

# Town of Bedford Planning Board Minutes November 7, 2022

A meeting of the Bedford Planning Board was held on Monday, November 7, 2022, at the Bedford Meeting Room, 10 Meeting House Road, Bedford, NH. Present were Charlie Fairman (Chair), Hal Newberry (Vice Chair), Steve Clough, Chris Bandazian (Town Council Alternate), Phil Greazzo (Town Council), Priscilla Malcolm, and Becky Hebert (Planning Director). Absent were Matt Nichols (Secretary), Matt Sullivan, Chris Swiniarski (Alternate), John Nelson (Alternate).

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

Chairman Fairman called the meeting to order at 7:00 p.m. and confirmed with Ms. Hebert the Board had a quorum.

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

## **III. New Business:**

- 1. Eckman Construction Company (Applicant) & Silver Stream Properties, LLC (Owner) – Request for site plan amendment for modifications to the parking lot and architectural approval of the Phase II building addition, located at 6 Bellemore Drive, Lot 1-18-20, Zone SI.**

## **IV. Concept Proposals and Other Business:**

- 1. Discussion of Draft Zoning Amendments**
- 2. Discussion of InvestNH Planning and Zoning Grant**

Ms. Hebert reviewed the agenda.

**MOTION by Vice Chair Newberry to approve the agenda. Ms. Malcolm duly seconded the motion. Vote taken – all in favor. Unanimous. Motion carried.**

## **III. New Business:**

- 1. Eckman Construction Company (Applicant) & Silver Stream Properties, LLC (Owner) – Request for site plan amendment for modifications to the parking lot and architectural approval of the Phase II building addition, located at 6 Bellemore Drive, Lot 1-18-20, Zone SI.**

**Matt Walsh of Eckman Construction presented:** Good evening, Chairman Fairman, Ms. Hebert and the rest of the members of the Board. My name is Matt Walsh. I come to you this evening as not just a Bedford resident but also a co-owner with my father in Silver Stream Properties and Eckman Construction, both of those businesses. We are before you tonight to present minor amendments to the site plan. Just to give folks an overview, I was before you twice in the summer of 2020, once in June,

and I believe the second in August. And we presented that in two phases at that time, so that we could get site work going while we waited for the larger alteration of terrain permit that summer.

We proceeded with constructing the full site with the anticipation of constructing this Phase II addition when conditions allowed us both financially and, in the market, to be able to rent out the space. And truthfully, we were not intending to be back in front of you in two years. We were thinking it was more of a 5-year timeline, but we'd like to get this project going. We've got significant interest in the space. We have basically always laid out all of the infrastructure requirements. We constructed the site complete, including the subsurface cisterns, propane tanks, leach field, everything on the site already has been constructed to receive this addition. We've probably thought and triple thought through it and what's left to do is really build the shell. It's a fairly straightforward addition. It's about just under 9,000 square feet. It will be comprised of two industrial units of about 4,500 square feet each. That will add to the three existing units that are within the core building that stands there today that we completed in the summer of 2021.

If I could just draw your attention to the site plan. We've really made, and just to note we have an ample amount of parking for what we're proposing; we require 37 spaces and we're providing 50 on the fully built out site that exists there already. We've simply made some modifications to the parking lines just to accommodate the garage door layout that's anticipated to the addition. There will be either two or three small garage doors on the rear of the building facing the woods. To the east elevation, as you can see right here where my cursor is, there'll be one small garage door there as well. You can see the updates. We've made just some modifications to the site plan to accommodate the pass door as well as the vestibules and the sidewalk entries into the addition space itself. Those modifications have been submitted in red from the fully approved Phase II site plan that we came before you in August of 2020 with.

In addition, I'm just going to jump over one of the conditions of the Phase II approval was that we would need to return to this Board and approve the architectural design of the Phase II addition, having already approved the footprint of that addition itself when we fully built out the site. So that addition is, as you can see, going to very closely mimic the building that's already there. We draw the public's attention to the entry of the vestibules into these tenant spaces by constructing a protruding darker gray aluminum composite material vestibule that protrudes from the building. Then the balance of the building is a lighter gray, fully insulated metal panel that comprises the rest of the shell. It is not currently planned for any second-floor space, but we've decided to carry the same windows through because we're building complete 22-foot clear warehouse space to match the existing or what we were able to determine was in most need with our other units that are fully rented. So that's the architectural rendering as you're standing on Bellemore Drive today.

I just wanted to give folks a quick look. This is a fresh aerial photograph taken about a week ago, and we have the grass footprint to this building to the Phase II addition. As I mentioned, the site has been completely built out already to receive this. Obviously to do our work we'll probably have a little bit of asphalt work to complete the project next summer, but the footprint is very clearly laid out in what's been left as the grass pad that you see in that photo. And again, it compares about 20,000 square feet on the existing building and about 9,000 on the addition itself, so it gives you just a good sense of space. I think the project from what I've explained is relatively straightforward on the approval for the architectural elevation and the minor site plan modifications. So, without further ado, I think I'll turn it back to you, Ms. Hebert.

Ms. Hebert stated the Board can answer questions, ask questions. Mr. Bandazian stated we have a comment from abutters about screening the materials that are now being stored in the parking lot. Mr. Walsh replied yes, sure and I'm happy to address that. We just got word of that e-mail that was received today. We do run a construction company and built this facility primarily for ourselves to have one of the units. We have a couple of trailers in the photo. Actually, everything that we have stored outside is right there in the photo. Once we've gotten this addition complete, we're anticipating dedicating 2 to 3 outside parking spaces to small trailers, and we'd be happy to designate those on the plan. But everything that we own would be easily able to be stored inside and I would like to comment back to the English Woods Homeowners' Associations that brought up the comment. Yes, we live here in Bedford. We want to present a great facility, and we care about the Community, and we certainly pride ourselves in what we have built for phase I. We want to do the same on Phase II. We're certainly going to look at that and as we get through the construction and complete the building, like I said, we would like to dedicate—we have a couple of I'll call them small car-sized trailers. You can see one of them right down here. We'd like to dedicate when the addition is done, a couple of these spots that are in the back protected by this building because this will be our unit for our business in the addition, a couple of designated spots for trailer parking. And that was one of the suggestions that we highlight that on the plan and provide it back to Planning, which we have no problem doing.

