

TOWN OF BEDFORD
October 11, 2021
PLANNING BOARD
MINUTES

A meeting of the Bedford Planning Board was held on Monday, October 11, 2021, at the Bedford Meeting Room, 10 Meeting House Road, Bedford, NH. Present were: Town Councilor Bill Duschatko (Acting Chairman), Priscilla Malcolm (Secretary), Harold Newberry, Charlie Fairman, Matt Sullivan, John Quintal (Alternate), Matt Nichols (Alternate), Becky Hebert (Planning Director), and Jillian Harris (Assistant Planning Director)

I. Call to Order and Roll Call:

Vice Chairman Duschatko called the meeting to order at 7:00 p.m. Chairman Mac McMahan, regular members Steve Clough and Matt Sullivan, and alternate member John Nelson were absent. Mr. Nichols and Mr. Quintal were appointed to vote.

II. Old Business & Continued Hearings: None

III. New Business:

1. **Naser Realty Bedford NH, LLC (Applicant & Owner)** - Request for Site Plan approval for a change of use to convert 4,960 SF of second floor commercial space to a 4-unit workforce housing multi-family residential use, located at 4 Ridgewood Road, Lot 12-05 Zoned PZ.
2. **Eastern Industrial Automation (Applicant) & 10 Iron Horse Drive, LLC (Owner)** – Request for approval of a sign waiver for building signage larger than 32 square feet, awning signage and a second freestanding directional sign, located at 10 Iron Horse Drive, Lot 35-13, Zoned PZ.

IV. Concept Proposals and Other Business:

1. **Development Update**

Ms. Harris stated the new applications have been reviewed by staff. Staff's recommendation is that the applications are complete, the abutters have been notified, and it is the opinion of Staff that none of the applications pose a regional impact. Staff would recommend that the Board accept the agenda and the applications as complete.

MOTION by Ms. Malcolm to accept the agenda as read. Mr. Fairman duly seconded the motion. Vote taken – all in favor. Motion carried.

New Business:

1. Naser Realty Bedford NH, LLC (Applicant & Owner) - Request for Site Plan approval for a change of use to convert 4,960 SF of second floor commercial space to a 4-unit workforce housing multi-family residential use, located at 4 Ridgewood Road, Lot 12-05 Zoned PZ.

George Chadwick of Bedford Design Consultants and architect Jason Lacombe of SMP Architects were present to address this request for a change of use on behalf of the applicant. Mr. Elie Naser was not able to be here tonight as he is recovering from surgery.

Mr. Chadwick stated we are looking for a change of use to convert the second floor from retail to four workforce housing units. We were last in front of you for the conceptual on July 19th. All four units will be 2-bedroom in size, access to the second floor apartments will be via a staircase that is on the Atwood Drive side of the building, it is an existing staircase and there is an existing handicap lift at that location as well. The site is serviced by public water and public sewer. The site currently has adequate parking for both the retail use on the first floor and the apartment use on the second floor, so there will be no change to the existing parking lot, except we would like to cover eight of the parking spaces along the Atwood Lane end of the parcel of the rear of the parcel and that is indicated by the box on the plan.

Mr. Chadwick continued there are no additional site improvements required for the project other than the covering of those four spots. We are also asking for a waiver of the regulations, which is from Section 275 Table 2 to allow the multi-family use workforce housing with frontage on South River Road. Your regulations do not allow workforce housing with frontage on South River Road, so we are asking for a waiver of that. The project does meet all other zoning and planning requirements.

Mr. Chadwick stated at the conceptual meeting there was a little bit of discussion at the end of the meeting regarding if solar would work for this project. Mr. Naser did investigate that, and unfortunately with this existing building he is not able to put in solar cost-effectively for himself. In this one there will be no solar component for the project.

Mr. Chadwick stated as I stated earlier, access is from the Atwood Lane side of the project via an existing entrance, handicap parking is located right by that entrance as well. If the Board has any particular questions regarding the architecture and what is going to happen to the exterior of the building, I do have Mr. Lacombe here to answer those types of questions. It is a fairly simply application. There are no site improvements being required, no access changes, it is simply covering eight of those parking spaces with a sort of carport structure, basically just a roof structure that is open on all sides.

Ms. Malcolm stated there are four units here. One of them is workforce housing and the remaining three are market rate. Is that correct? Mr. Chadwick replied that is correct. We are proposing it as the regulations allow. Ms. Malcolm stated I am always confused by this multi-family workforce housing when one unit is workforce housing and the remainder are not. Ms. Hebert stated the Town's definition for workforce housing is a housing development that provides at a minimum 25 percent as workforce or affordable under the State's definition for workforce housing. It is a little confusing but it is the use that permits the multi-family housing in the Performance Zone.

Mr. Newberry asked on the apartments do they all have two exits? Mr. Lacombe replied they all have access to a center corridor that leads to two exits, so yes they do. In addition, they have the emergency egress windows for access from Fire Department rescue personnel. Mr. Newberry stated part of the reason I ask is that I didn't see that Unit D where it had a second exit other than having to pass through the kitchen, which is probably not a good idea. Mr. Lacombe responded each unit has one door but the door leads to a corridor that leads to two exits. Mr. Newberry stated my question is, are there two exits from each of the apartments. Mr. Lacombe replied not out of the unit. Mr. Newberry asked does that meet code and/or Fire Department requirements. Mr. Lacombe replied yes it does. Mr. Newberry stated I just think to leave the bedrooms you have to go through the kitchen where there is most likely to be a fire starting. My concern is that it appears that the other ones actually have, I am looking at the left side of the posted plan there is a window or a door. Unit A is the one I was looking at. Mr. Lacombe responded Unit A there was a second door out of that bedroom back to that corridor, as well as Unit C. It would be easy enough to add exit only doors into the corridor. It is not necessary, so it is something that I need to talk to Mr. Naser about, but it would be fairly straightforward. Mr. Newberry stated I am surprised that it is not code actually, but if it is not code, it is not code. Mr. Lacombe stated actually we could have done all of these with only access to the main stair and it still would have been compliant given the egress distances. It is fully sprinkled, we have the windows, but opted to run a center corridor through so that we could connect two stairs.

