

Town of Bedford Planning Board Minutes January 9, 2023

A meeting of the Bedford Planning Board was held on Monday, January 9, 2023, at the Bedford Meeting Room, 10 Meeting House Road, Bedford, NH. Present were Hal Newberry (Vice Chair), Chris Bandazian (Town Council Alternate), Chris Swiniarski (Alternate), Matt Sullivan, Steve Clough, Phil Greazzo (Town Council), Priscilla Malcolm, John Nelson (Alternate), Becky Hebert (Planning Director) and Jillian Harris (Assistant Planning Director). Absent: Charlie Fairman (Chair), and Matt Nichols (Secretary).

I. Call to Order and Roll Call:

Vice Chairman Newberry called the meeting to order at 7:00 p.m. and appointed Mr. Swiniarski and Mr. Nelson to vote. Ms. Harris reviewed the agenda and stated the new application to be heard tonight has been reviewed by staff. It's our determination that the application is complete. The abutters have been notified, and it's the opinion of staff that the application does not pose a regional impact. We would recommend that the Board accept the application as complete.

II. Old Business & Continued Hearings: None

III. New Business:

- 1. John Mann (Applicant & Owner)** – Request for approval of a Home Occupation Permit for an internet-based retail business, located at 112 Wallace Rd, Lot 32-23, Zoned RA.
- The Planning Board will conduct the first public hearing on proposed zoning amendments submitted by the Planning Board and by citizens' petition. The full text of the amendments is available in the Town Clerk & Planning offices during normal business hours and on the Town website at www.bedfordnh.org.

IV. Concept Proposals and Other Business: None

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

III. New Business:

- 1. John Mann (Applicant & Owner)** – Request for approval of a Home Occupation Permit for an internet-based retail business, located at 112 Wallace Rd, Lot 32-23, Zoned RA.

Mr. John Mann of 112 Wallace Road, Bedford, presented: So, in 2010 I started a part time hobby/business as I was working full time as an engineer with the intent of providing for a future source of second income during retirement. The part time business was operated 100 percent in the basement of my home in a 200 square foot area. In 2014, my employer required me to relocate to an out of state facility, which I declined to do for personal reasons. Thus, in 2014 I left the company, invested more

time in my part time business. On September 20th of this last year, 2022, I received a variance from Article III, Section 275-21.f to operate my business within two detached structures on my property. My business is a retail business selling guitars and guitar parts. Our business is primarily Internet and phone based, which comprises 88 percent of my business sales. All on site customer visits are by appointment only and that amounts to 12 percent. This typically ranges between zero and six customers per week. These sales are conducted on the second floor of the larger garage. The showroom shares a space with my personal music studio, which I use to play music with friends and family. The small garage is used to store inventory of parts that are shipped to fulfill online and telephone sales. The decision to relocate the business from the residence basement to the two detached garages was based on several factors:

1. The residence basement, a) due to the age of our residence, which was built in 1958, our garages are unattached buildings. b) the basement is not a modern design with low ceilings, 6 foot 8 inches. The basement outside entrance is an enclosed bulkhead with a steep stairway.
2. Better customer access, a) both garages have street level access; and b) the showroom music studio area is a comfortable living room design setting.
3. Better shipping/receiving access. UPS makes delivery and pickups once a day which is no more than the typical resident family would do in today's modern world of online shopping.
4. Regain the use of our basement for personal use.

The entire time we've been in business, we've strived to maintain a good relationship with all of our abutting neighbors. We have never received a complaint from anyone at any time. In fact, most of them were not even aware that we operated a business from our home. I currently have two employees in addition to my wife and myself, and we have no plans or intentions of adding employees or adding additional space.

Vice Chair Newberry stated you had a couple of additional Illustrations as a part of your application. Do you need to go over those in detail at all? Mr. Mann replied sure, we can do that. This is basically what I just read you this part on the screen. Vice Chair Newberry said yes, I think maybe the plan illustrations would be helpful. Mr. Mann replies yes, so this is our property, front view. This is the larger garage. So, the plan on the right-hand side is the upper floor where we would conduct our business. You can see it says showroom and then we put a divider up. And then that back space is personal music space. My wife and I are musicians, and we play music and have friends over in the evening and play music, record, things like that. The downstairs is a personal workspace—my shop where I fix things around the house, make things, whatever. This is the smaller garage which is a single detached garage. I believe it was built in 1958 along with the house. And this space houses all of our parts that we ship out to various customers all over the world. And we have 3 workbenches: one for shipping, the second workbench is where we do some assembly of parts that we receive in from various suppliers, and the third space is a guitar workbench where I do some repairs from time to time on customers' guitars.

This is the overlooking view of my property, the house in front, small garage, the larger garage. And I think that's everything on the application. There was one thing I did want to bring to your attention in the Staff Report. On the first page, two thirds of the way down there's a section that says the business primarily involves shipping of guitars. Mr. Mann designs and manufactures off site. I wanted to make a correction to that to make it more clear. And I hope I brought it with me. Apparently, I didn't. But basically, the correction would be that most of the parts that we receive that we sell are purchased from

either the guitar company that we represent or from various manufacturers. Then there's a second part where it says the second employee provides repairs. That person is not an employee, he's a contractor. He comes in once a week, picks up the guitar repairs, takes them back to his location, brings them back when they're completed. I do have two employees. One primarily does the shipping and receiving. And the other does assembly and inspection of guitars. So, we get guitars in. We might get 20 or 30 guitars in at a time. We open every box up, inspect them, make sure that they're what they're supposed to be. Package them back up ready for shipment, and then we move on to the next.

Vice Chair Newberry asked so, you're two employees, are they full time? Or are they only part time? Mr. Mann replied yes, they're full time. Vice Chair Newberry asked so, they're on the premises all the time? Mr. Mann replied yes. The contractor is not. He just comes and picks up, and delivers. Vice Chair Newberry said thank you. Is there anything else that you'd like to make the Board aware of? Mr. Mann replied I think that's it.

Vice Chair Newberry asked are there questions or comments from the Board? Ms. Malcolm asked Mr. Mann, roughly, how many people do you have coming to and from your house because of this business? Mr. Mann replied it averages out to zero to six people per week. And it's 12 percent of our total business. Ms. Malcolm asked and the stretch of Wallace Road that's in front of your house, is that straight? I know you have an intersection pretty close to you that takes Nashua Road off on one side, and I wondered if there were ever traffic issues related to that? Mr. Mann replied no. Ms. Malcolm said thank you.

Mr. Sullivan asked Mr. Chairman, if I may? One comment and a couple of questions. One, I drive past it on a regular basis, so to see these sketches and these maps and to realize that there was a garage of that size out behind the house amazes me, so it's well hidden from the street. Two, I know that there's, if this is passed, there's a condition on here about revisiting the Board around signage. I might be misremembering, but I feel like I've seen almost like a real estate sign with your logo out front. One, does that exist, and two is it something of that magnitude that you're considering? Mr. Mann replied I'm thinking of a sign typical of a real estate sign where they have a vertical post and a horizontal and attaching a 16 by 24 non-lit sign. Mr. Sullivan continued and since we have your expertise here, Eddie Van Halen or Stevie Ray Vaughan? Mr. Mann replied they've never purchased a guitar from me, but Carlos Santana has.