Chair Fairman stated the abutter also mentioned the water situation. Could you talk about that a little bit? Mr. Walsh replied yes, I'm happy to talk a little bit about the water. I guess there was concern and I apologize I just read this a little bit ago. There was concern on watering apparently because there's a water ban in English Woods. I'm happy to take that concern to light, and perhaps there was a comment that the watering has been on even during the rain, so maybe we have a rain sensor. That needs to be corrected. We're not going to sit here and say we're not going to water at all because we had to meet landscaping requirements to build this property. And we don't want to let it just all pass, but we're not here to create tension with the neighbors. I don't want to be running the sprinklers if they can't even take a shower if there's water problems. We're happy to listen, and I'd also encourage publicly to the English Woods Homeowners' Association please reach out. Send an e-mail. We've been in this building for two years, and we haven't been contacted directly and communicated. We're happy to talk through those items. Like I said, we're not some California developer building in Bedford. We live here and we certainly want to treat people like that. Chair Fairman added I appreciate, first of all, the building looks very nice. I see it every day. It looks pretty nice. Mr. Walsh said thank you. Chair Fairman continued I appreciate your wanting to make your landscape, but since you're in the same water table as the neighbors, the abutters, if they have a ban, you probably ought to have a ban. So, work with them and follow the same rules that they are relative to water. Certainly, I'd be pretty upset if I lived in a home, and I couldn't water my lawn and a newly constructed building is watering their's right next door. I understand their feelings there, so work with them on that. Follow the same rules. One other thing now that's showed up in the pictures is the dumpster. Is that not screened? It doesn't look like it in the picture, and I'm surprised that we would have allowed that in the last... Mr. Walsh replied yes, admittedly we have a woodwork tenant in the last space against the woods, and there's a concrete pad there that was not intended to be a dumpster. They've actually recently, or six months or so ago, just got a small 4-yard wood debris dumpster, because it's directly related to their business. But there's certainly a way we could set that up. We have a cardboard dumpster that is in the screening that's barely used so we could swap that out for a wood dumpster pretty easily without having to spend additional money to enclose a small wood dumpster. Ms. Hebert commented even the small wood dumpster would need to be enclosed with a fenced enclosure. Mr. Walsh replied again, first I even saw of that item, and just didn't think much of it when they added that a few months back. I'm happy to address that.

Vice Chair Newberry said you mentioned garage doors. Will those be shipping and receiving points? Mr. Walsh replied we don't have the final—I'll say we are going to be one of the two-addition tenants, so not really a shipping and receiving more just an access for stored construction materials. Our vehicles are not in and out of this facility very much—very low traffic. We have not rented the third space, so it's being built on spec. So, there's just two garage doors. When we put the three units out to the market—or two of the three—when we built the place we were, I guess, and it's a great thing for me to be able to say to the Board, we were incredibly selective with the people we allowed to rent in this facility. We probably received about 5,000 hits on our online ad for the spaces. We had all kinds of different businesses that we felt were going to be disruptive or have too much traffic, and we selected tenants very carefully. It's a private business. We can be very careful with who we take for tenants. We selected tenants that had very low traffic. The primary tenant against the road, they're a significant business out of Great Britain. They have one delivery truck who comes in, might be once a day. One driver knows the site very well. It's a small truck. That's the type of tenant we're looking for. I don't know that tenant right now, so I can't make statements about what their uses would be, but our intent is to find a tenant that has very low traffic use to this site—quiet, fits in with the neighborhood, fits in with us so that we're not competing for parking and whatnot. We'll continue to take that same approach as we look for this tenant. Vice Chair Newberry said thank you. Traffic was specifically my concern around garage doors and whether you anticipate any significant change upward in traffic there and it sounds like you're being selective in your tenants so that that doesn't become an issue. Mr. Walsh added I want to say right now, this is an active photo taken in the middle of last Thursday, right in the middle of the workday. You can see the three cars to the first tenant and then against the woods in the back you can see five cars. That's the full occupancy of our existing building—all of the employees parked with those two tenants. One is dedicated completely to storage of material and no active employees.

Chairman Fairman asked do you have adequate turn space if a tractor trailer wanted to come in and back up to one of those doors in every case? Mr. Walsh replied we don't, and it's not designed to take tractor trailer deliveries purposefully. We even ask those questions when the tenants are applying. This first tenant, it's a 20-foot box truck. It works great on the site. There's plenty of room, but we do not have the room. We can drive a tractor trailer around the building. We do not have the room to back up to the doors to the addition, and it's just not intended to be used that way. Chair Fairman said thank you. Any other questions, comments of the Board? Vice Chairman Newberry stated I see in your aerials some other containers. Are those going to disappear? Is whatever they're used for going to be incorporated into the structure? Mr. Walsh replied yes, so right now we have just some temporary—and it's kind of a running joke in the construction business—but we held onto a couple containers this summer because of the supply chain and logistics challenges. You couldn't get them, so we had them on rent from a few projects last spring. No place for them to go in between jobs, and we actually held on to them. Normally going forward when we can actively rent containers, we empty them into our storage unit. We don't want shipping containers on site, but the last two years has been something we haven't seen in our business logistically. We literally couldn't even rent containers, so we decided to keep them. Going forward I can make an easy statement that we just won't have containers. If that's an issue, we're happy to empty them. They really don't have much in them.

Chair Fairman stated if there are no further questions or comments, are there any questions from the public? Please step up to the mic. State your name and address.

Mr. Robert Poirier addresses the Board: Mr. Robert Poirier, 5 Danforth Drive in English Woods. Thank you for having us here. I just want to thank you for addressing the concerns that we had sent in as far as the water situation. I've been one of the original builders and homeowners there. We've been there about 24 years. We've raised two children there, great neighborhood. We've taken pride in our neighborhood, and we did have some concerns when Phase I proposal came through. As you said, you've been a very good neighbor. The nice building. The property is maintained extremely well. We just started to get concerned when we started to see this buildup of equipment and containers and dumpsters, and this was even before we realized that there was going to be a hearing for Phase II. I brought it to the Planning Board's attention and just questioned is there more to come? Are we going to see more of this type of equipment being stacked up and stored in the parking lot? But it makes sense now that this is going to be used for part of the buildup of the of Phase II. We did have, as you stated, the concerns about the watering. Probably for the past 10 years, we've had issues there with very low water table. For the past couple of years, it starts off that we're on an odd-even, then we go to two days and then before we know it before summer hits, we're on a total water ban. Needless to say, our landscaping is nonexistent. It's just, I don't want to say frustrating, but it's concerning. It's disheartening when we're on a water ban and when we walk our dogs around the neighborhood and it's pouring rain and the sprinklers are running on other people's property and just, we just wanted to voice that as a concern. Hopefully it's going to be addressed. One of the other things that I noticed in some of the things I was reading today was the lighting situation on the building. It stated that the lighting would be from, I believe it said from 8:00 am until 10 or something like that. I forget exactly what the time was, but the lights seemed to be on from dusk to dawn. I don't know. It said something about general lighting versus security lighting. That area seems to be very well lit from dusk to dawn, especially now where we're beyond past peak foliage, and we've got a clear shot. I think I sent a photo in of our neighborhood looking through what very little woods are there now. We've got a clear shot of the property, and it's even more visible at night when that whole facility is lit up. So, just more of a question on the lighting. Is there general lighting versus security lighting? And it just seems to be the lights that come on when it gets dark are the lights that stay on all night.