Mr. Newberry asked on the covered parking, I am wondering if you could add some screening to the ends of that structure. Mr. Lacombe asked to the Atwood end of it? Mr. Newberry replied to each end, not the back. I think it would be a little less obnoxious looking if you had some kind of screening that didn't close it in completely but maybe just some vertical spaced planking or something to kind of break that up a little bit and make it a little more aesthetically attractive. Mr. Lacombe responded I see no reason why we couldn't. We were trying to keep it open. The more we enclose it, the bigger it has to get just for access around vehicles, so we were trying to maintain that. That would certainly be easy enough. Mr. Newberry stated I was just thinking the ends, not the length of it, but just what would be the gable end if it were. I was thinking lattice but lattice might not hold up very well. Mr. Lacombe responded no, I like your vertical slats with maybe a little gap in between. Mr. Newberry stated or even a big gap in them I think would work to kind of break it up a little bit. Does that need to be a condition? Ms. Hebert replied yes. Acting Chairman Duschatko asked why do you need that covered parking at all? Mr. Lacombe replied I believe covered parking for residential is part of your zoning. Ms. Hebert stated it is a requirement in the Land Development Control Regulations, and if the applicant or the Board chose to see the covered parking removed, it would be a waiver. Mr. Lacombe stated I didn't talk to Mr. Naser specifically about it but I am not sure if he would be bothered if you wanted it to not be built. Acting Chairman Duschatko stated the way it is now, I think, you have to have the end covering but I don't see what it accomplishes being covered because it is essentially open. If you are looking for snow stoppage, it is going to blow right through there and we all know that. That is my personal opinion. It probably doesn't accomplish much and it really doesn't look very good, and it could save Mr. Naser some money. Mr. Lacombe stated I think he would support that.

Mr. Chadwick asked could we get a consensus of the Board on that issue? Do all the Board members feel the same? Mr. Fairman stated I think you should keep it. I think it is our requirements and I disagree with Acting Chairman Duschatko, and I think it will help some. With the way the roof is sloped in that direction, with a bad snowstorm you are going to have some snow in there but not nearly as much as you would without it. I do think that you could spread it

out a little more, it looks like it is just covering eight spots. You have extra parking spaces so why don't you take a couple of them and spread it out so that you have a little bit more room for each of the two cars so that if one person comes in a little crooked, you could still have plenty of room for the other car, and then just restripe it in that area so that it is pretty clean. Other than that I think we ought to keep the covered parking; I think it is very beneficial. Mr. Newberry stated I would agree with that. I think it enhances the development for the tenants and it is a requirement. Unless the applicant has good reason to ask for a waiver, I think that we should go ahead and do that as planned. Mr. Nichols stated if it is a requirement unless there is some extenuating circumstance why should we waive, I am fine with the requirement.

Acting Chairman Duschatko opened the meeting for public comment or questions. There were none. Acting Chairman Duschatko closed the meeting for public comment or questions.

MOTION by Mr. Fairman that the Planning Board grant a waiver from Section 275 – Table 2, to allow a multi-family workforce housing use on a parcel with frontage on South River Road/U.S. Route 3. Mr. Newberry duly seconded the motion. Vote taken - all in favor. Motion carried.

MOTION by Ms. Malcolm that the Planning Board grant final approval of the site plan to convert 4,960 SF of second floor commercial space to a 4-unit workforce housing multi-family residential use, in accordance with the site plan by Bedford Design Consultants, last revised September 15, 2021, with the following conditions to be fulfilled within one year and prior to plan signature, and the remaining conditions of approval to be fulfilled as noted:

- 1. The Director of Public Works and the Planning Director shall determine that the applicant has addressed all remaining technical review comments to the Town's satisfaction.**
- 2. In the event that the Planning Board approves the waiver, the plan shall be updated to list the waiver granted as approved.**
- 3. The applicant shall provide a deed restriction, easement or other suitable legal documents to restrict 25 percent of the elderly housing ownership units to affordable units to demonstrate compliance with the affordability requirements of Article 275-21B(2) for a minimum period of 30 years. All documents shall be reviewed and approved by the Town's legal counsel.**
- 4. The applicant shall establish a procedure acceptable to the Planning Department for reporting that the workforce housing unit is meeting all necessary requirements.**
- 5. Prior to building permit issuance, the applicant shall submit a letter from Manchester Water Works stating that they will be able to serve this project.**
- 6. Prior to building permit issuance, building plans shall be reviewed and approved for fire separation, alarm system and emergency lighting/signage requirements from the Fire Department.**
- 7. Prior to the issuance of a Certificate of Occupancy, the sewer accessibility fee shall be paid, as applicable.**
- 8. Prior to the issuance of a Certificate of Occupancy for the residential units, all site improvements depicted on the plan shall be completed.**

- 9. Prior to the issuance of a Certificate of Occupancy for the residential units, the school and recreation impact fees shall be paid.**
- 10. Slats shall be added to each end of the parking structure, as discussed.**

Mr. Fairman stated I would like to add to Condition #10 to add more space to each parking spot by enlarging the covered parking structure. Acting Chairman Duschatko asked what do you want to enlarge it to? Ms. Malcolm asked how much space to you have to work with? Do you have an additional 2 feet per spaces? Mr. Chadwick responded there is plenty of room there. We have plenty of parking spaces, so we could push it all toward the existing parking lot on the left-hand side leaving the right-hand end where it is and then just reconfiguring it toward to the left. Mr. Fairman stated I would say a foot in width to each parking space. Mr. Chadwick stated that is fine. We are covering the existing spots that are there, so we are adding an additional foot to them.

