific before we could implement a fee.

Chairman Levenstein asked who decides whether to get Bruce Mayberry or somebody else to do the study? Town Manager Sawyer replied an impact fee subcommittee. Ms. Hebert stated I believe there were three individuals that served on the impact fee subcommittee. That is a Planning Board subcommittee, with the Planning Director and Planning staff. Town Manager Sawyer stated you would do an RFP, you would review proposals, you would interview professionals, and make a decision.

Vice Chairman Newberry asked is there anything on the near horizon that would be something that some kind of impact fee would tie it or relate to, or is this something you just need to keep an eye on and when something starts to materialize, then take a closer look at it? Town Manager Sawyer replied as we have it in the budget every 5 to 6 years, it is proper to be looking at the fee to make sure we are charging the correct amount and legal amount so we can't be challenged on what we are doing. I think the timing needs to happen in the next year or two anyway just to make sure we are good. If you remember the last impact fee update, the recreation fee actually went down because we had built the Swenson fields in the southern part of Bedford so the need wasn't as great. You do need to review it for that. In terms of facilities for the community, it is very actively being discussed. We need to move forward with some facilities. Which ones I don't have the answers for you yet. I think they will start to materialize in the coming weeks and months. We are going to have to deal with our facilities sooner or later and I am hoping sooner.

Mr. Sullivan asked what type of specificity needs to be defined for an impact fee? If you are going to do a first responder or safety complex, could that be diverted to capital equipment like a new fire engine or does it have to be a physical property? Town Manager Sawyer replied no. Our current capital equipment plan is replacement of vehicles and you can't use impact fees for maintenance. If I was building a new baseball field, I could use it to build it, but I couldn't use it to replace the existing baseball field or re-turf the existing baseball field. I could use it to add lights to a baseball field that doesn't have it because it is increasing capacity. We have to look at recreation and all of those things and the CIP is proposing next year in my budget, either through bonding or through budgeting, doing the Sportsman's fields project, which is a million-dollar project. I would use every cent of recreation impact fees and I could on that because we would be going from a grassed field to a synthetic turf field; increasing capacity there tremendously. I think we have about \$200,000 in recreation impact fees and could use every penny, in my opinion, to offset that project cost. In terms of actual buildings, we are getting there. I don't have answers yet but it is coming down the pipe, hopefully sooner rather than later.

Ms. Hebert asked would it make sense to wait six months and revisit this? Town Manager Sawyer replied I think you could start your RFP development and get the contractor onboard. I think the RFP will be very similar to what it was 5 years ago. I think encumbering the funds and getting it done is a good idea. I don't think it makes sense to wait until March to start thinking about it but it may change what you are studying next year.

c. Potential 2019 Zoning Amendments

Ms. Hebert stated while we are in the process of updating the Master Plan we don't want to propose sweeping changes to the zoning ordinance. The Master Plan will have zoning recommendations in its implementation plan and we will be taking that implementation plan and looking through those items once the Master Plan is complete. We do have a couple of suggested zoning amendments that came in this year.

- Update purpose statements for the wireless telecommunications facilities

Ms. Hebert stated this would be to make them a little more robust and hit on some of the points that are important to the community in terms of aesthetics and siting cell towers to minimize impacts on the abutting properties.

- Creating a minimum lot size for wireless telecommunications facilities in the R/A district

Ms. Hebert stated this would be to discourage future towers from being sited on smaller lots with existing residential houses on the lot, similar to the Tirrell Road application.

- Requiring lots for new cell towers to meet the minimum lot size and to not have any preexisting non-conformities with regard to the dimensional standards or use

Town Manager Sawyer asked did you have an idea for the minimum lot size for wire telecommunication towers? Ms. Hebert stated we talked about 5 acres. Councilor Bandazian

stated there are enough of those. It is not like the last proposal where there were only two parcels in town. Town Manager Sawyer asked would you repeal some of that other stuff? Councilor Bandazian stated I think somebody is going to get a variance anyway. Ms. Hebert stated this would just be an added layer to avoid a situation like Tirrell Road where you had a house and a cell tower behind. Town Manager Sawyer asked but wasn't that one in the works before the citizens petition? Ms. Hebert replied yes. Town Manager Sawyer stated so any new tower would have to meet that 750-foot setback. Councilor Bandazian stated and it would have to get a variance for it unless it was at the Pointer Club or other property over on Holbrook Hill, and Chubbuck Road is a possibility too. Town Manager Sawyer stated I think those two sites are also already 5 acres in size, so it wouldn't further restrict those two sites. That is interesting. Ms. Hebert stated someone would have to get a variance for the setback and for the lot size.

