

# **Town of Bedford Planning Board Minutes October 2, 2023**

A meeting of the Bedford Planning Board was held on Monday, October 2, 2023, at the Bedford Meeting Room, 10 Meeting House Road, Bedford, NH. Present were Hal Newberry (Vice Chair), Matt Sullivan (Member), Phil Greazzo (Town Council), Matt Nichols (Secretary), Logan Johnson (Alternate), Becky Hebert (Planning Director). Absent: Charlie Fairman (Chair), Michael Strand (Town Council Alternate), Chris Swiniarski (Alternate), Steve Clough (Member), Priscilla Malcolm (Member), John Nelson (Alternate).

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

Vice Chair Newberry called the meeting to order at 7:00 p.m. introduced the Board members and appointed Ms. Johnson to vote this evening. Ms. Hebert reviewed the agenda and stated the new application has been reviewed by staff and it is our determination that the application is complete, the abutters have been notified. It is the opinion of staff that this application does not pose a regional impact and I would recommend the Board accept the application and the agenda as complete.

**MOTION by Mr. Sullivan to accept the agenda. Mr. Nelson duly seconded the motion. Vote taken – all in favor. Unanimous. Motion carried.**

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

## **III. New Business:**

- 1. Edward J. Comiskey III and Robin L. Comiskey (Owner & Applicant)** – Request for approval of a Conditional Use Permit to allow a detached accessory dwelling unit at 40 Maple Drive, Lot 21-24-38, Zoned R&A.

**Mr. Edward Comiskey presented the application:** Good evening. To introduce myself, I am Edward Comiskey. Presented on the screen right now is the plan. The plan for the property is to add a detached accessory dwelling unit. The property has been in the family since it was constructed in 1968 with various members of the family living there, primarily my mother for most years, and other family members at various times. As you can see on the screen, the detached unit will be to the side property of the house facing at a slight angle, probably to the corner of the driveway as presented there. In design, it is to meet the 1,000 square foot maximum. It's actually 990. It is a 2 bedrooms, 2 baths unit design. It has a basement primarily for the mechanical that would be required. We're lucky winners in the Saint Gobain lottery, so we'll have large filters placed down in the basement, but it's known and understood that that will only be for storage and the utilities. It would not be used for an additional bedroom at any point in time. The plan is to bring a driveway over towards the accessory unit at an angle from the existing driveway. The existing driveway has a two-car garage. It would just be extended lot parking for one car, probably expansion a bit, to have a bit of a basketball court, but it will not have a second curb cut.

The idea of putting the accessory dwelling unit came in when we are looking, as my wife and I are getting older, and just the decision that an opportunity to age in place would be a better idea than looking into

nursing home. So the plan is that my wife and I will be using the accessory unit as our residence. My daughter and her husband will be using the main house for their property and for when stepchildren are visiting, and also when various people drop in from all over the world. Because the rest of the family is well scattered. At this point in time, we've got the complete design for the ADU, and it has been completed. We have a contractor lined up to perform that. The lot has been recently surveyed and is marked as what you're seeing here by Sandford Surveying. We've had a septic system designed and approved by the State. I believe we're down to the end stages of the approval process.

Vice Chair Newberry said for the audience who might be at home, could you just show the elevations for your ADU? Mr. Comiskey replied here are the elevations. This would be the left side. This would be the side that would be facing the residence. You can see there'd be the front porch coming off and rear deck. The front elevation, the kitchen would be on the left side, one bedroom on the right. The right elevation: the appearance is that the smaller windows are on the bedrooms, at the center would be the bathroom window and the rear bedroom window and then on the right-hand side the living room above the bulkhead that would be put in.

And it looks like someone has taken a more recent photo of the property because when last I was here, there were lots of trees over on the left-hand side. So, the ADU would go right about in this area. That's where it would be, and the septic would be down in the back.

Vice Chair Newberry said Thank you. Are there any questions or comments from the Board?