Vice Chair Newberry asked any other comments or questions from the Board? On the floor plan for the larger building, I noticed that there doesn't seem to be a date on it. Does that still reflect the current configuration there? So that's still an accurate floor plan? Mr. Mann said yes. Vice Chair Newberry said OK, thank you. Any other questions, comments from the Board?

Mr. Clough asked and what about fire suppression? Is there any requirement, Ms. Hebert? Ms. Hebert replied it's not large enough to require any sprinkled fire suppression. I think you probably have a typical handheld. Mr. Mann replied we have two handheld fire extinguishers on each floor. Ms. Hebert said yes, and I do know I've visited Mr. Mann's business and the building code official did as well, and so we're familiar with the property and have reviewed the application.

There were no further questions or comments from the Board. There were no questions or comments from the public.

MOTION: Ms. Malcolm moves that the Planning Board grant final approval of the Home Occupation Permit to allow John Mann to operate an internet-based retail business at 112 Wallace Road, Map 32-23, in accordance with the application information provided by the Applicant, in accordance with the following findings of fact:

- **The plans are found to be in compliance with the purpose and intent of the Bedford 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 subject to the following conditions of approval:

1. A Certificate of Compliance shall be applied for and issued by the Building Inspector prior to continuing with the home occupation;
2. The applicant shall submit a sign permit application for review and approval by the Building Department.

Mr. Sullivan seconded the motion. Vote taken – all in favor. Unanimous. Motion carries.

Vice Chair Newberry said you're all set, Sir. Mr. Mann said thank you. Vice Chair Newberry moved on to the next item on the agenda:

2. **The Planning Board will conduct the first public hearing on proposed zoning amendments submitted by the Planning Board and by citizens' petition. The full text of the amendments is available in the Town Clerk & Planning offices during normal business hours and on the Town website at www.bedfordnh.org.**

Vice Chair Newberry stated this is the first of two hearings. The Planning Board proposed amendments have been drafted by the planning staff and have been discussed with and by the Board several times in preparation for tonight. And those comments can be found in any of the regularly scheduled meeting minutes where discussion of these proposed amendments were on the agenda. So, if anyone's interested in comments and Board comments to this point, you can check the minutes that are posted on the Town website. I think the way we'll approach this is I will turn to planning staff to walk the Board and the audience through the process in general how this works. And then also to walk us through each of the proposed Planning Board Amendments as well as one citizens' petition amendment. I think once we've done that, then we'll go back and we'll take each amendment by number and see if there's any further comments from the Board on that amendment, and if there are any comments from the audience on that amendment.

We do have a big audience this evening and so I will ask that anyone who has comments on any of these proposed amendments please go to the mic, state your name, state your address. Everybody is certainly willing to speak, but I would ask that if somebody has already made a point that you agree with, you can just agree with it. You don't need to reiterate the point again. But if you have a new point, both we and the rest of the audience would certainly be interested in hearing that. It's just that we have a large crowd and hearing the same point over and over again isn't going to help anybody this evening, so if we could ask for that as a ground rule, I would appreciate that. So, with that I will turn it over to Ms.

Hebert, who's our Planning Director, and she'll lead us through the process and these proposed amendments.

Ms. Hebert stated sure, thank you. I will start with an overview of the zoning amendment process. As part of the zoning amendment process in Bedford, the Planning Board is required to hold two public hearings. This is the first of two public hearings on the proposed zoning amendments. The purpose of the public hearing is for the Board to discuss the amendment and receive public testimony on the proposed amendments. Tonight, we have 8 zoning amendments that are being proposed by the Planning Board and one zoning amendment that is proposed by citizens' petition. The zoning amendment that is proposed by citizens' petition cannot be changed so the verbiage of the amendment cannot be changed, and it is automatically placed on the Town's ballot for the March election. The planning Board's role in the citizens' petition process is to decide whether or not they support or do not support the amendment and the Board would be making that decision at the end of the second public hearing on January 23rd. The final action to approve these zoning amendments happens in March when the residents vote, and they need to pass by a majority of the voters in March. So, if you're interested in a particular amendment to follow through with the process, you need to also vote in March at the election. The zoning amendments are printed on the Town's ballot in the same form that you see here on the screen.

Zoning amendments #2 and #7 impact zoning districts that contain 100 or fewer properties and State law also requires that these property owners be notified by a mailing. Those mailings have been sent by the Planning Department staff.

To go through the zoning amendments, I think what I'll do is go through amendments 1 through 8 which the Board has discussed on several occasions at this point, and you can open the public hearing on those amendments and then we'll review the citizens' petition. The petitioner is here in the audience and may want to also introduce that petition. Vice Chair Newberry said that sounds good, Ms. Hebert, thank you.

Amendment #1 & #2 – Elderly Housing

Ms. Hebert said OK. All right, zoning amendments #1 and #2 have to do with the elderly housing use and this zoning amendment does two things. It removes elderly housing as a permitted use from the Commercial Zone, the Commercial 2 Zone, and the Office Zone. And also reduces the permitted density from a maximum density of 28 dwelling units per acre to 18 dwelling units per acre. These changes collectively are being recommended in response to a recent change to State law that make any incentives for elderly housing interchangeable with workforce housing. These proposed amendments were more closely aligned to those two land uses with regards to permitted density and the locations where workforce, housing and/or elderly housing would be allowed in Bedford.

Amendment #3 – Cluster Residential Developments

Zoning amendment #3 is a change to the Town's calculation for required common open space in cluster residential subdivisions. Right now, our zoning requires that at least 25 percent of a total tract proposed for subdivision be set aside as open space, and the proposed amendment will increase that required open space to 40 percent of the overall tract. It also requires that at least 30 percent of that common open space include environmentally sensitive areas such as wetlands and not contain certain soil types and restricted areas that would not be easily developed. The amendment also gives the Board some flexibility to review the configuration of the open space and require trail connections to interconnect proposed residential dwelling units with the open space area. The amendment does not change the

permitted density for cluster residential subdivisions but would encourage more compact development because more of the overall tract would need to be protected as open space.

Amendment #4 & #5 – Definitions

Amendment #4 is a change to make the Town's junkyard definition to be more consistent with State law. State law has an exemption for antique vehicles and parts that are older than 25 years, and right now our definition is lacking citation of this exemption. The amendment is intended to clarify that definition and exclude antique vehicles and parts from the definition of a junkyard.

Amendment #5 has to do with storage containers and clarifies that storage containers are structures and need to meet the dimensional set back requirements for the underlying zoning district.