Ms. McGinley stated it doesn't seem fair to the people who are not trying to build a cell phone tower to allow it on a lot that we just talked about in that size, if the cell phone tower is at the perimeter of their property. It is not much impact to the people who are getting the money from the cell tower but for surrounding people. Councilor Bandazian responded there is the fall zone that has to be set back by 750 feet.

Councilor Bandazian stated another one is in the R/A zone increasing frontage to 200 feet. We have just seen a lot of infilling with new curb cuts or shared driveways and we have also seen a lot of combinations of small lots to squeeze one extra lot out of three. They still need 150 but it would reduce the opportunity to do that. At this point it is pretty much ledge and wetland that constrains people from combining lots and subdividing, and I think it is changing the character of the Town. I certainly hear remarks about Wallace Road and the buildings that are being squeezed into Wallace Road, just changing established neighborhoods. One way to throttle it back just a little. Mr. Fairman stated one we approved at the last meeting on County Road really surprised me the way they clear-cut the property. The whole new lot was clear-cut because it was fairly narrow and they also carried it over into the front of the original house on the property. Councilor Bandazian stated and that impacts runoff onto other peoples' property. We have had problems all over town. Chairman Levenstein stated I don't think they are from new lots; I think they are more from old lots. Councilor Bandazian responded no, there are some. Chairman Levenstein stated one issue I don't think was a problem with the ordinance itself; I think it was developer misconduct. Town Manager Sawyer stated I know I would have a concern with this one if we weren't so built out because then we would really be pushing people to look for more and more green acres to build on versus being able to develop within our already established corridors. If you look at the map, there are fairly limited opportunities for major subdivisions going forward. Ms. Hebert stated it tends to make roadways longer in towns that are newly developing, having more road frontage. The streets would be longer, you would have more roadway infrastructure, but where we are mainly looking at infill, we do struggle with those applications where they are trying to pigeonhole a lot between two existing homes.

Councilor Bandazian stated and with some of the towns around us, an acre and a half cultural zone I haven't seen that anywhere else. Everywhere else is at least 2 acres, except for Merrimack that doesn't have an R/A zone or the equivalent of it. Goffstown, Amherst, Hollis, any of those peer municipalities. Chairman Levenstein stated you are talking that 75 percent of the town is R/A zone, and probably more. I think what it is doing is basically getting rid of any

opportunity for somebody to get a lot that is affordable and build a house on it if you are sitting there and you are making it that anything has to be at least 200 feet frontage. We will look at it.

Chairman Levenstein stated the other thing, and it may be too big a task at the moment, but I really think we have to look at the amendments that were passed, the ordinances on workforce housing, because I can't imagine there is no opportunity to build what they say is the only thing you can build. I think financially it is just not feasible. I think there are some other things with it too, which if somebody were to look at it and say does Bedford provide an area where they can have affordable housing, I think that would be tough to argue that we do. Ms. Hebert stated I think the Performance Zone subcommittee can also look at that and look at if are we compliant, are we meeting the State requirements, is it realistic. Vice Chairman Newberry stated whether it precluded anything in town effectively. Councilor Bandazian stated economically also. There is a strong argument that could be made. Chairman Levenstein stated you can't put it on the FE Everett Turnpike, you can't put it on South River Road, so where do you put it. Councilor Bandazian stated and the cost of a parcel on South River Road is so high. Chairman Levenstein stated I think the staff analyzed that and there are a dozen principal parcels and then there are a bunch of smaller ones like on Beaudoin and others. What was formerly known as the Sullivan parcel on Kilton Road and Ridgewood, across from the Lexus dealership, that is the biggest parcel that jumps out. The Walmart site could easily transition into housing and meet the zoning, but it is only 12 units in each building. Chairman Levenstein stated if you can't put it on South River Road and you can't put it on FE Everett Turnpike, it means you have to build all of these roads to get into the area where you are going to do it. That is going to create even more of a cost to do it.

