

**TOWN OF BEDFORD**  
**September 27, 2021**  
**PLANNING BOARD WORKSHOP**  
**MINUTES**

A Workshop meeting of the Bedford Planning Board was held on Monday, September 27, 2021, at the Bedford Meeting Room, 10 Meeting House Road, Bedford, NH. Present were: Chairman Mac McMahan, Town Councilor Bill Duschatko (Vice Chairman), Priscilla Malcolm (Secretary), Harold Newberry, Charlie Fairman, Matt Sullivan, Steve Clough, John Nelson (Alternate), Matt Nichols (Alternate), Becky Hebert (Planning Director), and Jillian Harris (Assistant Planning Director)

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

Chairman McMahan called the workshop meeting to order at 7:00 p.m. Secretary Priscilla Malcolm and Alternate John Quintal were absent. No appointments were made as there would be no motions at this workshop meeting.

**II. New Business:**

The Bedford Planning Board held an informal workshop to discuss general community planning issues and Planning Board procedures. Topics included the following:

- Landscape Architect Stamp Requirement

Leo Urban of Urban Associates, Inc., professional landscape architect, LEED-AP BD+C was present to address landscape architect stamp requirements. Mr. Urban distributed to the Planning Board members and Planning staff brochures reviewing his involvement in projects and summarized these projects. He noted that he is hired as a consultant by some landscapers. He reviewed what is required to become a landscape architect, which includes a degree in ornamental horticulture, 8 years working in the field, which is not an easy process. His corporation has to be registered with the Secretary of State, has to get liability insurance, requires 30 hours biannually of continuing education, where other states don't require the continuing education. Mr. Urban stated New Hampshire is the last state in the country to adopt this law. Also, other states do require the signing and sealing of site plans by a landscape architect.

Mr. Urban stated the State of New Hampshire passed the signing and sealing of plans law 15 years ago and some cities and towns have developed regulations. There are 95 certified landscape architects in New Hampshire at this time. Each landscape architect would have to get certified and licensed if the towns and cities they work in require it. Bedford allows licensed engineers or civil engineers to sign and seal landscaping plans, and I believe New Hampshire law allows for landscape architects to do so. I recommend changes to the Town's Land Development

Control Regulations and the zoning ordinance to require the landscape architect stamp and seal on site plans.

Ms. Hebert stated from a planning perspective, projects built with a landscape architect involved are usually of a higher level. You see a lot of site details that you may not see on other projects, but many of the larger projects do have a landscape architect involved. Also, current code does not require planting plans. We feel it would be a positive progressive change to update the Land Development Control Regulations to require the stamp and seal of a landscape architect as a checklist requirement. It would become a newly required item that the applicant has to sign off on. The Town reviewed this years ago but it wasn't supported. As designers, we have all seen poorly designed landscape plans, therefore, I support this change.

Chairman McMahan asked Mr. Urban if he has seen examples of projects where landscape architects were not involved. Mr. Urban replied yes; where projects are not built according to plan.

Mr. Clough stated I would be in favor of certification and feel that the health, safety and welfare points by Mr. Urban are well taken. Mr. Fairman stated I feel that with this required certification of landscape architects, the Town will get better landscape plans and I agree to change the code.

Board members discussed with Mr. Urban potential increased cost to developers with this requirement. Mr. Urban stated that depends on the size of the project. His example of a small site in Manchester he worked on his fee was \$1,200, whereas a \$600 million project he worked on in Florida his fee was \$300,000. I think there is a misunderstanding that hiring a landscape architect adds cost to the plan. Mr. Newberry stated I am hearing that requiring a landscape architect may actually save costs, plus it could help to get consistently optimized plans. It may financially impact smaller developments but it also sounds like there is not an incrementally huge difference in design costs. I agree that we should look at adding this as a requirement as part of the plan set.

Ms. Hebert stated there is no motion required tonight. I have heard enough to pursue this. The next step is for staff to write an amendment to the Land Development Control Regulations and the Planning Board would review and talk about that. The Board would then vote to set a public hearing and you would then have two more opportunities to discuss it before the actual vote.