Amendment #6 – Accessory Structures

Amendment #6 also has to do with structures. This is an amendment that exempts treehouses and children's play structures that are not permanently affixed to the ground from needing to meet the dimensional setbacks for the underlying zoning district.

Amendment #7 – Zoning Map Amendment

Amendment #7 is a zoning map amendment to change the property located at 54 Rundlett Hill Road, so, it's this area here, from Service Industrial Zoning to General Residential Zoning. The surrounding properties in light blue are zoned General Residential. The subject parcel is zoned Service Industrial, and there's an existing ranch style home along Rundlett Hill Road. The property slopes steeply downhill from that existing home. There's a large wetland complex towards the rear of the property and a Utility Easement also crosses through the lot at this location here. The Board had received a request from the landowner that they consider this zoning amendment in the Board's slate of proposed amendments and after discussing this Zoning amendment on a couple of occasions in November and December, the Board decided to add the amendment to their list of suggested zoning amendments because the property was somewhat removed from the Service Industrial Zone. You can see the industrial properties along Cote Lane are at this location here. And the developable area of the property is primarily in this corner of the site, closer to the General Residential Zone.

Amendment #8 – Miscellaneous Housekeeping Amendments

Amendment #8 is a series of housekeeping amendments that are intended to correct outdated references throughout the ordinance. I'm not going to go through each and every one of them, but they're mainly typos and where citations needed to be corrected to maintain consistency within the zoning ordinance. There are no substantive changes to the zoning itself as a result of the corrections to the outdated references and citations.

So that is a summary of zoning amendments 1 through 8 which are proposed by the Board. My recommendation would be to discuss the zoning amendments and see if you have any comments from the public on amendments 1 through 8. You have received written comments via e-mail and in front of you, you have packets of comments for amendment #2, amendment #7, and a packet for the proposed citizens' petition, which is amendment #9. Vice Chair Newberry said thank you, Ms. Hebert. As far as the emailed comments, those will all be a part of the minutes from this evening's meeting, so you can go on the Town website and see all of the comments submitted. I think, the way we'll do this is we'll take each amendment, I will see if the Board has any further comment or question related to them, and then we'll open it up for any comments from the public. And then I will also comment on the e-mail

comments that we received as we go through these. Starting with amendment #1 and #2, the elderly housing, does anyone on the Board have any further questions or comments this evening? Hearing none, is there anyone in the audience who has a question or comment on amendment #1 and #2 elderly housing?

PUBLIC COMMENT Amendments #1 and #2:

Atty. Suzanne Brunelle of Devine Millimet and Branch representing Thomas French Curry and Susan Curry Fulenwider of 257 Wallace Road, Bedford, comments: Good evening, my name is Suzanne Brunelle. I'm an attorney at Devine Millimet and Branch, 111 Amherst Street in Manchester, NH and I am going to read if I may comments for my clients who are not able to be present today. My clients are Thomas French Curry and Susan Curry Fulenwider and they own 257 Wallace Road, which is Commercially Zoned property with 16.21 acres. They are opposed to the Planning Board's proposed changes. Specifically, amendments #1 and #2 which are intended to remove elderly housing as an allowed use in the Office, Commercial, and Commercial 2 Zones and to reduce the maximum permitted density from 28 units to 18 units per acre. We believe these two amendments would have an adverse impact on the value of our property for potential future development, and our property is uniquely positioned on the corner of 101 and Wallace Road, and we do not want elderly housing to be excluded from our available development opportunities. Chairman Fairman spoke about the need for additional elderly housing in Bedford at the December 19th Planning Board meeting. He stated there were both long waiting lists for elderly housing and a growing need as people downsize from their larger homes and we agree 100 percent.

These two amendments would limit our potential development options in this elderly housing space, which may result in alternative projects which are not nearly as appealing. There are many options for this property, but elderly housing is a good one. We've long felt that our property was perfectly positioned for elderly housing development given its unique position in the center of Town and the proximity to Atwood French Marketplace. We never considered selling the property as long as our mother was living. As many of you know, Priscilla passed away last March, at almost 92 years. She would have loved the idea of elderly housing on the family's land. The French family has been in Bedford for almost 200 years and originally owned a large parcel on Wallace and across from Riddlebrook. The French family left behind a long legacy in Bedford, most notably responsible for bringing dial phone service to Bedford by Irwin French. This is the last parcel we own. Mother sold 256 Wallace in 2001, which was the best decision she ever made as it created the Marketplace.

Having watched and helped our mother age in place at her home until age 88, we know what kept her going was the ability to walk the loop at the now Atwood French Marketplace. She had friends at each establishment. She banked at the Bank of New Hampshire. She got lunch and lots of ice cream at the Inside Scoop, her meat at the previous butcher shop, and pharmacy items at Walgreens. Everyone knew her and she walked two to three times a day. Access to these places allowed her to keep her independence and remained socially engaged. This is one of the many things she envisioned in the future on her property—a development for other seniors to enjoy, just like our mother. The owners, they do not have development plans in place, nor are they developers. They had visited their grandparents and later their parents in Bedford, but their current homes now are in Texas and New York, and these proposed amendments raise a red flag for them and frankly took them by surprise. This property is one-of-a-kind in Bedford with no access issues, plenty of green space and given a Conservation Easement, our mother granted. There's very little open space left in Bedford, especially like ours. Apartment buildings have been squeezed into locations no one could have imagined. We don't

think these proposed zoning amendments should apply to every and all parcels without consideration of their location and what beneficial or desirable opportunities they may cut off.

We would ask that somehow our property be grandfathered in to allow elderly housing to be an available option in the future. Towns change, we realize, and Bedford is very different from when our mother grew up here. Wallace Road was realigned. Route 101 was widened, and then she lost 1.5 acres in the process and had to move her family home further up her property or lose it. What hasn't changed is the beauty of her 16 acres and its proximity to Town. We are against the proposed zoning amendment #1 and #2 as we believe they would eliminate a very appropriate and suitable development opportunity for our land. The townspeople would likely embrace it if the need for elderly housing is as big as the Chairman Fairman believes it is. Please keep the door open for other seniors to age gracefully in place at 257 Wallace Road so they too can enjoy the independence, social engagement and proximity at Atwood French Marketplace. Whoever buys this property will have many ideas but would like to think elderly housing could be one of them. If these amendments are passed, who knows what you'll end up with? Where else in the middle of Town has the same walkable access to 16 plus acres? Thank you.

Vice Chair Newberry asked is there anyone else in the audience who would like to comment on amendment #1 and #2? Hearing none, then the Board also has what was just read as a part of its packet, and both your comments and the document we have will be in the minutes. I would just suggest that your clients may want to contact the Planning Department to make sure that they have a clear understanding of how this potentially impacts them. I think they can help to make sure that they understand the potential impact. It may not be quite as severe as they fear.