Ms. Hebert stated going back to workforce housing, is it reasonable to address that as part of the Performance Zone review. Chairman Levenstein replied I don't think it is something we want to do this year.

d. Potential Amendments to the Land Development Control Regulations

Ms. Hebert stated at last year's workshop the Board discussed updates to the Bedford Road Construction Standards. Jeanne Walker presented the updated Road Construction Standards. DPW has completed that update and they are ready to bring it back to the Planning Board for adoption. Mr. Foote stated there is nothing new here. What we are trying to do is to have development come in to meet the standards that we utilize in our road construction process. Also, we updated the driveway permit to be more user friendly and administratively friendly as well.

Ms. Hebert stated you would want to set this for a public hearing and you could set it as soon as October 7th. Mr. Foote is anxious to get this adopted because all new construction would have to comply with the updated standards. It would close that gap between private development and the standards that you use to rebuild our public roadways. We have already noticed for the public hearing for the October 7th meeting.

Ms. Hebert stated we have a couple of other changes we wanted to put you on notice for. The Town is in the process of reviewing and also adopting a stormwater management and illicit discharge protection and elimination ordinance. This is in response to the EPA MS-4 permit with regard to how we handle stormwater in the Town's public roadways and on private development sites. There are some changes that we will be bringing to you this year, not immediately, but to bring the Land Development Control Regulations into consistency with this stormwater management and illicit discharge and detection ordinance. We can bring those in any time.

Ms. Hebert stated the last one has to do with projects that may be approved administratively. Right now the Planning Department can administratively approve certain changes and this streamlines small applications through the development review process. It involves an application to the Planning Department and a staff level review. Right now any change can be approved by the department if the use is permitted in the zoning district and if the use doesn't exceed 33 percent of the total building area, or 5,000 square feet, whichever is less, so these are for re-tenanting small spaces in commercial plazas, and we see a lot of them on a monthly basis. We are suggesting that a change be made to remove the 33 percent for the total building area just to increase flexibility in our review, and then we have also noticed we have a change that happens frequently between professional office uses and medical office uses and it is a very administrative procedure. We are really looking at handicap parking spaces as the two uses are very similar. We would like to be able to approve that use administratively regardless of the size. We have encouraged applicants to put medical office/professional office on new office uses so they don't have to come back to the Board when they re-tenant with a dentist or an accountant. Parking is really the only thing we are looking at. If there are significant changes to a building, which an example might be the Goedecke building reviewed at the last meeting, we are always going to bring that back to you. Even though that was a 1,200 square foot addition, it had a significant architectural change along the front of the building. We bring that back to you for review and we are under no obligation to approve anything administratively, so we can always bring it back to the Board, and if for some reason an applicant is not happy with a decision we make, they can always bring it back to the Board. But we find that these office/medical office uses are so purely administrative, it adds a lot of time and money to those folks who are trying to move into the spaces.

Vice Chairman Newberry asked if there were a waiver involved, you would bring it to the Board? Ms. Hebert replied we cannot approve waivers, so it then would have to come back to the Board. Vice Chairman Newberry asked do administrative approvals get logged somewhere? Ms. Hebert replied yes; we require a plan. It is a similar plan that you see, so a large site plan, all the notes are updated to reflect the new use, and we get three paper copies of the plan that we distribute and save in our files, and we also get a Mylar copy that we archive. It really comes down to parking.

Councilor Bandazian asked a switch from a regular office to a dental office would trigger a staff requirement, a Building Department and Health Department requirement, to inspect periodically for mercury separation and so forth? How does that get communicated? Ms. Hebert replied we work closely with the Building Department when we do administrative approvals, and they don't

issue permits for tenant fit-ups until the administrative approval happens. That is usually picked up by the Building Department.