Mr. Walsh replied lighting is definitely something that I want to be as clear as possible on, and I can certainly appreciate your concerns. Security is a huge concern for us. It's the only reason. I really don't want to pay for the electric bill, especially it just doubled. We're considering doing an entire rooftop array. We've designed the building to take complete roof top solar array. We'd like to be off the grid at some point. But until that's able to happen, it's cost prohibitive at the moment. We've had, not to get into specifics, but we've had several security issues with theft. And we want to provide a safe site and it's a specific request from the business community that rents from us. What we might be able to find is some kind of a meet in the middle where we could dim the lights that face your neighborhood on the back. If we could at least put the Phase II. I'd have to look at some electrical circuiting for Phase I, but the Phase II lights that we'll have above the garage doors, perhaps those could be dimmed at night while the rest of the building facing the street remained on. Because it is a real concern for us. I certainly don't want to stand here and make any commitments to turn all the lights off. I don't know if that's something that might help. I'd be happy to look at it as we get into the electrical design. Vice Chair Newberry stated I have a comment. You might consider something like minimal lighting and then additional security lighting on some kind of a motion detector. That might discourage traffic they don't want there, but if you get that traffic then if you had your full security lighting on a motion detector, you might be able to have a little bit of both. Mr. Poirier added it is gated. From what we can see there, both entrances are gated and locked at night, so it's not like you're going to have traffic through there at night. Mr. Walsh replied yes, we went out of our way to go back and put in the gates because we were having vehicles go behind the building at night. We put in an extensive camera system. It can read

license plates at night. It's a top-of-the-line system. We had some serious issues. We actually had a vehicle stolen from the property. So, it's something that that's always on our mind, and I was actually there an evening recently and I watched two vehicles go down the street, park on the side of the road, turn their lights off. I don't know if it's kids engaging in whatever. We've actually made requests to a few folks we know just on BPD. Hey, if you're in the community, can you make a couple extra loops occasionally? It's certainly a security concern in the area, but we'll look at the motion detector lights. Maybe we can add a couple extra. We're on the same page here. We want to address it. I just don't want to make the statement that we'd shut all the lights off based on that.

Chairman Fairman asked Ms. Hebert, in the original review, I assume we had a lighting plan that showed that the lights didn't violate our requirements? Ms. Hebert replied yes, there was a full review of the lighting for both Phase I and Phase II. The lighting plan met all of the Town's requirements. And this approval and the previous approvals included conditions that the lighting be turned off by 8:00 pm, aside from lights that are needed for security purposes. So, I think finding the right balance and compromise in that we can work with the applicant to make sure that it's reasonable and meeting the intent of the condition. Mr. Poirier replied it's a beacon. I can stand on my second floor and look out, and it's just—especially this time of year—we can see everything over there. Mr. Walsh added and it's even worse when the leaves are gone. Mr. Poirier agreed. Mr. Walsh replied we'll we'll definitely look at it for the addition. I'm just going to think about the first Phase building all the exterior lights. It would be extensive circuitry work to redo it. So, I'd have to just give that a little bit of thought. Mr. Poirier added I'm an electrician. I can help you. Mr. Walsh replied we might be able to meet in the middle here. Mr. Poirier continued no, again, this is by no means complaining about anything you have done or you're doing. As we saw things starting to happen there, we just figured we would bring it to the Planning Board's attention before we get out of control. Ms. Hebert stated one thing you may not have looked at, I just thought of this, is applying shields to the lights so that all the light is down directed and not glaring off the site. Lighting is funny. The lighting plan meets our requirements, but sometimes if you apply a shield or a screen to the light, it can help with glare. So maybe there are some fixtures that need to be shielded. Mr. Walsh replied yes, that might be easily doable like on the back of the building. That's really what you're concerned with, right? I don't think you're concerned with the lights in the front. Mr. Poirier replied right. Especially now that we can see all of the containers and all that when it's when it's lit up at night. And then we did read that the general lighting was supposed to be off by 10 and just security lighting. And it just seems like the lights that come on at dusk stay on until morning.

Mr. Greazzo asked Mr. Poirier, regarding your water ban that you're operating under that you mentioned, can you explain that a little bit? Mr. Poirier replied yes, we're serviced by Pennichuck Water, and we have a small pumping station there. We have two wells that service the 19 homes in our neighborhood. For probably the first 10 or 15 years, we never had a problem. It was when the new building started down towards White Ave. You had the gas station, the car wash. You had the pool company come in. You had Eversource come in. It seemed like the more infrastructure that came in down the road, the more problems that we started having with water. There have been times where we've completely run out of water where Pennichuck has actually had to truck water in. We have underground holding tanks where they truck water in just so our wells can have a little bit of time to sort of regenerate and keep up with the demand. But for the past couple of summers, we've started off like I said with odd-even, I don't even think this year we went odd-even. We just started off with two days a week. We have a 2-hour window, two days out of the week, and then they monitor that. And once they see that the demand or the supply is just not keeping up with the demand, we just go on a total water ban. We're not allowed to do any outdoor watering whatsoever. Mr. Greazzo asked is that something imposed by Pennichuck or is that something imposed by the homeowner's association? Mr. Poirier

replied by Pennichuck. Mr. Greazzo asked and you're on Pennichuck as well? Mr. Walsh replied no, we're in private well. Chair Fairman asked so, it's a separate watering system from the general Pennichuck? Totally separate? Mr. Walsh said yes. Mr. Poirier replied it's all wells. Chair Fairman asked Pennichuck has local wells in that area? Ms. Hebert stated it's a community water system. Chair Fairman replied I know it's a community water system, but it's Pennichuck. Ms. Hebert clarified managed by Pennichuck. Mr. Poirier stated needless to say, we're very disappointed when early summer comes and a lot of us put a lot of hard work and money into the landscaping of our properties, only to see it completely dead right at the beginning of the summer. It's frustrating. We are working with Pennichuck to see if there are other alternatives as far as maybe a seasonal line or something that can be run over there, but for the time being we've just been put on a total outside watering ban. Chair Fairman said thank you, Sir. Chair Fairman closed the public hearing seeing there were no additional questions.

**MOTION: Ms. Malcolm moves that the Planning Board Planning Board grant final site plan approval for the proposed Phase II improvements including a 8,960 square-foot building addition with office and light industrial uses, at Bellemore Drive, Lot 1-18-20, in accordance with engineering plans prepared by Keach-Nordstrom Associates, last revised August 5, 2022, in accordance with the following findings of fact:**

- **The request is in compliance with the purpose and intent of the Bedford Land Development Control Regulations.**
- **The Board also includes all facts found in the meeting minutes into this decision.**

**This approval is granted subject to 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. All conditions of the June 22, 2020 and August 17, 2020 site plan approvals remain in effect.**
- 2. The Plan shall note any outside storage of materials and label parking spaces that are proposed to be dedicated to storage of construction vehicles or trailers. A detail shall be provided for proposed fencing enclosures.**
- 3. The Plan shall be updated for any changes to the proposed exterior lighting with an amended lighting plan.**
- 4. Active site operations shall be limited to the hours of operation, 7 am to 8 pm, and all exterior lighting, apart from what is necessary for site security, shall be turned off by 8 pm.**
- 5. Prior to the issuance of a certificate of occupancy for the building, all site improvements depicted on the plan shall be completed.**

**Vice Chair Newberry seconded the motion. Vote taken – all in favor. Unanimous. Motion carries.**

#### **IV. Concept Proposals and Other Business:**

## 1. Discussion of Draft Zoning Amendments

Chair Fairman stated next item on our agenda is a discussion of draft zoning amendments. Ms. Hebert stated in your packets for tonight you have a staff report outlining eight proposed zoning amendments that have been drafted by staff for the Board's review and consideration. They are in draft form and we're bringing them to you early in the zoning amendment process to give ample time for discussion and any changes that the Board might have. The process for reviewing zoning amendments is to discuss the zoning amendments in November and at your first meeting in December. At your second meeting in December, on December 19th, the Board will need to vote to officially post the list of zoning amendments for public hearing. And then you'll hold two public hearings in January, on January 9th and January 23<sup>rd</sup>. Along with a public hearing on any proposed zoning amendments by the Board, you'll also include any amendments that are proposed by citizens petition in review at those public hearings. At the end of the second public hearing, the Board will vote on which amendments you want to move forward to the 2023 ballot. The amendments were initially discussed at your Workshop meeting in September, so these come directly from our discussion at the September Workshop.