Mr. Gerard Gagnon of 41 Appledore Road, Bedford, comments: Hello, my name is Gerard Gagnon. I live at 41 Appledore Road. I wonder, Mr. Chairman, if maybe also, the Planning Board would consider the order of the amendment discussion this evening? Amendment #9 involves a lot of the younger people here. In fact, there's a baby crying out back. Any chance if you could address that one sooner than previously planned? That's all. Vice Chair Newberry replied that's an interesting suggestion. How does the Board feel about that? Mr. Clough said it's probably a good idea. Vice Chair Newberry said so, what we'll do then is we will turn back to Miss Hebert to take us through the citizens' petition. I think that's the one that, at least as the gentleman pointed out, most of the audience is here for. Is that generally the case? OK, so rather than making you sit here and suffer through everything that we suffer through, we'll change the order of the agenda here, and we'll have Ms. Hebert walk us through Amendment 9. Then we'll take input from the audience on that one, and that way you don't have to suffer through everything that we do this evening.

Amendment #9 – Proposed Citizens' Petition

Ms. Hebert introduced amendment #9 stating amendment #9 is a citizens' petition to prohibit roosters and geese on properties less than five acres in size, and to require that chicken coops and enclosures meet the 50-foot wetland setback and other dimensional setback requirements for the R&A district. The keeping of chickens and poultry is a use that's only allowed within the R&A Zone in Bedford. It's not permitted in any of the other Residential Zones or Commercial Zones, and it's not allowed in Cluster Residential Developments. Staff has provided a summary to the Board looking at how various towns address the keeping of poultry, livestock and chickens. In research, we found that towns really vary greatly in how they address agricultural uses in their zoning. Examples are Amherst and Hooksett have very permissive zoning, right-to-farm ordinances and encourage agricultural uses with very few restrictions, provided those agricultural uses are conducted in accordance with best management practices. Goffstown does restrict landowners who have two or more acres from having roosters or

geese. Sorry, two acres or less from having roosters or geese, and the keeping of poultry is not allowed on lots that are less than half an acre in size. Three of the 8 communities surveyed have adopted restrictions on roosters. We surveyed Bedford, Amherst, Londonderry, Goffstown, Milford, Exeter, Hooksett, Merrimack and Dover. You have a summary chart reviewing each of the zoning restrictions for those communities. Our town attorney has reviewed the petition and advised the Board that existing roosters are considered grandfathered and would be a grandfathered use pursuant to RSA 674:19. A property owner can generally continue to keep roosters or geese at a property should the amendment pass and the Town would not be able to prohibit roosters from being discarded from an existing backyard flock.

The process for the Planning Board is to review the citizens' petition and to determine whether or not the Board supports or does not support the citizens' petition. And the Town ballot will be annotated underneath the proposed zoning amendment. There would be a note that says the Planning Board either supports or does not support the proposed zoning amendment, but final action on the zoning amendment would happen after the Town vote in March. If you have an opinion on the issue, it's important to also vote in March. I believe the petitioner is here and I would suggest the board invite the petitioner to speak and explain the premise behind the zoning. Vice Chair Newberry said thank you, Ms. Hebert. Is the petitioner indeed here and interested to speak to this proposed citizens' petition? Good evening, if you could maybe just give the Board and the audience an overview of this proposed citizens' petition? I think as Ms. Hebert noted earlier, regardless of whether the Board supports it or not, it will be on the ballot in March and it has to go on the ballot, written exactly as it was submitted. It cannot be modified.

Mr. Dennis Tokac of 12 Butterfield Lane, Bedford, comments: My name is Dennis Tokac, 12 Butterfield Lane, Bedford. What I wanted to say is I'd like to see if I can withdraw the petition and basically just wipe it off the slate. Is that possible? I'll tell you the reason why. I look at all these people here and I see the passion and I don't want to upset anybody, quite honestly. I don't want to cause a problem. When I first submitted the petition, I had my reasons for it, but after some thought and some introspection, whatever you want to call it and just looking at the outpouring of people and again, I don't want people to get upset about this kind of a situation. So I just wanted to see if we can withdraw it.

Ms. Hebert said sure, we've had this happen on another occasion, and unfortunately, we can't withdraw the petition. But I think we can work to educate the public in that the petition is not supported by the petitioner or the Planning Board because it's the petitioner's wish to withdraw the zoning petition. If there were any Board members who were seated on the Board when we had this situation in the past, if you have anything else to add or any other suggestions, I'd be open to hearing your thoughts on the withdrawal of the petition.

Vice Chair Newberry said I would just comment that we might be able to add to the description or explanation of the petition, as we have on all of them, that the petitioner no longer supports the petition in part because they've thought about it some more and listened to some of the concerns about it. I think that's the best we can do at this point. Unfortunately, it can't be removed. But I would also just comment that if you have livestock, keep in mind that it doesn't become a nuisance to the entire neighborhood, because that can happen also. I think that's probably what everybody, or at least what most of the audience here this evening, is happy to hear. But remember, it will be on the ballot. And so, when you get out and vote, vote how you want to see this resolved. But we will make note of it no longer being supported as a citizens' petition. I think we can do that, Ms. Hebert.

Ms. Hebert stated I think you can, and you'll make that final decision on the 23rd at your second public hearing. I will review the matter with our town attorney to make sure there isn't any other option available to the Board.

Mr. Bandazian said the only open question to me, and I just don't remember what the answer was, which is if every single person who signed that petition withdraws. I don't remember the answer. I think we're still required to put it on the ballot, though. Ms. Hebert said I believe we're still required to place it on the ballot, but I will review it with the town attorney, and I do believe we can expand on the Board's reasoning for not supporting the passage of the amendment on the ballot, which would help guide voters. Vice Chair Newberry said yes, staff can check that, but I think, isn't it the State law, Ms. Hebert, that requires that petition to go forward? Ms. Hebert replied it does. It's good that we're hearing this at the first public hearing because we can verify that with our town attorney and make sure that there aren't any other avenues available to the Board. Vice Chair Newberry added, and we can also plan to update the status on it at the hearing, I believe January 23rd. Ms. Hebert said yes. Vice Chair Newberry asked if there was anyone who wanted to comment further and said Ma'am, please come to the mic and state your name and address.

Ms. Kelly MacDonald, 174 Nashua Road, Bedford, comments: Kelly MacDonald, 174 Nashua Road. Should we plan on being here on the 23rd? Vice Chair Newberry replied you're certainly welcome. Ms. MacDonald said I know that, but as you said... Vice Chair Newberry said I don't anticipate anything is going to change beyond what's just been discussed, but you're certainly welcome to come in and listen. You can always watch us on BCTV, and both the meeting video and the minutes are posted. The video is usually posted within a day or two of the meeting. The minutes don't get posted until they've been approved by the Board at the following meeting. But I think that it sounds like there's a resolution to this one, and we appreciate your coming in as the petitioner and listening to people's concerns and making this adjustment.