Ms. Malcolm agreed to amend the motion for Condition #10 to read as follows:

- 10. The plans shall be updated to increase the size of the covered parking structure to accommodate increased width for the parking spaces and the structure shall be screened on both ends with vertical slats and/or landscaping.**

Mr. Fairman duly seconded the motion as amended. Vote taken on the amended motion; all in favor. Motion carried.

Mr. Fairman stated thank you for looking at the solar. Mr. Chadwick stated he was not able to make the dollars' work. I think within an existing structure having to rewire and stuff like that in order to put solar up there, it just became a little bit extremely costly for him. Maybe in a new building situation in the design just rewiring it a little differently it might work. I don't know if you have had anyone else be able to put solar. Mr. Fairman stated we know of one major one that is going to be the largest solar panel in Bedford at the existing Walmart building.

- 2. Eastern Industrial Automation (Applicant) & 10 Iron Horse Drive, LLC (Owner) – Request for approval of a sign waiver for building signage larger than 32 square feet, awning signage and a second freestanding directional sign, located at 10 Iron Horse Drive, Lot 35-13, Zoned PZ.**

Attorney Christopher Drescher of Cronin, Bisson and Zalinsky, Drew Tucci of Eastern Industrial Automation, and Andrew Prolman of Prunier & Prolman, P.A. representing the building landlord. Attorney Drescher stated not to get confused, EIA is asking for the waiver for the larger sign but it is Attorney Prolman who will be discussing the awning and directional sign, as those are the landlord's jurisdiction.

Attorney Drescher stated as you are aware, signs cannot exceed 32 square feet in the zone that this building is located. We are asking for relief from that to build a sign, which is posted on the screen, which would be at 75.6 square feet. We realize that is quite a jump in size, but we hope that by the time we are done here tonight you will see that this size of sign is actually appropriate for the size of the building that this is. And also given that, and I realize that is at 10 Iron Horse Drive, which has less frontage to that accesspoint, however, from Route 3, which is the big road that it abuts, there is a good 350-foot buffer, it sinks down a little bit, there is some vegetation there, so

a sign at 32 square feet, probably wouldn't be very visible, if at all. The idea is that this business is open to the public, they do cater to the public, and the bigger sign would be advantageous so that folks driving by on Route 3 would be able to see them.

Attorney Drescher stated regarding relevant facts, it is located in the Performance Zone, it is a largely industrial area, as I said the building is set back quite a bit from Route 3, and the building itself is some 151,000 square feet. There are three other tenants in the building. My understanding is that none of them cater to the public or are open to public, and as far as I know, they are not asking for any sign relief, but then again, we are another tenant and I am only here on behalf of EIA and that is what we are asking for.

Attorney Drescher stated in addition in the interest of full disclosure, there would also be a similar sign right above their doorway that would be within the parameters of your ordinance. I don't any relief would be needed for that, but we just want to be upfront about what we are doing. As well as there is a garage door that services their business and they want to put a decal on the door that has also been provided to you. Again, I don't even think it qualifies necessarily as a sign under your ordinance, but none the less we wanted to just let you know that was something we were planning on doing.

Attorney Drescher addressed the Performance Zone Sign Waiver Criteria: Article 275-58:

A. To attract environmentally acceptable commercial, industrial, recreational, institutional, and residential uses to the District;

We contend that the proposed sign meets other requirements of Part A because EIA is a well-established business, they have several locations throughout the country, as well as, I just learned in China, they were established in 1963, they have been at it, the business delivers mechanical components to the textile industry, and just in general as I was talking to my client because I wanted to know more about what his business does, is they sell products and repair products as well. Often automated stuff, machinery.

The sign will not pose any threat to the environment as it will be affixed to the building, the building is already built there and there are currently no signs on it. We believe that the sign would be rather attractive and will only add to the appeal of the building, which of course is currently bare, as I stated. The need for the waiver is due to the immense size of the building. If the sign were to adhere to the 32 square foot requirement, it would appear like quite a small postage stamp on a large envelope. The environmental practices of EIA are as follows: 1) engineering services division of warehouse, EIA reuses their boxes and pallets for their packing and shipping; 2) they use recyclable scrap materials, wood and oil; 3) there is no wastewater produced from EIA services; 4) EIA repairs motors, gearboxes that would otherwise wind up in the landfill, so they try to keep things operational; 5) they keep their HVAC to improve air quality; 6) they service essential industry suppliers to work in conjunction with EIA's customers, managing efficiency with their plumbing and A/C needs; 7) properly pack all service equipment to ensure no contamination to the environment; 8) utilize proper equipment braces and lifting apparatuses; 9) they have a fire safety manager at all times; and, 10) and they strictly adhere to all safety protocols.

As far as the building itself and the employees, energy efficient lighting is used throughout its building as well as smart thermostats. Employees utilize filtered water so there are no plastic

bottles being used, eco-friendly cleaning products are always used, recycle bins throughout the building, office furniture is purchased second-hand, and EIA always recycles all of their computers, monitors, tablets, etc.

As far as the community, EIA is considered an essential critical industry that supports and supplies the manufacturing and building facilities throughout the community. As the result of Covid-19, it transitioned into supplying critical personal protective equipment to its community, including masks, sanitizers, gowns, gloves, temperature guns, thermostats. Yearly they always donate to a local non-profit.