Ms. Johnson asked what is the square footage of the existing 3 bedroom? Mr. Comiskey replied the existing 3 bedroom is 1,200 feet on the first floor, just under 1,200 on the second, so somewhere around 24. It's one of those, I can't do the math, but it's a 40 by 28 main house. Ms. Johnson said so you've got 10 extra square feet to work with on your ADU? Mr. Comiskey said yes. We were trying to figure a way to get it, but it just didn't work.

Vice Chair Newberry asked can you speak a little to what plans you may have in terms of landscape? Mr. Comiskey replied in terms of landscape, the largest area along the front is all going to be returned to grass. Along the edge with the neighbors, that will probably be left to the natural growth. The gardens, a little bit of it is, we're probably going to end up with a walking path going from Maple Drive to our neighbors in the rear so they can continue the walking he's been doing through the lot for the last 25 years. So it mostly is around the front of the house, the side of the house, it will be returning to grass. Again, the back area, again, is just going to be grassed and perhaps along the property edge, again, would be more towards, I think, more into meadow, along those lines. As you can see right against the property line in the back, there's some new plantings of trees, Arborvitaes, that have been planted by neighbors just as a barrier to the house. But largely it'll be just expanding the grass. As with everything, hoping the grass grows. The actual gardens and all else, we haven't discussed those plans in a great detail at this point.

Vice Chair Newberry said I'm a little concerned that the site is pretty barren as it sits today and that you address getting the new structure kind of softened into the site and get the site so that it's an enhancement to the neighborhood, a little more so than it is as it sits today. Mr. Comiskey answered as it sits today, it's a large open lot. So the plan would be to extend and bring it into the character of the neighborhood. Discussions we've had is along the street front, and all that we may change, gardens on both sides to just having like decorative stone coming back along that edge. And then, as we're looking as we said, expanding the grass cover and all else and maybe move some of the existing plants from the front because we've got some large plants that could probably do better elsewhere. So that the

appearance from the front would appear as a finished lawn approaching the house. Again, just continuing that into the back.

Vice Chair Newberry said thank you. Are there any other questions or comments from the Board? There were none. There were no questions from the audience. Vice Chair Newberry continued, I think we should consider adding a condition to any pleasure of the Board that would include developing a landscape plan that would be reviewed and approved by the Planning Staff and completed before occupancy.

**MOTION: Mr. Nichols moved that the Planning Board grant the Conditional Use Permit for a detached accessory apartment, as proposed by Edward and Robin Comiskey, at 40 Maple Drive, Lot 21-24-38, in accordance with the application materials submitted by the applicant, last revised August 16, 2023, as the Planning Board finds that the applicant has shown substantial compliance with the criteria for granting the Conditional Use Permit, in accordance with the following findings of fact:**

- **The plans are found to be in compliance with the purpose and intent of Section 275-21(J) of the Zoning Ordinance;**
- **The Board also includes all facts found in the meeting minutes for this application and incorporates all meeting minutes into this decision.**

**The approval is granted subject to the following conditions:**

1. The applicant shall submit a building permit for review and approval by the Building Dept.
2. There shall be no additional curb cuts for the property and the applicant shall coordinate with the Dept. of Public Works for necessary driveway permits, as applicable.
3. School and Recreation Impact fees, per Article 120 of the Land Development Control Regulations, must be paid prior to a Certificate of Occupancy for the detached accessory apartment.
4. The applicant shall submit a Landscape plan to be reviewed and approved by the Planning Staff prior to a Certificate of Occupancy.

**Mr. Sullivan duly seconded the motion.**

DISCUSSION: Vice Chair Newberry asked Mr. Nichols, would you entertain an edit to the fourth condition? Mr. Nichols said I'll entertain it. Mr. Comiskey said if I might just read from the building plan we have with Peter Sylvia of Sylvia Holmes. Part of the plan includes loam and hydroseed  $\pm 50$  feet surrounding the house. So that's part of the design plan that was going in there. I don't know if that addresses your concern, Mr. Newberry. Vice Chair Newberry replied I think to seat the house into the site and to restore a little more visual to the site than the raw lot that's there now, I think planting some shrubbery would also be something appropriate. I don't want to design it for you, but I do think that condition makes sense to me, and I think to assure that whatever plan you develop and get approved, is executed, that it would be contingent on being done before you get your occupancy. So to the fourth condition as Matt stated and I would simply add that once you have a landscape plan reviewed and approved that that be executed prior to occupancy. Mr. Sullivan said the only problem I have with that is that if the applicant had just