Mr. Tokac asked so, as the petitioner, there's nothing I can do? Vice Chair Newberry said I believe staff is going to look into whether there's anything that would allow the petition to be withdrawn from the ballot. Our first guess is probably not, but we're going to see if we can confirm that whether there is anything. At the very least, we will add some description explanation that will go on the ballot that reiterates what's transpired this evening, and that that you're no longer supporting that. I think Mr. Bandazian thought that there is maybe something that can be done, but let the staff look into that. I would suggest maybe checking back with them in a week or so. Mr. Tokac said OK. Right, thank you. Mr. Clough said thank you for your grace. Vice Chair Newberry said I see a couple of other people wanting to comment.

Mr. Jason Vallee of 75 Campbell Road, Bedford comments: Hi, I'm Jason Vallee, 75 Campbell Road and I was just kind of building on that question. Wondering if your amendments to, or what you'd be adding to that would be available at the next Planning Board meeting, and if that would be at all up for discussion? Or is it just something that you guys would provide on the ballot? Vice Chair Newberry replied I think that staff's draft of the explanation will be a part of the review on the 23rd, yes. Mr. Vallee said OK, and is that up for discussion at all? Vice Chair Newberry replied well, the description, I think, Ms. Hebert, we could edit the description if we decided to. What we wouldn't be doing would be editing the petition itself. Mr. Vallee said OK. Ms. Hebert clarified, and it would be available for discussion or reviewing on the 23rd.

Vice Chair Newberry asked would anyone else would like to comment on amendment #9?

Mr. Edward Comiskey of 40 Maple Drive, Bedford, comments: Edward Comiskey, 40 Maple Drive in Bedford. Not as much as a comment on this, but just as a question of clarification. Are the zoning proposals considered a Warrant Article on the ballot? Ms. Hebert replied yes. Mr. Comiskey continued OK and under State law Warrant Articles can be amended at a deliberative session, that is correct? Ms. Hebert replied with the exception of zoning amendments. Mr. Comiskey asked what's the specific exception on that? Ms. Hebert replied zoning amendments need to be placed on the ballot as is recommended by the Planning Board and citizens' petitions cannot be changed once the petition is located. Mr. Comiskey asked and that's an RSA? Ms. Hebert replied Town charter and State law. Mr. Comiskey said because I know in state law in 39:2 it's anything can be amended, but if it's in the Town Charter that would prohibit it. Ms. Hebert said it's also in State law. Zoning amendments are a little different. Mr. Comiskey said it's an odd and strange language, and I hate reading it. I'd come back again on the 23rd, but I know misery loves company, but you're on your own next time. So, just a question, is there a deliberative. The next would be is that if, after being withdrawn by the petitioner and fully supported maybe perhaps by many people in the room to not approve this, if the Town in their wisdom of voting says that sounds like a great idea, at the Town Meeting, which would be the day following, could this be raised as a protest petition to reverse it? Ms. Hebert replied no, the protest petition would need to be filed in advance of the voting day in March. Mr. Bandazian said it could be repealed the following year. Mr. Comiskey said now, as we've seen many times in the Town portion of the hearings where things carefully voted on by the people at the ballot box have been wisely reviewed and updated the next day. So, I'm just wondering if this could fall in that category. Thank you for the clarifications. Ms. Hebert replied sure. Vice Chair Newberry said thank you to the staff and to a Town Councilor for helping to clarify that.

Mr. Sullivan said Mr. Chairman, if I may, I just want to thank everyone for coming out tonight. We often speak to an empty room. The lot line adjustments and things of those nature aren't that exciting, but it's great to see everybody come out, maybe not for the petitioner in his case, but he went through the right process to try and make a change. You're all doing the right process to voice your opinion and let us know what you think we should do. This is how we're supposed to work, so thank you.

Ms. Dina Tanvuia of 121 Nashua Road, Bedford, comments: Dina Tanvuia of 121 Nashua Road. First of all, I just want to thank Mr. Tokac for changing your decision. Isn't it great that we can get to see everybody here, so if we need to make other decisions... just kidding. We have two very young farmers in the room and would still like to present their very short justification for having come for the farms. I was wondering if anybody wants to hear them, if it's OK with the Board and the audience here. Would that be OK? Vice Chair Newberry replied I think that would be OK unless the Board has an objection to that. Sure, come right up, sit down. You can use the mic and we can all hear you well.

Miss Autumn Messina of 157 Nashua Rd, Bedford, comments: OK, my name is Autumn Messina. I live on 157 Nashua Rd. Bedford NH, and I would like to explain why we need to keep our roosters and geese. When I was little, I used to think that roosters were scary and mean and that they would attack at any given time, because back then my roosters weren't friendly. At one point a few years ago, we had gotten rid of all of our roosters and had only a bunch of hens left. One thing that roosters are known for is the fact that they keep down the pecking order for the rest of the hens. Once we had no roosters, the hens started trying to dominate the other hens, which means they're always pecking, biting, and scratching each other. Then a friend gave my family an older rooster who was very nice. That surprised me because I had never met a friendly rooster. Since then, I have bought about 30 chickens, and now have four of

the best roosters in the world, although sadly I did just lose one the other week. We think he might have been taken by a coyote. Imagine how many chickens we would lose if we did not have any roosters.

Two years ago, I bought and brought up to two adorable baby Toulouse geese, and we were so attached to each other that we do pretty much anything together. I would even sit on the ground outside and let them fall asleep on my lap. Or during parties, they'd hang out with everyone there. They were great guardians for the smaller animals and my family. I know that they would protect us with their life. They live on another farm now, partly because they started going to the extreme of trying to protect me from the mailman. Taking away the roosters and geese would be like taking away the King's bodyguard just because they look defensive. If these awesome built-in bodyguards leave, then we will probably have to stand outside all day with a pitchfork protecting our chickens. Vice Chair Newberry said thank you. That sounds like some very knowledgeable information you've shared with us. Thank you.

Miss Emma Sfintescu of 121 Nashua Road, Bedford, comments: My name is Emma Sfintescu, and I live on 121 Nashua Road. I've been farming in Bedford since I moved here in 2015. A couple of years ago I got a rooster who we named Hugo. And the first couple of days I was terrified of him because I don't know. I was just terrified of him. And then after a couple of days, I realized he was really harmless, and he and I developed such a bond that he would come when he was called. I would scream for him, and he would come running. And I would hold him upside down like a baby in my arms, and he would just fall asleep like that. I had another rooster who was named Hugo Junior in honor of Hugo, and he actually gave his life fighting a hawk for his hens. He saved his hens fighting a hawk. We have another rooster who's named Rockingham, and he is about the most loyal rooster I've ever seen. He would do anything to protect his hens. I really think that these roosters are super important. Roosters and geese to us farmers are our pets. They're like our dogs and cats. I don't know what I would do if they were taken away from me. I think there's no point in having poultry without roosters and geese, because there are predators, and we get hens taken away really often even with our roosters by other predators. But without our roosters, I think they would just be taken away every day. So, I think there's no point in having poultry without roosters and geese. Vice Chair Newberry said thank you, that was very informative, and you are obviously another experienced farmer.