- Master Plan 2021

Ms. Hebert stated I have shared the draft Master Plan and executive summary with the Board. About a year ago the Town collected comments from the public, during the past year the Planning Board Master Plan working committee met 11 times, therefore, you are looking at a more detailed plan, which includes those changes. In April we brought the changes to the Planning Board for discussion and then the Town hired a local graphic designer to help incorporate those change and work on the layout. This draft has not been released to the public yet. Today we want to discuss the next steps and leave enough time for the Board to read

through the plan and give feedback. The next steps will be to address any minor changes and set a public hearing to adopt the plan. Planning Staff is suggesting that adoption happen this fall.

Mr. Fairman stated I feel the overall plan is great. I have a concern regarding the dating of the plan. Do we use 2020, 2021 or 2022? It is important to make sure it is clear that all of the demographics were relative to 2020 because there have been changes like median house prices. Ms. Hebert responded that is a great point. Some data has been updated and noted in source citations but we need to be clear where to draw the line on data. We could possibly put a note at the beginning of the document indicating this.

Vice Chairman Duschatko stated one of the problems is the census data for 2020 is late and incomplete. The question is where do we draw the line. Mr. Fairman stated due to COVID there was a drastic change in commuting numbers, as much as 50 percent. Mr. Quintal stated a footnote could note a time stamp in time. Mr. Newberry stated we could consider putting the updated data in an appendix and maybe we could do an annual appendix update.

Mr. Newberry stated the overall graphics are great, it has nice visual appeal, but it goes down to the level of detail we go into. The executive summary is great for the population as a whole and then maybe consider footnotes for some of the other information. Ms. Hebert stated we did put the statistical information into a spreadsheet and could update things like median age and median house prices. Mr. Newberry stated maybe every 2 years would be better incrementally. Mr. Sullivan stated I remember early on there is a 10-year requirement in New Hampshire. Could we instead have it on the 2's? Vice Chairman Duschatko stated the Town Council is looking at a plan to do that now. The Town Council changed the CIP to 2 years forward and hopefully that will make things easier going forward for the Public Works Department, as well as the Assessors getting a much better GIS system. Chairman McMahan stated I like that idea but it is important to ask Planning Staff what they think about that.

Ms. Hebert stated if you could submit any comments to us once you have had a chance to read this, topos and minor comments by October 1<sup>st</sup> would be helpful. We could then incorporate the changes into the draft that comes to the public hearing on November 8<sup>th</sup>. Any major policy changes would have to be reviewed by the entire Board. Chairman McMahan stated I don't think we need to think about making changes to graphics at this time.

Ms. Hebert stated we could design a simple website where this could be live, maybe just as a pdf. We could ask for an estimate and where it would live on the web as we use it over the next 10 years. There is also cost for the printing of copies and we would have to determine how many copies would be needed or necessary and that cost is in the main budget. We will post the document on the Town website the first week of October after we get Planning Board comments.

- Impact Fees Update

Ms. Hebert stated staff has contracted to have the school and recreational impact fees updated. We have a goal to update them every 5 – 6 years and it is important to get them updated regularly because the fees have to offset the needs generated by development. State law is

specific that once the fees are collected they have to be used within 6 years or be returned with interest. The actual fee amount is referenced in the land development code and the Planning Board adopts those fees, and the zoning ordinance gives the Planning Board that authority.

Ms. Hebert stated the average school impact fee has increased about 5 percent annually since 2015. For a single family home, the school impact fee was increased from \$6,922 to \$9,148, which is high for the region and the state. This is something for the Planning Board to think about. The recreation impact fee takes into account household population and did not increase as significantly. There are two options for increasing the recreation fee, which are recreation facilities and land value. The current single family home recreational impact fee is \$1,454. In talking with the consultant, some communities may want to cap the fee, excluding certain unit types, and the Board has the ability to adopt the fee as calculated.