decided to clear the lot and put in the lawn, he wouldn't have to come before the Board. There'd be no need for landscaping. I think it's just a little undue to require a landscaping plan for the accessory dwelling unit if they meet all the requirements as stated by the Zoning. Vice Chair Newberry said well, my concern would be that it's a new structure. It's a structure on a lot that required a ZBA waiver because of the relatively small size of the lot. And I just think that some level of landscaping would help to maintain the neighborhood and also give the applicant a much nicer looking end result.

Mr. Greazzo said I also question requiring them to come back with a landscape plan that has to be approved. I don't think we've done that for any of the other accessory dwelling units. Vice Chair Newberry replied that's true, but I think most of the other ones that we've seen thus far have been a little more integrated into the lot, or a little less obvious to the street and the neighborhood. If the Board doesn't think that that condition is warranted, then that's the pleasure of the Board. That's just my opinion. Mr. Greazzo asked Becky, is it okay if he decides to just have grass? Ms. Hebert replied I think what Hal is suggesting is more than just grass, to incorporate some trees and shrubs. Mr. Greazzo said that's understood. My question is if he decides he just wants grass, he doesn't want trees and shrubs, that's why he cut them down. Maybe he just wants a nice, clean look. I'm not sure. It's not my house. It's not my project. I just don't think, in my opinion, that I would require them to do anything other than what they've already done. Ms. Hebert replied it's really the pleasure of the Board. There is a criteria in the conditional use permit process, Item J, that says in the granting of the conditional use permit pursuant to this section, the Planning Board may impose any reasonable conditions or restrictions deemed necessary to carry out the intended purpose of the Zoning Ordinance. So it's a broad criteria, and you're within the Board's rights to require some landscaping to soften that view. But it's up to the Board. If it's not something that you feel they need, you could vote against it or propose a different motion. Mr. Greazzo said well, I can't propose a different motion. One's already been moved and seconded. Vice Chair Newberry said well, we can either vote up or down on the motion, or the motion could be withdrawn. Mr. Nichols said I think we might as well vote on it.

Vice Chair Newberry said OK. I have a motion and a second. We have currently four conditions on the motion. Is there any further discussion?

**Vote taken – Motion fails.**

**MOTION: Mr. Sullivan moved that the Planning Board grant the Conditional Use Permit for a detached accessory apartment, as proposed by Edward and Robin Comiskey, at 40 Maple Drive, Lot 21-24-38, in accordance with the application materials submitted by the applicant, last revised August 16, 2023, as the Planning Board finds that the applicant has shown substantial compliance with the criteria for granting the Conditional Use Permit, in accordance with the following findings of fact:**

- **The plans are found to be in compliance with the purpose and intent of Section 275-21(J) of the Zoning Ordinance;**
- **The Board also includes all facts found in the meeting minutes for this application and incorporates all meeting minutes into this decision.**

**The approval is granted subject to the following conditions:**

1. The applicant shall submit a building permit for review and approval by the Building Dept.
2. There shall be no additional curb cuts for the property and the applicant shall coordinate with the Dept. of Public Works for necessary driveway permits, as applicable.
3. School and Recreation Impact fees, per Article 120 of the Land Development Control Regulations, must be paid prior to a Certificate of Occupancy for the detached accessory apartment.

**Ms. Johnson duly seconded the motion.**

DISCUSSION: Mr. Greazzo said I like this much more, and I would hope that the Comiskey's, for their own privacy, would like to add some trees and shrubberies between their property line, but I'm not going to make it required. That wouldn't be my choice. So, I like this motion. Mr. Comiskey said as do I. In the rear of the property, most of the trees were left. There's a large gap between, including wetlands behind the property, so all the trees were undisturbed. It would be just on the west side, where the trees are done. And the plan is to bring in, maybe continue the Arborvitae that were started by our neighbors and all else. But a lot of it that it's been a long process and going through and looking at everything and really getting to the point where I say OK, let's get all this done now. We can start what color is it going to be? We've got some ideas and all else, but it's been a long process and a lot of decisions. I'm sure we will have something.