Miss Willow Messina of 157 Nashua Road, Bedford, comments: My name is Willow Messina, and I live on 157 Nashua Rd. Bedford, New Hampshire. In my 8 1/2 years of farming, I have learned that without roosters hens will peck each other up. Roosters help the hens find food by crowing. Roosters and geese protect the females from predators. Also, roosters can see in two directions at the same time. Vice Chair Newberry said thank you. Another experienced farmer educating us. Thank you very much.

Ms. Kathy Ang of 53 Stowell Road, Bedford, comments: Kathy Ang of 53 Stowell Road. I'm just coming here to support the young farmers here. My two kids will be horrified that I'm even standing up to speak because they're in college or are going. But when they were younger, that was one of their chores to go and feed our hens and what have you. And it's very healthy and good for them to learn that responsibility. So that was one huge benefit. But I just wanted to speak to other benefits that people who maybe don't have the, I guess, privilege or desire to raise chickens or roosters or what have you, that they do control a huge number of mosquitoes and pests and ticks, which of course have the diseases that can spread. They do so naturally, and so that's a huge benefit. And then you don't need to spray your yards full of chemicals and things which also kill the pollinators. So, there's an overarching benefit to having local fowl, and obviously birds and other wildlife. And I do appreciate Mr. Tokac withdrawing his petition. I appreciate that and I just wanted to speak out in support of those who do want to have their own flocks because there are overarching benefits for all of us.

Vice Chair Newberry said thank you. I will just mention to our farmers that the information you've shared with us this evening will be a part of the minutes of the meeting so that people who want to learn more about farming and roosters will be able to read the information that you've provided us. So, thank you for that. Is there anyone else who would like to comment on this? OK, hearing none, I think what we will do is, I suspect, some of you probably want to go home, so I think we'll take a quick five-minute recess here and give everybody who wants to leave an opportunity. Please don't feel necessary to leave. You're more than welcome to stay. We'll take 5 minutes. –BREAK--

Vice Chair Newberry said good evening, so we will pick up our meeting. Would somebody in the back there mind just closing the door? Great, thank you very much. We're back from adjournment. Let's see where were we? Ms. Hebert replied I think you we're on zoning amendment #3. Vice Chair Newberry said thank you, Ms. Hebert.

Amendment #3 – Cluster Residential Developments

Any comments from the Board on this one? Or questions? Hearing none, is there anyone in the audience who has a comment or question on proposed amendment #3, clustered residential developments? OK, seeing or hearing none, we'll go on to amendment four and five.

Amendment #4 & #5 – Definitions

Vice Chair Newberry asked does anyone on the Board have further comment or questions on either four or five? Hearing none from the Board, is there anyone in the audience who would like to comment or question items four or five? Hearing none, we can move on to item 6.

Amendment #6 – Accessory Structures

Vice Chair Newberry asked does anyone on the Board have any further comment or question? Mr. Sullivan said Mr. Chairman, I have one question. I'm just trying to understand what is the definition of, I think it's permanently affixed? Ms. Hebert replied sure, we've talked about this. It would need to be a poured sono tube or something that is permanently affixed via an accepted building practice. Vice Chair Newberry asked anyone else on the Board? Is there anyone in the audience who would like to comment on proposed Amendment 6, which is accessory structures? Seeing or hearing none, Amendment #7.

Amendment #7 – Zoning Map Amendment

Vice Chair Newberry asked are there any additional comments or questions from the Board? Hearing none, is there anyone in the audience who would like to comment on proposed Amendment #7, that's the zoning map change.

Atty. Donald Kennedy of Manchester, NH, representing Alan Chartrand, Gary Chartand, and Steven Chartrand, 54 Rundlett Hill Road, Bedford, comments: My name is Donald Kennedy. I'm an attorney in Manchester, NH. I represent Alan, Gary and Steven Chartrand. Alan is with me here today. We are the ones who wrote a letter to your staff with regards to proposing changing this from Industrial to Residential. As we started this, staff has been so helpful. I spoke with Matthew Lavoie back in December of last year, December of 2021. He said this is one of the ways we should go, and the Planning Director has been very helpful with us getting this done. So, what we did is this land as they pointed out is mostly developable in the upper right by the residential. That's where the easements don't go through. That's the best part of the land that's going to be developed. It's our hope that you'll support this amendment and approve it to Residential. The reason is there are many; one, residents. You need residential property. Two it's basically a residential area. There are some minor industrial over there, but

basically there's all houses there actually. There's a house actually on the property. We went around and we gave a zoning change request to all the neighbors. We explained to them that we were trying to help them out, help Bedford out and get more housing there. I have copies of these, although I gave it to Ms. Hebert. If the Board would like them, I can present them to them. Vice Chair Newberry confirmed we do have it in our packets. Mr. Kennedy replied OK, very good. Really good, actually. The purpose of this is the taxes are just going to try to sell the area to a developer, and at that point in time it will be up to the Planning Board and the Zoning Board to decide what's going to be there. We have no plans of developing it ourselves. We just knew that as we put it on the market back in 2021, everybody says, well, subject to our due diligence, and we have to go to the Zoning Board and all this. So, what we want to be able to do is just say this is zoned Residential. Here's the property that you have. You're going to have to go to the Zoning Board of the Planning Board to work with them to decide on what you can build and how you can build it. We would just ask for your support and both Alan and myself are here to answer any of the Board's questions or any of the neighbors' questions? Vice Chair Newberry said thank you. The info sheet that you referenced will be a part of the package minutes of the meeting, so anyone who's curious and is looking for that, they can find it in the minutes from this meeting. Mr. Kennedy added and at one point in time, that used to be a chicken farm. Over 20,000 chickens were there, kind of apropos. Vice Chair Newberry asked did they have any roosters? Mr. Kennedy replied a lot of chickens, though. Vice Chair Newberry said Thank you, Sir.

Mr. Brett Jessee of 1 Fern Terrace, Bedford, comments: Good evening, my name is Brett Jessee at 1 Fern Terrace. I'm one of several officers and board members from the English Woods Homeowners Association, 19 homes and a cluster just north of that property. And we are going to miss the Chartrands. They've been great neighbors and great neighbors in New Hampshire are people who don't bother each other and leave each other alone. And so, we've been getting along pretty well with everybody on Rundlett Hill Drive. And I understand we're not talking about the next phase, which is development. Just a few questions if I could. The water supply that would be used by that property in the future, do we know if that's potentially wells? I only asked this because we are on a well system ourselves and we're severely stressed due to droughts and so on. And if it were city water, that would be one less concern we would have.