B. To encourage diversity in the community tax base through appropriate flexibility in land use and land use development;

We are here for flexibility and land uses to allow for a sign that fits in with the purpose of the Performance Zone as the building is quite large and with nothing by way of any sign to let anybody know what is going on in there, and, again, they are open to the public so they do need that kind of signage. The sign would let people know that EIA is in the building, and as stated above, they make donations on a yearly basis to non-profits, so it would certainly be an asset to this tax base. It would certainly be an asset to the tax base just by all of the jobs that they provide for everybody in the area.

C. To optimize financial return on public infrastructure investments and expenditures, including municipal sewer, municipal water supply, the Manchester Airport, Class I and II public highways, and the Merrimack River amenities;

Again as we have stated, this is a very established business that will contribute greatly to the community, it does employ hundreds of people in multiple locations. This facility will add to the justification of the taxpayer money that has been invested into the exact infrastructure that this building is built for and this business is suited for.

The sign being requested is a way to think of it as its business card that will stand out as a symbol as their contribution to the community. The building of significant size has been built and EIA will utilize the infrastructure relative to this responsible manner.

D. To minimize adverse traffic impacts on U.S. Route 3, the I-293/NH Route 101 Interchange, and surrounding local streets and roadways; and

There will be no adverse impacts of any kind of any aforementioned roadways. The proposed sign will be of an appropriate size for the building itself. The sign does not move or flash, it will not pose any eyesore or distraction to drivers, again, don't think it is going to be like the Vegas strip, the building itself is already in place, presumably it has been designed to handle the volume of predicted traffic that they are going to be able to accommodate.

E. To preserve valuable historical, cultural, and natural features within the district and to minimize adverse environmental impacts such as water, air, light, noise pollution, flooding, clear cutting of vegetation, and the blocking of scenic views.

The proposed sign will not have any adverse impact on water and air as it is going to be affixed to the side of the building, the sign lighting is minimal and is appropriate. It is a non-illuminated sign; it causes no noise of any kind. Matters of flooding and vegetation are inapplicable because the sign will be affixed to the side of the building. Finally, the proposed sign will not block any views because it is just stuck to the side of the building, so it is not being put up above, it is not being put out on the road or anything like that.

Attorney Drescher stated posted on the screen is the picture of the sign that we are asking for relief for. I am happy to answer any questions from the Board.

Mr. Quintal asked you said the sign is going to be non-illuminated? Attorney Drescher replied that is correct.

Mr. Quintal asked approximately how many employees are you going to have in this building? Mr. Tucci responded we have 51 employees in this building.

Mr. Nichols asked how was it determined that EIA could have a big outdoor sign? I guess where I am going with that is are we going to come back in another couple of weeks and have another tenant ask for a 72 square foot sign? Mr. Tucci responded I can only speak from what I have learned and talked to each owner. They have no interest in a larger sign because they are not visible to the road. They don't have general public that comes in or buys products from them at all. We have general public, we have industrial products, we have a snowmobile trailer, they come in, they need help, we have handicapped customers that come in. Right now we have a mess on our hands. Customers can't find us, they drive around the building, big trucks roll all over the place, we need an identity. We can't even put a sign over our front door now because of the fire restriction where they needed a light over our door, so we have no way to identify ourselves other than a little sticker today. We put on a scissor lift a 4 x 8 platform up in the air with our sign, I think you have seen it, how that represents the 32 square feet and customers are still driving around looking for us, so we need help being identified. How did we access from the sides, from the front, we represent the only one that has two stories? With that many people there are a lot of office people in there, there is a lot of machinery, there is a lot of movement, so we take up the entire frontage of the building 1/3 of the way back. Attorney Drescher stated let me put it simply, they are the biggest operation in that building. I think everybody else has a smaller space. Mr. Nichols stated next we are going to talk about awnings for all three tenants. Attorney Drescher stated I might let Attorney Prolman speak to that. We are asking this for these folks here. Mr. Nichols stated I just don't want ourselves to grant the waiver and then... Attorney Drescher stated I think I understand your concern, is that what if all of a sudden somebody else moves in and they want to come in. Mr. Nichols stated and the landlord says yes and then we are here saying no, we have 210 square feet of signage. Mr. Tucci stated I wish Peter Levine of Amber Properties was here because I did contact him as the owner. Obviously when we spend as much money as has been spent to help make this building look better for Bedford and our employees, we know what is going on with the landlord and there is nobody that is going to request a larger sign because it is not needed.

Acting Chairman Duschatko asked would Attorney Prolman like to interject his knowledge on this. Attorney Prolman stated I am here on behalf of Amber Bedford Associates and the owner of the property is Peter Levine being referred to. You are absolutely correct. We have EIA out front, they are getting the big sign, the other tenants in the property do not need the type of visibility that

EIA needs, we do not expect them to come back for any signage. They are just asking for awnings so they could identify where they are in the building and a directional sign using an existing sign at the site. That is all we are looking for. We do not expect a sign request like EIA that is before you tonight for any of the other tenants.

Ms. Malcolm stated I have driven south on Route 3 before you get to Iron Horse Drive and I understand the issue you have with the land sloping down. Are you going to prune any of those trees that are there so that this sign can be seen? Mr. Tucci stated we have to. According to Mr. Levine there is an architectural drawing that has been approved by the Town to do so. It has been delayed. Ms. Malcolm stated right now nothing is visible. Mr. Tucci responded that is correct, but there is a plan in place to get it done and it has been a month already. Ms. Hebert stated there is a free-standing sign at the corner of Iron Horse Drive and South River Road and they are able to advertise all of the tenants in the building. Ms. Malcolm asked they are all of equal size? Ms. Hebert responded yes, at the same grade as South River Road, so it would be up on the corner and they do have some landscaping that is yet to be done at the site, pruning overgrown trees, not removal, and replacing some of the dead vegetation.