### Amendments 1 and 2:

Ms. Hebert stated Amendments 1 and 2 have to do with changes to the zoning for elderly housing. These amendments are intended to remove elderly housing as an allowed use in the Office Zone, the Commercial Zone, and the Commercial 2 Zones, and to reduce the permitted density from 28 units per acre to 18 units per acre. These changes are being made in response to a recent change to state law, HB 1661 that will make any local incentives for elderly housing interchangeable with workforce housing. So, we wanted to more closely align those two uses in the zoning ordinance to make the zoning more predictable and in line with what we have today. Do you want me to go through each amendment and then have questions and answers, or would you like to talk about each set of amendments as I present them? Chair Fairman asked what's the pleasure of the Board on that? We've been throwing in some detail in the Workshop, but perhaps I don't know if we were all there or not. Vice Chair Newberry what do you think? Vice Chair Newberry replied I think if there are any questions or comments from the Board, we handle them one at a time rather than coming back that way. In my mind, the issue is fresh to everybody, and any comments are easily associated with the particular amendment. Ms. Hebert replied sounds good to me. Any questions about proposed zoning amendment 1 and 2 for elderly housing? You also have a copy of the draft amendment language in your staff report. It is a sample. Vice Chair Newberry stated I would just comment that since it's in response to changes in state law, it pretty much is what it is. There are no further questions or comments.

### Amendment 3:

Ms. Hebert stated moving on, Amendment 3 is related to the zoning for cluster residential developments. This is intended to increase the required open space for cluster residential developments. Right now, the zoning only requires 25 percent of the overall tract to be set aside as open space and the proposed amendment would increase this from 25 percent to 40 percent. We also simplified how the open space is configured. The current zoning has a confusing paragraph that's related to basically a dimensional test that you apply to the configuration of the contiguous open space, and we've removed that language, but added language that the Board needs to review and approve the overall layout of the space. That's something that you'd be reviewing more critically as part of the subdivision approval process from a design standpoint. The open space is intended to contain natural resources, but also be usable for the residents in the subdivision for outdoor recreation trails and those types of uses. It can't just have all the wetland area and no usable upland. Ms. Malcolm asked could it

have some wetlands? Ms. Hebert replied yes, it can have some wetlands. Chair Fairman asked Ms. Hebert what's driving the 25 to 40 percent change? Ms. Hebert replied well, we feel like most communities in New Hampshire require more than 25 percent. The cluster residential development has a minimum tract size of 15 acres, so it's not a development that can be on small parcels, and with only a few large tracts left in Bedford we felt like it made sense to encourage that a larger amount of land be set aside as open space. Vice Chair Newberry replied I don't think that's a bad idea. Am I correct that if an applicant came and wanted to make a compelling argument for why they should be less than 40 percent, the Board could always consider a waiver. Ms. Hebert replied that's not true, because this would be a zoning change. They would need to go to the Zoning Board for a variance. Vice Chair Newberry replied thank you.

Ms. Hebert continued the open space requirement doesn't impact the density. We're encouraging the homes to be on smaller lots and more land to be set aside as open space as part of these cluster residential developments. Vice Chair Newberry stated that portion of it, I think, would be important to make clear in the explanation of it. Because I think if I understood you correctly, the consequence of this would be the same number of units, but it would encourage them to be allocated across a smaller portion of the parcel. Ms. Hebert replied right, your cluster residential development lot size standards—you don't have a minimum lot size. So like Bedford Three Corners is an example of a development that has smaller lot size. You go to the new development that's under construction off Stowell Road, Huntington Ridge. That's a cluster residential development, and those lots are slightly larger. Greenfield Farms is an example of probably smaller lots, not as small as Bedford Three Corners. Vice Chair Newberry added the net effect of this would be to make the development portion of the parcel more compact and provide more open space for said residents. Ms. Hebert replied yes, and we can add a sentence describing that impact. Each of the zoning amendments has a section where the amendment is described in plain language. For this there are a few sections that are actually amended to make this happen, and you see that in the draft amendments in roman numeral I and II. Underneath that you have what is the plain language description of the amendments so we can modify that to explain. Vice Chair Newberry added yes, my concern would be that the general public may not immediately recognize the real result of this proposed change. Chair Fairman added and the density. They go together, and I agree with Mr. Newberry. I think we need a little note about these amendments—needs to tie the two together—tie this one back to the density chain.

Ms. Malcolm asked when you have a cluster development, the land which is not developed is available for all of the residents in that cluster equally. Is that correct? Ms. Heber replied that's correct. Any more questions on Amendment 3? Mr. Bandazian replied we've had a lot of experimentation. Randolph Commons is one that comes to mind where it's essentially like a pad with a house surrounded by supposedly common land, but it doesn't really work that way. Ms. Hebert said right. And you'll have chance to discuss this more. We'll bring these amendments back to you for review again in December and then you'll have two public hearings. The Board won't be moving the amendment to the ballot until after your public hearings in January.

#### **Amendments 4 and 5:**

Ms. Hebert stated Amendments 4 and 5 have to do with changes to two definitions in the zoning ordinance. The first one is the definition for structures and second for the definition of junkyards. They're intended to clarify that storage containers are considered structures and need to meet dimensional standards for setbacks from the property lines. This is one of our more common code enforcement complaints in our residential neighborhoods. When someone might either have a storage container brought in on a long-term basis, or have one brought in while they're doing renovations to

their house and that storage container gets placed right on the property line. We want to clarify that these storage containers need to meet the dimensional setbacks for the zoning district. The second definition that is proposed to be modified has to do with a change that happened a few years ago to state law that allows for the keeping of antique vehicles and parts on lots and those antique vehicles don't need to be registered. So, it's a change to how our definition of junkyards works and we want to be clear that people don't need to dispose of antique vehicles or parts of antique vehicles and that they may keep them. But there are certain state requirements regarding how those vehicle parts and antique vehicles need to be stored. They have to be kept out of view from the public roadway and out of view from the abutting properties. We don't include that in the zoning amendment. That's part of state law. But right now, our zoning doesn't have an exception for these antique vehicles. I'll show you the draft amendment.