Town Manager Sawyer asked a limitation would be a 5,000 square foot change now? Ms. Hebert replied yes, instead of the 33 percent of the building. Town Manager Sawyer asked and you think most of the changes that you have done have been 5,000 or smaller? Ms. Hebert replied they have to be and they have been 5,000 or smaller. Town Manager Sawyer stated I drafted this amendment when I first came here and didn't have the square footage requirement in there, it was only one-third of the building size and it was a certain Planning Board member that was very concerned of staff's ability to do these and not massively change the character of the community. I think it has worked out fantastically and saved you from being here until midnight many, many times. I am just worried that we are still limiting you too much if we keep the size limitation on there because there are a lot of 30,000 square foot buildings that want to just modify a 10,000 square foot area of the building and it is perfectly fine to do administratively. Ms. Hebert stated I would be very comfortable increasing that but I guess I wanted to test the waters. Mr. Hawkins stated my question was going to be would those thresholds or benchmarks capture the business today, or if not, would we think about increasing that. Chairman Levenstein stated we could do 33 percent or 5,000 square feet, whichever is greater. Town Manager Sawyer stated I think that would capture most of my concerns. It is something other communities do and do well. It keeps the economy moving more quickly. Ms. Hebert stated it is helpful that we get to meet the new business owners, we can talk to them about the sign standards, and gives us a connection when people come in, and when they do have bigger plans, we can flag it and bring it to the Planning Board. Town Manager Sawyer stated I would be all for building in even a little more flexibility than what you have proposed here in your draft amendment. Vice Chairman Newberry stated I think a more expansive rewrite would be beneficial all the way around.

Chairman Levenstein stated do what you feel is comfortable and then we will see what we want. Town Manager Sawyer stated we will have a public hearing on it and if the public is upset about it, maybe we won't do it.

e. 2020 Master Plan Update

Mr. Connors stated we have been working with the consultant. There was a delay because there was a new project manager that came on board. We were set back about four months. We have been taking a first pass on the first draft of the plan. There is a lot of content and making sure the consultant and the Town is on the same page. It has been very time consuming, and we are now at a point where we are working with a think tank and we are going to ask them to appoint a subcommittee to take a real hard look at that first draft and spend the month of October doing that, getting the first draft finalized, over to the consultant who will hopefully lay it out, we will have November to do that, and we would definitely like to have the public draft released this year either the end of November or early December. The public would then have 30 days to weigh in with their thoughts. Then we would like to do some big public event during that time where the public can talk to staff and the consultants and the think tank. We will be advertising the date as it gets closer to the public release of the plan.

Ms. Hebert stated the Board chose a plan that is highly graphical and it is laden with pictures and infographics and our consultants are looking for photographs of people being active and doing things in Bedford. If you have any photos to share, if you know anyone who is a photographer and has some high quality photos, we would love to get some pictures. We don't want to have a photo of anyone who hasn't given permission to the Town to have their faces in the Master Plan, but we would give full credit to anyone who submits photos. It is really going to improve the plan to have photos of Bedford.

Vice Chairman Newberry asked has the challenge in reviewing it been just the volume or are there disconnects? Mr. Connors replied there are definitely some disconnects. We wanted to make sure that the plan reflected all of the feedback that we heard from the public. It is kind of a balance of marrying it with all this data collection you do and that the recommendations reflect these needs that come out of the data that you are pulling but also what the Town wants to see. Ms. Hebert stated right now the plan is a Word document that is in rough shape, so it is not very pretty to look at. We are working with the think tank to make sure we like the Word document before the consultant takes and lays it out into its graphical form. Once it is laid out in that graphical form, you can definitely change content but we are not going to be able to make sweeping changes to the layout. We are working through the process and really hoping to have a public draft available by December.

f. Any Other Topics or Comments from Planning Board Members

Town Manager Sawyer stated Optics 1 Safran is expanding. This expansion was approved as part of the original approval for that site. Ms. Hebert and Mr. Connors have been working with them on the expansion but it is consistent with the plans that were approved when that building was first approved, so it didn't have to come back to the Planning Board. There are lots of very high-paying jobs in that building and more coming. That is great news.

III. Adjournment:

The Workshop adjourned at 8:30pm.

Respectfully submitted by
Valerie J. Emmons