Mr. Kennedy replied we indicated that it probably doesn't have water or sewer at this time, and the house is currently on a well. Mr. Jessee said OK, so that's something that probably comes in the next phase. Maybe a prelude here that our concerns are that we've had watering bans for the last several years and we're working with the Pennichuck Water Supply company to help us figure out how to deal with that. So that's just one of those things to consider probably in the next phase should this become residential. I think what kind of got us excited was we did a little bit of Googling and I think there was probably a little hyperbole from a realtor suggesting that this could be a 9-unit development, and we look at that plot and say 9 units? That's getting kind of crazy so that that's kind of what is getting us excited. Again, all the next phase there. So, water supply, wells, Town water supply, et cetera. We have worked with Pennichuck to get water and they said, well, they can get water to Rundlett, but they can't get the water across to us, so if that's something that is of interest to you folks, maybe in your future clientele, etc?

Mr. Alan Chartrand, owner of 54 Rundlett Hill Road, Bedford, comments: My name is Alan. I live in Pelham, NH. I'm one of the owners—my two brothers and I are the owners of 54 Rundlett Hill Road. My parents bought the property back in the late 40s. My mom had lived there for her whole life up until about 10 years ago. We had promised my mom that we'd not sell the house while she was still alive. She has now passed, and I think at this point, my brothers and I want to sell. So, yeah, I had granted

Pennichuck Water access through the land, probably about 10 or 15 years ago, I'm not sure. I think people did reach out to me. I don't know if it was your property about a year ago, your engineer had reached out at that time. You know we had put the house on the market, and we have since taken it off. But certainly, I think anything's possible.

Mr. Jessee said OK. Great. That's just kind of a preview of what I thought, as well. You know, we're newcomers to the neighborhood, not from the 40s. Our places were built 25 years ago. We used to be woods too, so we're of course abutting on the bottom side. We're concerned about the buffer zones et cetera. I think at the time again, this is all precluding what may come in the future that the property at the extreme certainly does have exposure to that property line, so we we'd be coming back and talking about buffer zones and maintaining adequate seclusion and that sort of thing. That and maintenance of wetlands to make sure that I think we've only defined that upper corner, but I don't know if that's ... has that been determined as far as a wetland survey that there's a defined area of development potential? Vice Chair Newberry replied I think the issues you're concerned with water and things of that nature would probably be a part of the review of an actual proposed development. Mr. Jessee replied next phase, exactly. Vice Chair Newberry continued staff may be able to elaborate further on that.

Ms. Hebert replied sure, that is all something that would be considered as part of a possible subdivision or development of the property. You can see on the zoning map here there is a water line that goes up Rundlett Hill Road. It looks like it's stubbed at just opposite 51 Rundlett Hill. The nearest sewer connection to a public sewer is about 4,200 feet from 54 Rundlett, so it's a much more challenging utility to bring to a proposed development, but the site does have access to water. Mr. Jessee replied OK, yes, we're bringing up questions that aren't fair for this proposal. I understand that, but those are the thoughts on our mind. And then we'll certainly be back. And we're going to miss you all. So, thanks very much.

Vice Chair Newberry said thank you. Is there anyone else in the audience who would like to speak to this? Ma'am?

Ms. Leia Scoppettuolo of 66 Rundlett Hill Road, Bedford, comments: My name is Leia Scoppettuolo. I live at 66 Rundlett Hill Road which is two houses away from the property. I represent myself, but also, I have concerned neighbors who are right next to me at 62 Rundlett Hill. And they are direct abutters of the property in question. They were unable to come tonight, and I hope they can come next time. But I would like to inform the Planning Board that myself and the neighbors I just mentioned we are not in favor of this change. Specifically, the owners of the property in question clearly, as you just mentioned, would like to rezone for Residential, and clearly this is for your own financial gain. The house on the lot is a rental unit and as we know, they have attempted to sell it with little to no success. They did, I believe it was listed for more when I first checked but looking last night it was listed at \$1.5 million. And as you said you reside in Pelham NH and therefore are not subject to the consequences of this rezone. It is clear, as you've mentioned, you want to sell it to a developer and walk away. Meanwhile, the community at Rundlett Hill and at English Woods would have a lot of negative impact to what I would consider, and many would consider an ecological gem in the area. I was not aware that we would only be proposing to develop the hill. When I first wrote my points, I was also very much concerned about the wetlands and if you were to fill in that area, how would those future residents deal with the imminent flooding that would happen?

Moving on, I would like to say that even if we do propose to only develop that upper right corner of the lot, this would have negative impacts on the wetlands, given fertilizers, lawn maintenance, things of that

nature. Septic systems leach, but they sometimes fail and that can go run down into the wetlands, which I understand this will be part of the next phase, but these are concerns myself and my neighbors share. These wetlands and the steep hillside and the woods themselves are an incredibly diverse ecosystem, not right now. Right now, it's pretty quiet. But if you were to take a walk in the woods in the spring or the summer, they are budding with life. They also about the English Woods common woods area, so it's become a natural extension of the park. So, we've seen many animals, and particularly a lot of evidence of hawks in the area. So many so that we have renamed the area my family and I, Red Tail Hawk Hill. Every time we walk around the woods, we find feathers everywhere, so there's lots of nesting happening in these woods. We've also witnessed woodpeckers and many water birds, including blue Heron. If there were to be development on this hill, the runoff and impact to the water could destroy this entire mini ecosystem. And other species we've seen: Harry Woodpecker, fish crow. There's also a lot of unique trees in the area including Black Elm, which is suffering a blight in all of the north and the northeast and should be protected. We ourselves, I'm sure the English Woods have also enjoyed a lot of biodiversity in their own backyards, ultimately resulting from this small area. Wetlands are known to support the base of a lot of ecosystems, including pollinators and insects and birds, which then leads to allow larger animals to reside in the woods. Right now, I mean, we've seen evidence of deer, rabbits, raccoons, foxes, skunk, coyote, black bear. Cutting down the forests and the possible negative impacts to the water quality of the wetlands could possibly lead to less diversification, ecological collapse, and we wouldn't see these animals that we're so used to seeing and maybe take for granted. I know sometimes deer can be a nuisance. Raccoons can be a nuisance. Skunks can be a nuisance. But we owe it to ourselves and future residents of this area to maintain this small ecological gem as I continue to call it.

As mentioned as well, flooding and water continue to be a problem in our area. My family moved to Bedford in 2018 and four months later our house flooded. We live on the hill, and we still flooded. So that being said, the loss of plants and trees in the area would only increase the chance of flooding in the area and I would be saying that these people are not looking at a positive future when it comes to water in this particular area of Bedford.

Also, of concern we have to deal with near constant traffic on Rundlett Hill Road. I even reached out to local authorities on seeing if we could get more signage, possible speed bumps in the area to reduce the amount of traffic we see on the road. We have a lot of people coming from Manchester who cut through Rundlett Hill to avoid the lights on Donald Street, and it's a continued problem that we have to deal with. If this were to be developed further, we would have even more traffic on the road. And I would propose that the Town consider if this does move forward, and of course, we'll talk about this later, possible sidewalks on both sides of the street given the increase in traffic. We do have a lot of dog walkers. Everyone walks their dogs up and down the street. We also have running teams from Saint Anselm College who use this as a loop. They go back through on some of the neighborhoods on the other side and they come around and down on that hill and this would just add more traffic onto the street, leading to possible safety concerns.