Mr. Bandazian stated Ms. Hebert, where does that tie in the Table? Where do we use junkyard in the Zoning Ordinance? Is it a Table of Uses? Ms. Hebert replied it is in the Table of Uses and it has to do with the section in our ordinance that a junkyard is any business or any place of storage or deposit, whether in connection with another business or not, which has stored or deposited two or more unregistered motor vehicles. This is also a common code complaint where we might get a complaint about a resident who may have three unregistered vehicles on their property, maybe four, and they're starting to collect unregistered vehicles. So, the Planning Department will contact them and let them know that they need to register their unregistered vehicles in order to not be considered a junkyard. We wanted to also add the exception that the definition excludes antique vehicles and parts. Chairman Fairman asked so, this includes homes? Ms. Hebert replied this does include homes, yes. That's the most common violation for homes. Chair Fairman asked it's not just businesses? That's not really clear in my mind. Ms. Hebert replied yes. It is any property. Chair Fairman continued I can see it does, but it doesn't really, specifically. I'd really like to see homes in there. Ms. Hebert replied we can look into that, but the definition of a junkyard is something that's pretty standard in zoning ordinances, and I wouldn't want to wordsmith it too much, but we can look at clarifying that it includes the single-family properties or the residences. When you talk about. So, they can. Chair Fairman stated so, you can have as many vehicles as you want that are bashed up and falling apart on your property as long as you register them? Ms. Hebert replied yes. Vice Chair Newberry added depends on how much they're falling apart whether you can register them or not. Chair Fairman replied you can register anything. It doesn't have to run or drive. Vice Chair Newberry asked doesn't it have to be inspectable? Chair Fairman replied no. Ms. Malcolm stated really, wow, I didn't realize that. Mr. Bandazian replied I looked up the statute and copied it because it's pretty restricted. On that subject, not more than one unregistered and uninspected motor vehicle that is not over 25 years old shall be kept on the premises. So, they are talking about antique vehicles. So, you could have the bashed up antique vehicle, but not the bashed up 20-year-old vehicle unregistered. Ms. Hebert replied yes. Chair Fairman said unregistered, but if it was registered, you could have a bashed up 20-year-old vehicle. That's my point. Mr. Bandazian replied sure, yes. Chair Fairman said so, you're willing to go to the expense of registering it rather than have it taken away. Vice Chair Newberry asked Mr. Bandazian, did you say it was had to be inspected also? Mr. Bandazian replied what it says is not more than one unregistered and uninspected motor vehicle that is not over 25 years old shall be kept on the premises. Vice Chair Newberry replied so, it would have to meet some level of quality to be inspected. Mr. Bandazian said it's not a Town matter, it's a State matter, and it's pretty restrictive, I think. Chair Fairman asked Ms. Hebert you've had some occasions to address this with people, what have they done? Have they taken the vehicles away? Ms. Hebert replied they either remove the vehicles or they register them. Chair Fairman replied even if they were not inspectable, that would pass? Ms. Hebert continued you know it's often a car that, oh, we meant to get that registered. We'll get that registered. Or it's those are my

son cars. We're storing them here. We work with the landowner to sort that out. Chair Fairman said we know of some properties that might not meet this requirement.

Vice Chair Newberry said I have a comment on Amendment 5. When I read that, I wondered if container is too general. Whether it should be storage container or phrased something other than just simply container. I read that and I'm not sure I'd know exactly what that means. Ms. Hebert replied it is a very broad definition, and it contains the word bin, which we've always used to define the container. But we could add the word storage. Ms. Malcolm asked do we make any distinction between short-term and long-term storage containers? Ms. Hebert replied no. Vice Chair Newberry replied so, this would apply whether it was for a week or six months or more. Ms. Hebert said we do typically enforce this common complaint on a complaint basis. So, if it's a dumpster bin that's being brought in and then it moves off site when the work is finished, there's usually not time for a complaint to be filed. But if a container moves on site and is parked there for an extended period of time, that's often when we'll hear a code enforcement complaint filed with the Town.

**Amendment 6:**

Ms. Hebert stated Amendment 6 has to do with accessory structures. This includes an exemption for children's play structures and tree houses that are not permanently affixed to the ground from needing to meet setbacks and dimensional standards. Mr. Greazzo asked let's say somebody takes the storage container and paints it all pretty like a child's playhouse. Since it's not affixed to the ground, does that then become a temporary structure? Ms. Malcolm added it's a playhouse. Mr. Greazzo continued I wrestle with calling a container a structure when it falls under the same category as this play structure. It's temporary. It's not affixed to the ground. It's not a permanent fixture. People get creative. Eventually they'll start using child's playsets as storage if that becomes a need. Ms. Hebert said they do. Maybe have a size limitation on this one? This is tied to accessory structures where we mention that sheds 120 square feet or less have a reduced set back. So, we could have 120 square feet or smaller for the play structure or treehouse. Mr. Greazzo replied no, I meant the container. Ms. Malcolm added put it in a tree and call it a treehouse. Chairman Fairman said I would think the adding the word storage so it's storage container would help that. Ms. Hebert said there's still room for interpretation. As the Zoning Administrator, I would have to come down and make an interpretation on whether I felt something was a child's play structure or a storage container or bin or anything else that might fall under that structural definition. Vice Chair Newberry said I think we talked about this a little bit in the Workshop. I was a little confused on what consisted of permanently affixed. I'm thinking of in particular something like a swing set which needs to be anchored in some manner typically, just for safety reasons and how you would distinguish that. I don't know if that maybe should be built into the explanation of the proposed amendment or whether it should actually be incorporated into the amendment. I know we talked about this, and I don't remember exactly—I think it was something to do with footings. Ms. Hebert replied so to me being temporarily affixed to the ground would be a screw anchoring a swing set to the ground wouldn't be considered permanent. But if someone wanted to pour sonotubes and build an extensive tree house or a play structure—that would be permanently affixed to the ground. You wouldn't be able to pick it up and move it to another location easily. Chair Fairman said some of the play structures these days require pretty extensive ground anchors. And I kind of wonder why you even need that part of the sentence? It's a tree house and a play structure. Why do we need that are not permanently affixed to the ground? Ms. Hebert replied we actually had an application for a treehouse that was proposed to be constructed on sonotubes in and around a tree. But what it really was it was more of a free-standing deck right on the property line. That's where the permanently affixed to the ground requirement came in in our minds when we were thinking about this amendment. Because the building inspector called us and said is this a treehouse? Should I be issuing a building permit? Or is this

a deck? And we landed that this was more of a deck. It should meet the setback. It was significantly sized. It wasn't just a small treehouse or structure that would only be used by kids. Now we could clarify that. Mr. Greazzo asked how would that have gone if it was not affixed to the ground and instead was built on blocks? Ms. Hebert said if it was built on blocks, I don't think you could get a building permit for it. Vice Chair Newberry asked do we require building permits for tree houses? Ms. Hebert replied no, but this this actually wasn't a treehouse. It was more involved. Mr. Bandazian said when I think of a tree house, I think of it being affixed to the tree, and I wouldn't call the deck a treehouse. Chair Fairman added on the other hand, some tree houses, I can understand, maybe you'd have to have a post and one part of it isn't quite anchored to a limb, so you put a post down to the ground for that corner of the tree house. I've seen some that are that way, right? You want to make sure they're stable and sturdy, so you put a leg down. Mr. Greazzo asked if I built the house solely in the tree, is it then considered affixed to the ground? Ms. Hebert replied good question. No, there definitely would need to be some interpretation by staff on this. Vice Chair Newberry said I think permanently is OK. I think the example you gave, Ms. Hebert, is pretty good. Something that requires a sonotube is not something that can easily be moved, as opposed to some sort of a device that anchors a swing set that can relatively easily be relocated. There were no further comments or questions on Amendment 6.