Ms. Hebert stated we think the next steps would be to share this information with the School Board and Town Council to get their feedback.

Mr. Fairman asked do age-restricted and assisted living pay the school impact fee? Ms. Hebert responded assisted living does not. Mr. Fairman stated those facilities are growing in Bedford, they do not have impacts on schools or recreation so much, but certainly the Fire Department and EMS are impacted. Since they don't pay school and recreation impact fees, perhaps we could look at an impact fee that would go toward those facilities, such as EMS and ambulance services, that are impacted directly. Maybe that is something for the Town Council to consider. Vice Chairman Duschatko stated those are my questions and my reasons are the same. I have been told that we can only assess impact fees on schools and recreation. Ms. Hebert stated that is not correct. Vice Chairman Duschatko stated maybe we could look at a policy for commercial or large commercial buildings where the argument could be made that Fire Department could need more staff and equipment. I had heard we could collect fees for such things like the library also. Mr. Fairman stated I would like to see it restructured where it could be used for senior recreation. Vice Chairman Duschatko stated that point would require more discussion, and we also have the situation in a sort of unknown area, which is for new capital construction. There needs to be more discussion in that area.

Mr. Nichols stated construction costs for school buildings is really inflated. Ms. Hebert stated it does cost a lot more to build a school today.

Ms. Hebert stated there is a lot to think about in this area, and we also need to recoup the investment to taxpayers that have already paid into these fees. Mr. Nichols asked have we given any impact fee refunds in the past? Ms. Hebert responded we have given refunds for recreation fees. We could also take a traffic impact fee but that was not included in the study at this time by the consultant. Mr. Fairman stated those fair share road fees have to be paid within 6 years or DPW does have to give it back, and I have known them to go back to the developer.

Ms. Hebert stated the next step would be to take this information to the School Board and the Town Council, unless the Planning Board wants to talk about this again before going to them. Would any Planning Board members like to join me when I go to the School Board and Town Council? Mr. Fairman volunteered to go to the meetings with Ms. Hebert.

- Proposed Zoning Amendments

Ms. Hebert reviewed zoning for workforce housing and the timeline of how it got instituted. Ms. Hebert stated New Hampshire state law requires towns to include multi-family housing in their ordinance. Since the Town adopted the ordinance for this, we have approved 102 units, and an additional 83 units have been approved but not built or are under construction. The Southern New Hampshire Planning Commission had recently given funding to update the document that is used to determine where communities are with this. If the Planning Board is interested, we would recommend that you dig into the top and set aside a working group or subcommittee to review workforce housing in Bedford and not make any zoning amendments until you have had a chance to take a deep look at the zoning. Ideally we would need at least a year to review the zoning and housing needs before putting anything forward. Vice Chairman Duschatko stated the assessment won't be done for a year, and even if we had the money in hand, we couldn't spend it because we can't do it until we get orders from the State.

Ms. Hebert stated we would love to hear the Board's thoughts on this. Mr. Newberry stated I like the suggestion of putting together a subcommittee to start to do some research to educate the Board on the subject. I think we should seriously consider doing research before this hits us. It is only a matter of time before it becomes more widespread. Vice Chairman Duschatko stated I agree. We could design something that should be successful. Mr. Newberry, Mr. Fairman, Mr. Nichols, and Vice Chairman Duschatko volunteered to serve on this subcommittee. Ms. Hebert stated the meetings would be open to the public and the agendas would be advertised to the public and anyone can attend or participate. Mr. Fairman stated we should hold an informational meeting to talk about the rules and regulations that we need to follow.

- Discussion of Zoning for Solar infrastructure

Ms. Harris stated Laurie Radke from the Town Council and Energy Commission recognized that there are gaps in zoning for solar in town. We are looking to see if there is support for this moving forward to define it in the zoning ordinance and to propose a zoning amendment in the future.