Mr. Fairman stated it is a great looking sign. It is too big, in my opinion. I drove down and went around the building today. You presently have a sign on one of the doors that says Eastern Industrial Automation on the glass pane. Are you going to remove that, because that is not included in your signage request and it would have to be unless you are going to remove it? it is another sign. Mr. Tucci stated that is our identification for somebody to know where we are. Mr. Fairman stated I understand that if you are saying it is temporary, that is fine, and I understand you might want a couple of temporary signs. Mr. Tucci responded it is a 1-foot sticker on the door today. That is the only identification we have. Mr. Fairman stated it is another sign, that's all. We don't allow multiple signs.

Mr. Fairman stated on your directional sign, it says Eastern Industrial Automation and when you go down on the south side of the building, but it is really on the west side of the building. Is that going to be changed or is that by design? Attorney Drescher responded I think that is what Attorney Prolman is going to be speaking to. Mr. Tucci stated that is for trucks. Underneath it should say deliveries or something. Mr. Fairman stated I assumed it was because your loading dock is back there, but your loading dock is not that far back. It led me to be confused when I looked at that so you might want to think about that.

Mr. Fairman stated I have a question for Ms. Hebert. What do you think about the garage door stickers and overlay? Is that another sign? Ms. Hebert responded the garage door is considered another sign, and that was not described in your staff report. The garage door in Bedford, that type of image is considered advertising so it does count towards your overall sign area, so that would be an additional 100 square foot sign for the mural depicting the types of equipment that you sell. Mr. Fairman asked so that is another required waiver? Ms. Hebert replied yes. Mr. Tucci stated we have to come up with a way to make this convenient for our customers locally. Today it is a disaster. Trucks are going all over the building, our customers don't know where to come into the building, we will have Brady Sullivan drop off a pump because one of their buildings doesn't have air or water, they need it repaired immediately. Where do you go? Do you go to the 1-foot sticker in the front, there is a side door that has no identification today? Do you go in the back where it says Eastern? It doesn't say deliveries or anything. Right now it is a mess, and we have thousands of customers from Manchester, which have been having issues today. We are really a mess today

and we need your help. The community needs your help. We are just trying to rectify what does it take. We have 200 feet of frontage on this building, not even counting the side, this is not that big of a sign. Today I have a 32 square foot sign that hangs above and customers still don't know where to go. I have it on a scissor lift right above the door and they still don't know where to go because they are just driving around. That is why we are here. I need some help.

Mr. Newberry stated I was over there and looked at it, the scissor lift kind of looks like something under construction was maybe why people don't read it as identifying you. Mr. Tucci stated I had it in the front that faced parallel to the building and nobody could see it because you come down the hill on an angle from the high to the low, and we put it on that angle purposefully to see if we can catch those coming down the hill because the customer is blind coming down the hill. Mr. Newberry stated I agree given your location that the proposed sign, although I am kind of interested in exactly how you arrived at 72 – 75 square feet, how you arrived at that size as being necessary. The other thing I am hearing is that you need some way of identifying a loading dock for your operation. Attorney Drescher replied yes; one of the proposed signs is like a decal. Mr. Newberry stated I saw that and that struck me and I was interested to hear staff confirm that that would be considered a sign because that is the way I was looking at it.

Mr. Tucci stated to your first question, how did we get to the size. We deal with Fast Signs in Manchester and he has done all of our signs for all of our 14 locations in the east. He came out, we measured up the appropriate square footage, height, length, width, everything we needed to ascertain what the size could be and then positioning it in the corner as far over as we could to catch that slope so the customers could see us from the road coming down the slope that identified that this would be ours and then go left. Right now they are going around. Mr. Newberry stated I agree that the site is a challenge to be visible. Do you want to ask for a waiver also to put some kind of signage on your loading dock to identify it? Mr. Tucci replied I think that is what was represented in the next piece here. We have three pieces. One is to identify us as Eastern represents the front of this building, how do we do that, and that is what this main image represents. The second was that we have an awful lot of companies that drop off gear boxes, pumps, motors to get repaired. How do they not just show up at the front door and how do they not show up at the back door at the loading dock, and that is why we have that drive-up built for them to come up and then we have a crane inside that picks them up and nobody gets hurt for safety. So we wanted to identify that door that they would be able to identify this is where I go, not in the front and not in the back, but the loading dock. The loading dock doesn't help us because you can't lift it up from the dock. You need to drive up to take it off a pickup truck or a flatbed truck, a product that is heavy. So we needed something to identify on that door, so we have the restrictions. We have multiple reasons to label these entrances. That is what the decal represents. Mr. Fairman stated it is not a loading dock, it is an unloading dock and an unloading door. Mr. Tucci responded that is correct. It is a 10 x 10 door that was built with a ramp and meeting all restrictions, that you can drive into the building, go under a crane, lift up heavy product, and put it on a workbench. Attorney Drescher stated again, the purpose of the decal sign is to notify the truck drivers when they arrive where they are going. Mr. Fairman stated what I saw on the picture doesn't really tell me necessarily that that is where I am going to drop something off. A sign that says customer drop-off might communicate better than that decal. Mr. Tucci stated with the restriction of signage by square feet, I figured maybe this isn't considered a sign. Mr. Fairman stated a decal is a sign. If you could come up with a smaller sign that might communicate better than that decal does. Ms. Hebert stated have you considered icy red as one of your colors. Have you considered painting all of your overhead doors red so that you can identify your area or your doorways? Mr. Tucci stated I have

a restriction because even the red that was on the building has turned to brown to match the rest of the building and that is what Mr. Levine wanted. Ms. Hebert stated I agree that it is a large building and there are several users with overhead doors, so having some identification for deliveries or some truck coming to pick up equipment would be useful.