**Amendment 7:**

Ms. Hebert stated Amendment 7 is a zoning map change to the property at 54 Rundlett Hill Road. The property includes about 20 acres. This parcel right here. Here's a better view of it with some topography. You can see there's an existing house close to Rundlett Hill. The land is fairly steep, and it slopes downhill towards a large wetland that takes up maybe about one quarter of the property. And a utility easement crosses through the section of the lot here. The landowners wrote to the Planning Board and made an appeal for a zoning amendment to change the zoning designation from Service Industrial, which is anything in purple, to General Residential. Feeling that GR was a better zoning designation for this property because most of the buildable land is in this area of the lot and you can see that the General Residential Zone encompasses the north and the eastern sides of the property, and just the southern side lot line abuts Service Industrial. The developable part of the lot is really separate from the Service Industrial Zone. You can see all the other lots in the Service Industrial Zone have been developed. This one has been on the market for some time, and I believe it's still for sale. Then you have the Market Basket property in the CO2 zone just behind here. So, this is a zoning amendment to change that zoning designation. You can look at the amendment here. Vice Chair Newberry stated I think we discussed this one at the Workshop also, and at that time I had questioned why the property owner wouldn't bring forth a proposal like this. And I think the conclusion or one of the responses was that it actually looks to be a better fit given the abutters and the property and the all the adjoining properties. And so, for that reason, I'm a little less reluctant to say that the Board should put forth a proposal like this as opposed to the property owner. Because I do think as you look at it, it would be a better use of the property for the landowner, but also for most of the significant abutters. And by significant, I mean residents that are going to have to be abutters to whatever is developed there. I think if I was a resident there, I'd rather see another residence than a light industrial property structure across the street from me. Chair Fairman said I agree with you. I think we did go over it quite a bit at the Workshop, and I think it makes sense. We've got to be sensitive to zoning creep, but I think in this case it is so totally surrounded by residential—not totally, but most of it is—plus the topography. It's tough for industrial, but it would be better for residential. There were no further questions or comments on Amendment 7.

**Amendment 8:**

Ms. Hebert stated Amendment 8 is a very minor housekeeping amendment. I don't have the full text here with me tonight, but it's to update some cross references in the zoning that became skewed over time and weren't caught. It's to fix kind of a Scribner's Error where we're saying see Section N, but it should really be section P because of sections that have been added over time. There's no substance to the amendment, it's really just fixing a couple of typos in the Zoning Ordinance. There were no further questions or comments on this amendment.

## **2. Discussion of InvestNH Planning and Zoning Grant**

Ms. Hebert stated the InvestNH Planning and Zoning Grant is a grant application that's being proposed by the Housing Working Group together with staff. Back in March, the Planning Board established a Housing Working Group really with the goals of focusing on the action items in the Master Plan and taking a close look at the zoning and how our Zoning Ordinance handles different types of housing.

In your newly adopted Master Plan, under Your Next Steps for Tomorrow's Bedford, you have the goal of providing opportunities for housing choice and more specifically, there are four action steps in the Master Plan that support this grant application. The first is to develop a strategy to ensure that Bedford remains an inclusive and multi-generational community and to evaluate opportunities to expand housing options for those of all ages and household size. To develop opportunities for the consideration of missing middle housing types and more compact housing types compatible in scale with single family housing such as cottage style development or townhouses. To continue to provide realistic opportunities for workforce housing development consistent with state law. To regularly assess the effectiveness of Bedford's Workforce Housing Ordinance and to regularly assess Bedford Zoning and Land Use Regulations and existing housing stock to ensure that the Town is responsive to demographic changes in the community in the region.

The Housing Working Group has met about six times since it was first established. The group has talked about all kinds of topics. They took a close look at the changes we discussed in past meetings regarding House Bill 1661, and the proposed zoning amendments to the elderly housing came out of that discussion. More recently, the group has been talking about the InvestNH program, which is our Governor's program aimed at taking a closer look at housing in New Hampshire and workforce housing, and actually all housing in general. As part of the InvestNH program, there are grants available to municipalities. They're called Housing Opportunity Planning Grants. The planning grants do not require a local match and they allow for the application of up to \$125,000 in grant funds to review and research housing and housing impacts in communities across the State. The grants are being awarded on a rolling basis, and the funding is available to all New Hampshire municipalities. But it is an on a rolling basis and kind of a first come first served system.

The Housing Working Group developed a scope for a proposed grant application that would involve an in-depth study of Bedford's existing conditions with regards to housing and housing market needs analysis. And then this work is followed by an audit of Bedford's Land Development Control Regulations and Zoning Ordinance. The development of any recommended regulatory changes. Any regulatory changes would be vetted through an extensive community engagement process. That's something that the grant requires that each step of each phase of the grant application needs to include a community engagement process. Lastly, the Planning Board would see which amendments rose to the top as a priority outcome from the community engagement process and a consultant would help staff to develop those regulatory changes for the Planning Board to review. It's anticipated that if we are successful in the grant application and the Board wants to pursue the grant application, that the timeline for the

project would be about 18 months. I'll show you a copy of the scope of work. Vice Chair Newberry sits on the Housing Working Group, so if I missed anything, please chime in. Chair Fairman stated I did see that they've awarded the first group of grants against this program. I forget the amount, but it was significant. There's another grant application that we're not recommending Bedford pursue. It's called a Housing Navigator, and it provides up to \$250,000 of funding for a community to hire a new staff person for a period of two years. We're constrained with space and resources. That's not a great fit for Bedford, but I know Dover and Portsmouth have received Community Navigator grants and some of the RPC's are also applying on behalf of communities in the region.

The process here is an existing conditions summary analysis of Town of Bedford's housing, population demographics, average school enrollment, housing impact on municipal services, employment, and economic development conditions. The idea is that they'd reference the Bedford Master Plan and update some of that data. There's also a concurrent study happening at Southern New Hampshire Planning Commission, where all the planning commissions across the state are updating their Regional Housing Needs Assessment and the results of that study should be out next month. The grant process would be informed by the Housing Needs Assessment data. Looking at housing needs and a market study specific to Bedford, a fiscal analysis to assess the economic conditions and feasibility for developing a different range of housing types because that is something that we've heard a lot from the community that they'd like to see maybe smaller homes, that missing middle. But it's not something we see the development community coming forward with with applications. So, are there ways we can change our zoning to provide opportunities for that type of housing. Looking at the Bedford Zoning Ordinance and doing a comprehensive audit just to get a better understanding of where we could make improvements, something I often think about is the General Residential District has some of our smallest lots, but folks who own properties in the General Residential District have the same dimensional standards for front, side, and rear setbacks as the properties in the Residential and Agricultural Zone, which tend to be much larger lots. We have a lot of non-conforming properties in the General Residential because many of the existing housing stock in that zone their side setbacks or front setbacks cross right through the structure itself. It makes it difficult to make improvements to them.

So, this is looking at a Zoning Audit and looking at an audit of our Land Development Control Regulations. By auditing the Regulations, we're not implying that they all need to be changed, but having a consultant come in and say, alright, this is how this works, and this is how this is set up. The scope also includes a Build Out Analysis which has not been updated since the 2010 Master Plan.