Ms. Harris stated the larger solar arrays would need to meet setbacks and it could limit how they are sited on a lot. One consideration is looking at when neighboring properties are developed and if shading could be a problem for an existing array. Ms. Hebert stated the lack of definitions is a potential pitfall for solar. If the Town could clarify that in zoning, it would make it easier for people to design solar projects. Mr. Newberry stated we should definitely be moving forward with at least defining some criteria around solar arrays, to not inhibit them, but also provide some guidelines, hopefully do it in a way that works for them, the abutters and the community.

Chairman McMahan asked have there been any serious issues with arrays on top of homes? Ms. Hebert responded no. Mr. Sullivan asked are there any problems with runoff? Ms. Hebert responded yes.

Mr. Newberry stated I would like to see the Town getting into something like utilizing solar on top of capped landfills like the landfill behind the transfer station. Mr. Fairman stated that was looked at but there was some issue with connecting to the power grid. Mr. Newberry stated places that are not feasible or economically feasible could affect whether solar is used or not on a property but we have to keep evaluating it. Chairman McMahan stated we should look at ground mounted also. Ms. Harris responded yes, and definitions for building mounted as well. Mr. Fairman stated we could require a developer to submit a report on any structure that they say cannot accommodate solar. We all need to do everything we can to reduce greenhouse gases. Ms. Hebert stated we could look into it or ways to incentivize solar on proposed projects.

Mr. Clough stated solar panels have a shelf life and the disposal of them is not environmentally friendly. They are toxic.

Ms. Harris stated we will move forward with drafting some amendments and have more conversations going forward.

- Detached Accessory Dwelling Units Conditional Use Permit

Ms. Harris stated currently the zoning ordinance allows attached dwelling units, but at this time detached units are not permitted anywhere in town. The Planning Board could approve a conditional use permit and you have criteria for siting and design. This could be a small piece of the workforce housing puzzle but could be something beneficial to an aging population, the disabled, etc. We would suggest something similar to accessory dwellings with a maximum size. Some communities allow 50 percent of the principal floor of the main dwelling. We could also define the height subordinate to the principal dwelling, it would have to blend in with the site, touch on parking, maximum number of bedrooms, and the exterior that fits in with the principal dwelling. Ms. Hebert stated currently it is a challenge for the Building Department when there are detached structures that are used for things like an exercise room with everything except a bedroom. Bedford actually has a lot of them that are under the radar. If people want to do this, they would have to follow the criteria and get approved by the Planning Board. Mr. Fairman stated they might be used for workforce housing and many may not pay anything like an older person that is not paying rent or maybe a child that is not paying rent. We would have to figure that out, how to classify them as workforce housing. This could be difficult to figure out.

Mr. Nichols asked if this is approved, could they legally advertise it for rental? Mr. Fairman responded we could say no. Mr. Nelson asked how is that not permitted? Ms. Hebert replied it is in the zoning code for things like Airbnb.

Ms. Hebert stated there is a demand for detached structures like detached garages. Mr. Newberry stated reviewing the materials and ordinances from other communities was very enlightening. I think we should add a couple of more levels than what I have seen in those materials and be more explicit and more defined than what we currently have and to make sure we are addressing detached accessory dwelling units. Chairman McMahan stated and we should look at how other communities allow parking on streets. Mr. Sullivan stated a couple of the

communities regulate how many accessory buildings could be allowed on a site. Mr. Fairman stated this might violate what is in the Master Plan to keep Bedford what it is. Mr. Newberry stated there is no standing still and if we want to be viable, we need to move forward. Mr. Fairman stated there may be a time when we see the mega-mansions become multi-family buildings.

- Any other topics or comments from Board members

Mr. Fairman asked is anything that can be done to regulate election signs? Things like the size of signs, spacing between signs and the length of time signs can be left up. Ms. Hebert stated this is all state regulated, therefore, you would need to talk to your State Representative.

Ms. Harris distributed the 2022 zoning amendment schedule.

### **III. Adjourn**

**The workshop meeting was adjourned at 9:30 p.m.**

Respectfully submitted by  
Valerie J. Emmons