**Vote taken – 4 to 1 – Motion carried.**

Vice Chair Newberry said looks like the motion carries. You're all set. Mr. and Mrs. Comiskey said thank you very much. Vice Chair Newberry replied thank you. Have a good evening.

**IV. Concept Proposals and Other Business: None**

**V. Approval of Minutes of Previous Meetings: September 11<sup>th</sup> and September 18th, 2023**

There were no questions or corrections on the minutes.

**MOTION: Mr. Nichols moves the Planning Board accept the minutes for September 11, 2023. Mr. Sullivan seconded the motion. Vote taken – all in favor. Mr. Greazzo abstained. Motion carried.**

**The September 18, 2023 Minutes were tabled until the next meeting of the Board.**

**VI. Communications to the Board**

Ms. Hebert said I have a memo from the Planning Office regarding your 2023 Zoning Ordinance. The memo explains how to update the ordinance yourself by pulling out the outdated sheets and replacing them with the updated sheets. The pages also have the page numbers at the center of the bottom of each sheet. If anyone wants a new Zoning Ordinance and just wants a clean copy, just shoot me an e-mail and we can have that for you for your next meeting. But these are three-hole punched and you can do the self-update with the binder that you have with your Zoning Ordinance. This has the updates from the 2023 March election. It takes a very long time for the Municipal Coding Service to update the code. It's

been updated online, but for some reason it takes them a very long time to get this part of the contract completed. We're happy to have it and let me know if you have any questions.

Vice Chair Newberry said and I see staff has very conveniently three-hole punched them for us also. Ms. Hebert said yes, they are ready to go. It's a pretty easy process. You just kind of pull out the old sheet, put in the new sheet and you'll be up to date with all the current amendments. You might want to check your front sheet of your ordinance to make sure that you've captured all of the past. And then they should be chronological, citing each Town Meeting date and the sections that were amended. So if you open your ordinance and find that your most recent amendment was 2019, you probably need an updated complete document. Vice Chair Newberry said excellent. So for members who aren't in attendance this evening, will staff make this package available at the next meeting? Excellent. OK, great. Thank you. Are there any other communications to the Board, Becky? Ms. Hebert replied that's all I have for tonight.

#### **VII. Reports of Committees:**

Ms. Hebert asked are there any thoughts on the Housing Forum? Ms. Johnson replied I thought it went really well. That there was a really good discussion. I don't think there's anything that was crazy new ideas, but it was good to get the discussion. Vice Chair Newberry added and I think the Housing Working Group is working on scheduling a meeting, or possibly two this month, just to review where our consultants are in preparation for our first public meeting also. Ms. Hebert said yes, and the next public event will be November 14th at the Bedford High School cafeteria. That will be a broadly advertised public forum and probably at your next October meeting, the group will have met, and we'll have a better description of how that forum will be set up. But it's meant to be an interactive forum with different stations and tables that people can walk around and talk to the planners, talk to the consultant team and learn more about housing. Vice Chair Newberry said so look forward to that. Ms. Hebert added and if you have not taken the housing survey, please take some time to do that. This is the QR code and link to it. The link went out in your e-mail for tonight's meeting, too. Vice Chair Newberry said good information for our vast viewing audience, also. Ms. Hebert said tonight's agenda was light. Your next meeting will have more items on the agenda and will not be a brief meeting. We have four applications for the October 16th meeting. Vice Chair Newberry said excellent.

#### **VIII. Adjournment:**

**MOTION by Mr. Sullivan to adjourn at 7:29 pm. Mr. Nelson duly seconded the motion. Vote taken – all in favor. Motion carried.**

The next meeting of the Planning Board is scheduled for October 16, 2023.

Respectfully submitted by  
Sue Forcier