Phase II includes community engagement and working out a set of recommendations to vet with the community and then bringing forward those recommendations that gained community support for regulatory development. That is a summary of the scope of work and we're happy to answer any questions. Vice Chair Newberry, if I missed anything, please? Vice Chair Newberry stated I would just comment to the Board that the outline here, I think hits most, if not all, of the key things that this should look at. But it's not a set-in-stone list. A consultant might suggest additional things or make some modifications to those. I think the intent here is to make clear the scope of what we would like to see done through the grant. But we would still have some flexibility once this actually starts to get put together. Ms. Hebert replied yes, and we can apply for all three phases at once, or we could apply for the first two phases, or apply one phase at a time. We risk the money running out that's problem with a phased approach.

Chair Fairman asked have we talked to the New Hampshire Southern Regional Planning Commission at all about this? Ms. Hebert replied we've talked with them a little bit about it. They hosted a meeting

with planners where we were able to talk about some of our project ideas. It does seem to be in line with what other communities are thinking. Chair Fairman said it says in the bottom of Page 1 the next step is for the Board to review the scope of work and discuss any recommended changes. Is that tonight? Is that what we're doing now? Ms. Hebert replied we can do that tonight, or we can postpone this to your next meeting if you feel like you need more time to think about this. We are working with the Housing Group, and if the Board is comfortable with the general outline, staff can continue to work with the Housing Group and get an application to the grant program. If we receive the grant, we then have to prepare an RFP for a consultant, and the Board would then have another chance at fine tuning the scope before we issue the RFP for consultant services. Chair Fairman said as Vice Chair Newberry said, there might very well be recommended changes from the consultants, and even as you get going there may be changes in scope. Ms. Hebert replied right. Chair Fairman asked are there any questions or comments on the Board? Would you want to have a month to look at it? Next meeting is about a month away. Do we want a month to review it and come back to the discussions or say it's ready to go and have the committee work with the staff to get the grant submitted? I think timeliness is important. Vice Chair Newberry replied I have a couple of comments. Ms. Hebert, you had raised the possibility of doing this in phases. My perception would be that we should apply for all three phases at once. I think it makes more sense to have a complete plan, than to have a plan that's just Phase I and maybe Phase II, III, IV, or V will or won't ever happen. I think it makes a stronger case that the community has thought this through to an extent where there's a beginning, a middle and a conclusion. The other thing I had was I thought I read somewhere that there is a list or that the administering entity for this grant has or will have a list of qualified consultants and that in that case an RFP isn't required. Ms. Hebert said an RFP or RFQ may be required because of the Town's purchasing rules. But the managing group at the State level has published a list of qualified consultants and the people that are issuing grants their approval if you hire one of the qualified consultants. Vice Chair Newberry asked who might we consult with as to whether an RFP is required? Because it's not Town money. It's money that's going to be provided through this program. The reason I'm concerned about it is that it's going to add time to the whole process. Which, if it's necessary, it's necessary. But I'm just thinking if we could get consultation that, yes, that's absolutely necessary? Or has that already happened? Ms. Hebert replied no, I think it depends on if we look for one consultant team to take this on or if Planning staff and Housing Working Group and Planning Board take it in pieces and work with different consultants. It's going to depend on what dollar amount that work is. Does that make sense? You're going to hit certain thresholds where you'll need to go through a competitive bidding process, but it can be streamlined working with the Finance Department. Knowing we have this list of qualified consultants; we're going to be hoping that they're still available to do work. As communities starts to have grants funded, their schedules may be filled.

Chair Fairman asked why do we think that the amount of money as broken down is adequate for each one of the phases? Do we have any backup to say that it's adequate? Ms. Hebert replied it is. We're asking for a lot of analysis, and that tends to be costly. We are asking for the maximum amount for each phase. With the community engagement, it seemed like an appropriate amount. The community engagement is something that the Board is really going to want to make sure it's thorough and an in-depth process. Otherwise, you're going to do all this work and maybe bring regulatory changes forward to the Town ballot that aren't supported by the community. We don't want to see that. So, that community engagement process is expensive, and it's included in all phases of the grant. Chair Fairman said yes, I'm just concerned that you'll get a consultant come in and say, well, I can do Phase I and half of Phase II for the \$125,000, but I can't do the whole Phase II and Phase III. Ms. Hebert replied well, yes, I had a consultant reach out to me for a Housing Market Analysis and that was kind of plug and play with a lot of census data but that was going to be \$4,000. Vice Chair Newberry said that's one of the things

we wondered, and we talked a little bit in the Working Group about picking a semi-arbitrary number and converting the dollars into hours. And by doing that, I was a little more comfortable with the dollar numbers, whether somebody could reasonably address the scope of what we've sketched out here. Chair Fairman said you took it and converted it to hours, and because you could see the number of hours that you could get, you were comfortable. Vice Chair Newberry replied well it made more sense to me than just throwing a dollar figure at it, because I had the same concern that I think I heard you express and that is: Is this adequate? Are we going to get something useful out of this? And my take on it was if you take the dollar amount, pick a number that you think is a reasonable consultant rate, and convert it into hours, it seemed to me that somebody who is qualified should be able to address the scope along the line of what we've outlined here. I would expect anyone who's qualified should be able to immediately come back and say, no, the scope is beyond what I can do for those fees. That would be my expectation. I would also think that it would be preferable to work with the same consultant throughout the entire process. Chair Fairman said yes, absolutely. Otherwise, you're going to run into fees for reviewing the previous consultant's work. Vice Chair Newberry added yes, and maybe they aren't all going to see exactly the same thing. Ms. Hebert said with some specialty, sub consultants, for sure. Vice Chair Newberry said yes, there isn't anything in this that precludes the prime consultant from bringing in sub consultants either, I don't believe. Chair Fairman said based on expressions here and the lack of further comment, I'm wondering if we can go ahead and say that staff should go ahead and finalize the grant application working with the Housing Committee. Does everybody agree with that thought and do you want a motion to that? Vice Chair Newberry said I would also just point out that—I forget which paragraph it's in, but it does set the expectation that the consultant will work at least 10 sessions with the Working Group and staff and do at least four presentations to the Board as they step through this thing so that the Board would be able to see and comment and provide direction really to whomever might actually be doing this. Chairman Fairman said yes, those steps are in here and those requirements.