Mr. Newberry stated just to explore a possible way of not making this too complicated but address some legitimate needs of your business, what if we made a condition that said that you could use ground signs within your property to direct people to your loading dock and to your public entrance and that those ground signs would be minimal size and approved by Planning Staff, and if staff and you can't agree, then you would have to come back. Mr. Tucci responded one point is that we are here to discuss the sign that is existing today causing confusion for deliveries. Mr. Newberry responded I understand that, what I am suggesting is a possible way of allowing you to address some legitimate needs and not make it overly complicated when and if we vote on your waiver for your main sign we add a condition to the effect that you can use minimally sized ground signs within your property subject to Planning Staff approval that direct your customers to loading docks, to front entrances. What I am thinking of are some internal signs that are minimal but sufficient to get people to the right places without making it more complicated and more waivers and more confusion. I don't know if that sounds acceptable to you and if staff feels that that might be a way of addressing some legitimate needs here. Ms. Hebert stated we could work on directional signage. I think it may also be helpful if there could be some minimal signage on the building just knowing how much pavement is on the site having something on the building to recognize a doorway as being a main loading area. Mr. Fairman stated some of those directional signs might have to be attached to the building, because there isn't a lot of land space to put them. Ms. Hebert responded yes. There is a lot of open pavement so it may be hard to have effective ground signs. Mr. Newberry stated you would simply make it directional signs necessary for identifying loading docks and entrances that meet the approval of the Planning Staff. Mr. Tucci responded I appreciate your request; it is confusing today that there is only a small swath of entrance pavement to come in when you come down Iron Horse Drive and make the quick left. You have to make an immediate right for a tractor trailer to go in the back. There is not too much room to have ground directional signage to say take this angle into this door for service. It is either you go in the back, go in the front or take an angle to the service door. It would have to be something on the door itself to say enter this door for service or drop-off or something on that door.

Ms. Hebert asked could you show us on the site plan the doors that EIA has? Mr. Newberry asked if we made it a condition something on the order of directional signs necessary for identifying loading and customer entrance as approved by staff, that would give you the flexibility to put it on the door or on the building or on the ground, whatever is going to make sense, to facilitate people finding what they need on your operation.

Mr. Newberry stated it sounds like we are not going to design it here tonight, and what I am suggesting as a possible way forward is to provide a condition that allows you to assess your needs and then work with staff to get directional signage within your location necessary to support your operation. And then if you and staff cannot agree, the condition would be that you have to come back to the Board. Attorney Drescher stated just so I am clear, if this was to be approved with these conditions, we technically can come up with these designs, come to the Planning Staff and we might be able to be blessed there and not have to file yet another waiver. Mr. Newberry responded that is what I am suggesting but I don't know if the Board supports that. I put that out

as a way that I think would allow you to address some legitimate needs without the Board being concerned that we are giving you carte blanche to just slap signs anywhere and everywhere. Mr. Tucci responded understood. We want the place to look great. He has a beautiful place; it has been idle for 12 years, we love this building, we are so glad to be in it, Bedford is my home, I want it to look great. Right now it is just confusing.

Acting Chairman Duschatko opened the meeting for public comment or questions.

Attorney Prolman stated just so everyone knows, you are going to hear me talk about the directional sign that is there today. We have a picture of the sign. It is not going to be replaced but the panel is going to be revised so that it will read Eastern Customer Service Go Left, Eastern Delivery Go Straight. My client told me that request has been made to the owner and we are going to make that happen. In addition to the suggestion that condition, I think that is a great idea. We will be able to help a little bit as well.

Acting Chairman Duschatko closed the meeting for public comment or questions.

Mr. Newberry stated I would suggest that we hear the other waiver requests before acting on this one just so we understand the whole of the site and then take those waiver requests separately. I would also suggest that is up to the Chairman. Acting Chairman Duschatko stated that is a good idea. Mr. Fairman asked you said we should vote on each waiver separately not as one big package? Mr. Newberry replied yes.

Attorney Prolman stated I am here on behalf of Amber Bedford Associates, Peter Levine being the owner. Our request to you tonight couldn't be simpler. We are proposing three awnings on the north side of the building, and the north side of the building is opposite Iron Horse Drive and faces the woods and the sport center complex to the north of us. The three other tenants besides Eastern Industrial Automation have requested awnings just for snow and rain a little portion of the awning showing their name and the unit number, being A, B, C.

Attorney Prolman stated the posted plan is not the final up to date plan because we showed new entrances into the north side of the building, but there are three staircases going into the building now and all we are trying to do is put small awnings over those doorways.

Attorney Prolman stated posted on the screen you can see the awnings are just basic triangular mostly coming off from the side of the building, they will be blue. I am advised that in that front panel we will have the tenant name and unit number. The awning size are not specifically permitted in your sign ordinance or the Performance Zone, so we have the waiver request to have these three awnings. We think it will be an amenity, we think it will be helpful for the tenants, both their employees coming and going out of the snow and rain, we think it will help Eastern Industrial Automation because people are still lost and will eliminate the process of elimination to get to EIA. That is our first request for the three awnings.