Mr. Clough asked best case scenario, what do you see coming out of this when all is said and done, including the consultants have done all their work? Vice Chair Newberry replied this this is just my quick take on it. It would provide some solid information that the community can make informed decisions about zoning and land control development regulations for the Town. Now all we have is whatever my guess is, or whatever your guess is, or basically little or no real information to assess what we're doing, what we're not doing, what we could do, what we should do—all of the above. The result of this, I think, would provide a set of information that would not solely but be a major factor in making some informed decisions, whatever those decisions may be. I have no idea. It may be do XY and Z. It may be do A. It may be do none of the above, but whatever. You would at least be able to clearly articulate the basis that you're doing whatever you're going to do. And I'm not a consultant. Mr. Cough asked Ms. Hebert, Are we meeting our state requirements as far as workforce housing goes? Isn't there some kind of a hammer? Ms. Hebert replied we are not. No, we do not carry our regional fair share. Chair Fairman said I'm not a lawyer. I also think that this would give us and the Town a backup for any controversy, any legal challenges to what we may or may not do relative to housing zoning. If we've had gone through this kind of a process and looked at it and had recommendations or not, it might give us some strength in backing up our decisions. As I say, I'm not a lawyer. Ms. Hebert stated we were careful to tie the scope back to the recommendations of the Master Plan, and I don't think that anything from this study should be contrary to the broader vision of the Master Plan and that Development Map that you adopted as part of the Master Plan where you had areas where you wanted to see change and areas where the community did not want to see as much change. So, I think that you'll have the Master Plan as kind of a bookend on this study in this analysis and possible outcomes. Chair Fairman said I think it's an opportunity to really step out on one of the Master Plans Next Steps for Tomorrow's Bedford and

really show that we took that and did something about it. There just happens to be some money available. Mr. Clough commented and add some meat on the bone to the Master Plan. Vice Chair Newberry said I personally think not applying for this would be a real missed opportunity. Ms. Hebert said going back to the action steps here, you have these recommendations in your Master Plan, and I think they tie nicely with the grant application. Vice Chair Newberry said I also think the public engagement portion of this is a real critical piece also. Chair Fairman added particularly if there ends up being any changes we're going to want to make, because you always want to get the public to know back why you're making the changes before you try to make them. If there's no further discussion, then I would entertain a motion for the staff to go ahead and finalize and submit the grant application, working with the Housing Committee. Anybody like to make that motion? Vice Chair Newberry said I know I don't want to make the motion Mr. Chairman. Chair Fairman replied you're on the Housing Community. Vice Chair Newberry said would someone else like to make that motion. I don't want to have an apparent conflict of interest. Chair Fairman commented you probably wrote it. Vice Chair Newberry replied I can't take credit for it. Staff did a very good job with these documents, I think. Chair Fairman asked would anybody like to make that motion? Hearing no motion, I guess that we will wait for the next meeting to have more discussion, review it and have more discussion. Ms. Hebert said sounds good. If you have any comments or concerns, please feel free to reach out to Ms. Harris or myself over the next month, and we'll continue to work on the scope.

#### **Discussion Regarding Regulation of Roosters:**

Ms. Hebert stated there's one more zoning topic that I forgot to bring up. That is the discussion regarding regulating the keeping of chickens. At your Workshop you had a concerned resident attend your Workshop and spend some time talking with the Board about a concern regarding allowing roosters as part of a backyard flock. Staff did a little research and shared with you some of that research in the staff report. We surveyed eight communities and found that from town to town in New Hampshire, communities vary greatly with how they regulate right to farm and the keeping of poultry or chickens or livestock. For example, Amherst has a Right to Farm Ordinance in their equivalent district to the Residential and Agricultural Zone in Bedford, and they don't have any restrictions on the keeping of chickens. Goffstown does not restrict landowners who have two acres or more, but has restrictions prohibiting roosters or geese on lots smaller than two acres, and if you have less than half an acre, you're not allowed to keep chickens. In Bedford, only in the Residential and Agricultural Zone, a homeowner is allowed to have chickens. It's not an allowed use in the General Residential Zone, and you'll see in the staff report a summary of each of the eight communities and how they handle the keeping of chickens.

We found that three communities specifically prohibited roosters. And we want to hear the Board's thoughts on this topic. If the Board does want to move forward with a zoning amendment, we'd suggest that it be fairly simple and prohibit roosters and geese, maybe require a chicken coop to meet dimensional standards for setbacks for structures in the Rural and Agricultural Zone. Unfortunately, I believe existing roosters would be considered to be grandfathered. We could develop a policy of registering existing roosters with the animal control officer and roosters could not be replaced once they pass. It could require significant time on the part of the animal control officer. Alternatively, we could talk with the landowner who initiated the discussion with the Planning Board and explain the process for submitting a Citizen's Petition. Staff is always available to residents who want to prepare a Citizen's Petition, and we work with residents to develop the appropriate language and make sure they understand the process. They would need to have 25 signatures in order to submit a legal petition. Chairman Fairman said I like your suggestions of both Goffstown and Londonderry, for instance, don't allow roosters and geese. I think that would be a good addition to the Rural and Agricultural Zone. The

Rural and Agricultural Zone is an acre and a half? Or two? Ms. Hebert replied one- and one-half acres. Chair Fairman said that's what I was thinking. But we did point out to the landowner that was in here his neighbors would be grandfathered in. But I think it still would be good changes to make. Ms. Malcolm said, and roosters don't live forever. Chair Fairman added unfortunately, we can't control the Canada geese. They squawk and fly all the time. I have a lot of them and any place you have a pond in town, you have Canada geese. Mr. Bandazian stated I guess I'd just reiterate what I said before that it's mostly a subject of restrictive covenants in most subdivisions in Town anyway, and I don't think we need another layer of laws just every time a constituent has a complaint about something. You could in fact play a recording of a rooster 24/7 if you wanted to, and there's absolutely nothing that could be done about it, because the decibel level of a rooster is mostly conversational level by the time it reaches the lot line. It seems like a pointless exercise to me. Mr. Clough said yes, I'd have to agree with that. Vice Chair Newberry said my take would be that if the landowner who raised the issue wants to make a Citizen's Petition, fine. That would at least indicate that at least 25 other people thought it was a problem. I'm not sure that it is a problem. It was clearly a problem to him. I think I basically agree with you, Mr. Bandazian. Mr. Bandazian replied for the record, I'm not a fan of roosters. I had one when I was a kid and that was enough for me. Vice Chair Newberry said I'm not a chicken farmer, and I don't understand why anybody even wants a rooster. Mr. Bandazian replied well, you may want to have chicks and that's the way you get them. Vice Chair Newberry said it would probably be easier to order them. Mr. Bandazian said that's good, but not everybody is into that. Some people like the circle of life. Vice Chair Newberry added my take would be if the landowner wants to make a petition, fine. Chair Fairman commented For a long time, we had within half mile somebody that kept all kinds of birds and feathers, and particularly peacocks. And I'll tell you something, a peacock is noisier than a rooster. Mr. Clough said that's for sure. Chairman Fairman continued but there wasn't anything we could do about it. We lived for years that way until he finally got old enough to sell the property. The new owners got rid of it all. I understand the nuisance of the noisy fowl. Vice Chair Newberry said well Londonderry apparently does make reference to the nuisance. But I mean at this point I don't see why the Board would want to get involved in this. There was no further discussion on roosters. Ms. Hebert asked so, staff will not draft an amendment? Is that the general feeling I'm getting from the Board? OK, thank you.

#### **V. Approval of Minutes of Previous Meetings (October 24, 2022)**

There were no corrections or comments on the October 24 minutes.

**MOTION: Vice Chair Newberry moves to approve the Planning Board minutes for October 24, 2022 as presented. Mr. Greazzo duly seconded the motion. Vote taken – all in favor. Ms. Malcolm and Mr. Clough abstained. Motion carried.**

**VI. Communications to the Board:** None

**VII. Reports of Committees:** None

**VIII. Adjournment:**

**MOTION by Ms. Malcolm, to adjourn at 1:46 pm. Mr. Bandazian duly seconded the motion. Vote taken – all in favor. Motion carried.**

The next meeting of the Planning Board is scheduled for December 5, 2022.

Respectfully submitted by  
Sue Forcier