Attorney Prolman stated the second request is there is an existing directional sign. Many of you have driven by the site, I was there today, and it was there with the building when my client purchased the building and when we came before you back in June and we got out site plan approval. That sign was always a piece of the puzzle, we always intended to use it in some fashion, so we all we are doing is replacing the panels of an existing sign. The signs dimensions were

provided to you, it is roughly 4.3 feet x 6.1 feet, it is the free standing directional sign. As I mentioned a moment ago, one of the comments earlier is that you are going to manage the landscaping, you are going to be pruning and we will be pruning this bush that you see in front of the sign on the posted photo. EIA is we are directing to go straight, very confusing for EIA, the customers go straight, they drive around the building, there are no signs at all on the building today so I can understand the concern and the need for better signage for EIA. The other tenants do not have customers, you and I can't go there and show up and purchase something, so this panel is going to be revised such that there will be an EIA customer service go left, EIA deliveries go straight. I think that will help in addition to the discussion that we had before. That is all that we are doing. The sign is internally lit. There was a comment that we should comply with the opacity of the sign, that is perfectly fine, we have no issues with that, so those are our requests tonight. The free-standing sign needs a waiver because it is too close to Iron Horse Drive, 30 feet is required and it is approximately 10 feet right now, but, again, it is existing, we don't want to pick it up and move it, we think it is in a good location where it is to help direct people. If we were to comply with the 30 feet, we would need to be in the middle of a drive aisle, it would be in some landscaping and we would have to have a directional sign to get to the directional sign.

Attorney Prolman stated those are our requests to you tonight. We believe that we meet all of the criteria of Section 275-58, the Performance Zone sign waiver criteria. We don't believe we have any adverse environmental impact to Bedford or to this site with the proposed awnings and the existing directional sign. We believe that we continue to support the tax base; this property was idle for many, many years, my client purchased, has a great bunch of tenants in there now, fit-up work is nearing completion, so we are almost done and turning everything over to the tenants. We believe that this property is an asset to the public infrastructure of Bedford with having no adverse impacts to any municipal sewer, water supply or the highways. There will be a sign on the intersection of Iron Horse Drive and South River Road. Believe it or not, we are stuck in the supply chain problem, we are waiting on a granite post to hold up the metal sign, but it is coming. We are told it is a couple of weeks away. With that sign on South River Road and the signage we are proposing here, we think we will be helping any possible traffic concerns for the Town, and we don't believe we have any adverse effect on historical, cultural, natural features with the awning request and the directional sign. I am happy to answer any questions.

Mr. Fairman asked you are asking for a waiver for the second monument sign, which is the existing sign? Attorney Prolman responded correct. Mr. Fairman asked the sign that going to be on the corner is 100 percent compliant to requirements in size, setbacks and everything else? Is that correct? Attorney Prolman replied I believe so. I have not seen that sign application, but I am told by my client that it has been reviewed by staff and there are no issues with that corner sign on South River Road and Iron Horse Drive. Mr. Fairman state thank you; that clarifies it.

Mr. Newberry stated the other tenant entrances are on the north elevation? Attorney Prolman replied no. Priority Express is the shipping company and they enter in this area on the eastern side of the building. When you drive around, you will see a lot of vans located in this parking area, they are supporting the Priority Express business. There is a mezzanine tenant and they access through this end little bump-out over the property, and then the other tenants use the north side of the property. Mr. Newberry asked two of the three canopies would be on the east elevation and one would be on the north elevation? Attorney Prolman replied no. All three will be on the north elevation. Mr. Newberry stated I was trying to get that clear in my mind. Attorney Prolman stated when you drive by the site today, this plan doesn't depict that, there are new entrances and concrete

stairwells going into the new entrances that we just banged into the walls recently. Mr. Newberry asked so the awnings will all be on the north elevation but there are some operational entrances on the east? Attorney Prolman replied exactly.

Mr. Fairman stated there are a couple of awnings already on that north side of the building. Are they going to be removed or are they staying or will they be complementary to the others? Attorney Prolman replied I was there today and I don't recall seeing any awnings on the north side of the building. Mr. Fairman stated two on the north side to the easterly end of the north side. Attorney Prolman responded I don't doubt you I just don't remember seeing them, they didn't stand out to me. Mr. Fairman stated they are not particularly ugly and they are not worn, they are not bad, I was just curious if they would be similar in nature and color to the others. Attorney Prolman responded it is hard for me to answer because I am not familiar with those. If they are useful today, I am sure the tenants are going to want to keep them, but the three awnings with a little bit of signage is all we are asking for tonight.

Mr. Newberry asked could you point out where the existing sign up on South River Road is roughly? Attorney Prolman replied there is no sign on South River Road today. There was a realtor sign roughly in this area for many years and that is approximately where the new sign is going to go. Mr. Newberry asked there isn't a site plan to specific exactly where that is going to be located? Attorney Prolman replied I don't have the full site plan package in front of me. I believe it was part of the site plan, it was a separate site plan application. Ms. Harris stated it was approved as part of the site plan approval. Mr. Newberry asked it is established? Ms. Harris replied it is already established. Mr. Newberry stated that was my concern.

Ms. Malcolm asked you are going to have three awning entrances on the north elevation, which will have minimal signage identifying whatever, are you going to need any signage on the east side saying park your trucks here or are you going to need anything additional on the east side? Attorney Prolman replied not that I am aware of. I don't believe so. The four tenants who are there today, are long-term tenants according to their leases and what you have before you tonight is the only request that they have made to us to landmark, which makes sense because they are not open to the public, they have limited need for any signage.

Ms. Malcolm stated I don't really have any issue with the awning signage; I think it is probably a good idea.

MOTION by Ms. Malcolm that the Planning Board approve a waiver from Section 275-68 of the zoning ordinance to allow awning signage up to 32 square feet each with three tenants as proposed for Lot 35-13, zoned PZ, in accordance with the application material submitted by the applicant and owner, Amber Bedford Associates, last revised October 1, 2021, as the Planning Board finds the applicant has shown substantial compliance with the purpose statements of the Performance Zone, with the following condition:

- 1. Prior to the issuance of a sign permit, a certificate of occupancy for the building shall be issued by the Building Inspector.**

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

MOTION by Mr. Newberry that the Planning Board approve a waiver from the Table of Performance Zone Sign Standards, Table 6 of the zoning ordinance to allow building signage of 75.6 square feet and a 17.9 square foot sign for one tenant, Lot 35-13, zoned PZ, in accordance with the application materials submitted by the applicant, Eastern Industrial Automation, last revised June 29, 2021, as the Planning Board find that the applicant has shown substantial compliance with the purpose statements of the Performance Zone in their waiver justification, subject to the following conditions:

- 1. Prior to the issuance of a sign permit, a certificate of occupancy for the building shall be issued by the Building Inspector.**
- 2. Up to 32 square feet of building signage is permitted for all other tenants.**
- 3. Directional signage be installed in the site to customer entrance and loading dock as approved by Planning Staff, and the applicant will return to the Planning Board if there is disagreement on that signage.**

Ms. Malcolm duly seconded the motion.

Ms. Hebert stated I believe they withdrew the 17.9 square foot tenant sign. You could subtract that. It was not clear to staff, but they did add the decal sign on the overhead door, so you could take that up as a separate motion or you could add that into this. Mr. Newberry stated I thought I heard the applicant say that they were not going to have a sign over the entrance. He is nodding yes. Mr. Fairman asked we are disapproving the decal on the door sign? Ms. Hebert responded yes. You would need to either have a separate motion on the decal sign or you could add that into this motion. Mr. Newberry asked do we need to specify that or will that be a part of their proposal to work with staff on how to effectively address their directional signage. Mr. Fairman stated I think that since it is in their request to include the decal sign, I think we should include it as a condition here that the garage door decal is not permitted and will be replaced by directional signage approved by Planning Staff. Mr. Newberry stated and we explicitly deny the proposed garage door decal. Ms. Hebert the amendment to the motion would be subtracting the 17.9 square foot sign.

Mr. Newberry amended the motion to strike the reference to the 17.9 square foot tenant sign, and amend Condition #3 to read as follows:

- 3. The applicant may seek directional signage for the customer entrance and loading dock within the site, as approved by the Planning Staff and shall seek Planning Board approval should agreement on design not be reached.**

Ms. Malcolm seconded the amendment to the motion.

Mr. Fairman stated I would like to clarify that the sign over the door is not going to happen. Acting Chairman Duschatko replied that's correct. Mr. Newberry stated that is what I thought I heard.

Acting Chairman Duschatko called for a vote on the motion as amended. The amended motion carried on a unanimous vote.

MOTION by Mr. Fairman that the Planning Board deny the use of decal signage covering the customer service garage door, because the request does not meet the spirit and intent of the Zoning Ordinance and no compelling hardship or substantial compliance with the purpose statement of the Performance Zone has been shown. Mr. Newberry duly seconded the motion. Vote taken - all in favor. Motion carried.

MOTION by Mr. Newberry that the Planning Board approve a waiver for the Table of Performance Zone Sign Standards in Section 275-73(c) of the Zoning Ordinance to allow a second free standing directional sign on the same parcel less than 10 feet from the right-of-way boundary for Lot 35-13, Zoned Performance Zone, in accordance with the application materials submitted by the applicant and owner, Amber Bedford Associates, last revised October 1, 2021, as the Planning Board finds that the applicant has shown substantial compliance with the purpose statements of the Performance Zone, with the following conditions:

1. The second freestanding sign shall conform to the Town's opacity regulations for internally illuminated signage as noted in Section 275-73(L) of the Zoning Ordinance.
2. Prior to the issuance of a sign permit, a certificate of occupancy for the building shall be issued by the Building Inspector.

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

Concept Proposals and Other Business:

1. Development Update

Ms. Harris presented updates on developments within the town, including completed and those currently under construction. Those include:

Eckman Construction industrial building, Bellmore Drive, completed.
TRM Microwave expansion, Sunset Lane and South River Road, completed.
Bedford Academy, 21 Eastman Avenue, completed.

MEGA X gas station, South River Road, close to completion.
Pressed Café, under construction.
Harvey Construction warehouse, Harvey Road, under construction.
Bank of New Hampshire, 32 South River Road, under construction.
28 South River Road commercial building, seeking end user, under construction
Bow Lane apartments, under construction.

Mr. Newberry stated it would be nice if we could promote this presentation on the Town's website. It would be nice to have this visibility to all Town residents. Ms. Hebert stated we could add a pdf and more description text.

Mr. Fairman stated there are two residential developments that seem to be on hold. The one on Stoll Road where the site preparation was done some time ago. The other one is on Ministerial

Drive. Site preparation was started and then stopped. Ms. Hebert stated I believe they are both on hold because of Covid related construction delays and increased costs.

V. Approval of Minutes of Previous Meetings:

MOTION by Mr. Newberry to approve the minutes of the September 13, 2021 Planning Board meeting as written. Ms. Malcolm duly seconded the motion. Vote taken - all in favor. Motion carried.

VI. Communications to the Board:

Ms. Hebert stated I wanted to give a shout out to the Clean-up Bedford, the Cub Road Club Program. The Town is hosting a road clean-up event this Saturday, October 16th from 9:00am to 3:00pm and encourage you to participate.

Ms. Harris stated the 2022 meeting dates and deadline schedule has been distributed to the Planning Board and it is posted on the Town website.

VII. Reports of Committees: None

VIII. Adjournment:

MOTION by Mr. Fairman to adjourn at 8:30pm. Ms. Malcolm duly seconded the motion. Vote taken – all in favor. Motion carried.

Respectfully submitted by
Valerie J. Emmons