And finally, we also are concerned about the level of noise that would result from this. I'm happy to hear you wouldn't fill in the wetlands, but again, I've already cited the possible chemical impact to the water itself. But also, the trees act as a buffer. And I know when we get into the zoning and planning and there's a one hundred feet X of buffer that's required. However, right now we enjoy this entire forested area that blocks noise from 114 and 101, and we would be subject to hearing a lot more traffic if this development were to proceed. That being said, we moved to Rundlett Hill to enjoy the quiet and the nature, and I know a lot of my neighbors can second that opinion, and I'm sure English woods

appreciates the quiet spot you guys have. And if this were to be developed, not only between the blasting and cutting noises that we would have to deal with, would be the subsequent noise of having a whole other neighborhood installed in an area that we all looked at as a nice quiet space to spend our time in Bedford.

So, I would again reiterate our position myself and direct abutters at 62 Rundlett Hill Road, that we are not in favor of this. Thank you so much for your time.

Mr. Kennedy replied I would just like to point out that zoning this Residential will have a far less impact to the area than keeping it Industrial, where some sort of industrial project would have to come in and would be much more invasive. That's why we think that Residential is better suited for this area. We do think also that although it has never been developed, doesn't mean the owners don't have a right to develop it. We're just trying to do it in a way that would be the best for Bedford, and we think that's Residential. If her point is, well keep it Industrial and sell it as Industrial, and I know there's a supermarket back there that has access, I don't think that would work as well. Vice Chair Newberry replied thank you, we like to collect everybody's view on this proposed change. We don't really debate it here, but we are interested in making sure that everybody's view on it and concern with it is aired and understood by everyone. What will happen is that after the next hearing on the 23rd, the Board will take a vote on whether to place this proposed amendment onto the ballot in March. So that's our way forward from here. We'll be hearing any additional comments on this and the other proposed amendments at our January 23rd meeting. Is there anyone else who hasn't spoken in regard to this one who would like to?

Ms. Leia Scoppettuolo said just a quick question. If you were to sell to a developer, how do you guarantee or maybe Amendment #3 from earlier this evening would prevent the filling in of the wetland area? Once you sell it to a developer, is it not theirs and do they not have the right to do whatever they so choose with it?

Ms. Hebert replied the filling in of wetlands for development is not permitted in Bedford unless the developer receives a variance from the Zoning Board of Adjustment. So, it's not a small permitting hurdle. The filling in of wetlands also requires a State permit from the New Hampshire Department of Environmental Services, and they have very rigorous rules that they review, and you need to demonstrate that there are no other alternatives to the filling of wetlands. A developer wouldn't just come in and fill in a large wetland area like you see on the map. It's a very rigorous process and would require a lot of public review.

Mr. Chartrand stated we had Meridian Land Services do a best use of the property both with Industrial and Residential, and they mocked up two different plans for us. In the residential mockup, there were no plans of eliminating any wetlands. It was to work around the wetlands. Vice Chair Newberry said wetland fills are pretty rarely granted for anything other than a small stream crossing or something of that nature. I won't say never, but it's as Ms. Hebert pointed out, there are a number of high hurdles to fill ten square feet of wetland, never mind anything significant.

Ms. Scoppettuolo said there's a lot of water down there--very wet down there. Another question. As you can see from the topographical map, it is pretty steep and as myself and my neighbors who tried to dig in this ground can attest, it's all rock, possibly solid bedrock, so blasting would be inherent, correct? So that is just something that is another concern added to the noise as well is that I don't think... Vice Chair Newberry replied those are all issues that would be addressed in any proposed development, and

those would be issues whether the proposed development was Industrial or Residential. I mean the property, there, the topography, the soil is what it is, and that would have to be addressed in any proposed development and isn't really relevant to a zoning question per say. But would have to be addressed before anything could be done there.

Ms. Scoppettuolo continued and by leaving it as Industrial, is it just not sellable? Because it's such a steep hill and the wetlands are there so no industry would want to spend the money it would take to expand into that area? Is that why we're discussing changing the zoning, to enable the sale of this property? Vice Chair Newberry said I think the Board's only interest in the property is whether it's being used to its best use or not from the perspective of the Town.

Ms. Scoppettuolo said so, I would argue as it exists today. Right? From the perspective of the Town, I would argue exactly as it should remain as it is, thank you so much. Mr. Swiniarski added I would just put out the Town doesn't have the authority to do that. The Town can't say that this property can't be developed. And I just want to be helpful in sort of framing what is happening here. It's currently zoned Industrial, so we have certain uses that are permitted in Industrial, subject to all of the land use regulations that we have and it's impossible for us to sit here right now, and sort of speculate as to challenges any theoretical development may have. Really the issue with this zoning amendment is whether or not an Industrial use is more appropriate than a Residential use. I just think it may be helpful for you to sort of understand that this zoning amendment isn't necessarily the difference of leaving it as is or developing it. That's not what the zoning amendment is about. It's about what development, if any, can happen in the future. Ms. Scoppettuolo said understood, thank you. The ultimate goal, though, per the filing the plaintiff, whatever you may call Alan, is to sell to a developer. So, ultimately it would lead to a number of houses. I think 9 units were mentioned. But would this also just permit the sale of it as a single home on a 20X or a 19-acre lot? Mr. Swiniarski replied there's nothing that prohibits that. I think it was marketed as such. But there isn't a regulation that says it has to be that way. Ms. Scoppettuolo replied OK, thank you very much. That was very helpful.

Ms. Dawn Sarette of 3 Danforth Drive, Bedford, comments: Quick question. Dawn Sarette, 3 Danforth Drive. As we're general residential, what are the permitted uses? Is it just a single-family home? Can it be multifamily? Ms. Hebert replied under the Service Industrial Zoning, the property could be developed for a variety of industrial uses, including light manufacturing, light industrial, wholesale and distribution, building materials sales and storage, many warehousing or self-storage research and development centers, cultivation facilities for alternative treatment centers, daycare centers and public parks. Along with some residential uses, the Service Industrial Zone does allow for elderly and workforce housing, provided they are connected to municipal sewer. Under the General Residential Zoning, the property could be developed for single family homes which would not be an allowed use under the current zoning Service Industrial, and that would also include cluster residential developments and some institutional uses like churches, daycares, schools, and elderly or workforce housing provided they were in a cluster development. Ms. Sarette asked so, a cluster is that similar to what we have at English Woods where it's single-family homes that are just grouped in one area? Ms. Hebert said yes. They're grouped in one and under Bedford Zoning, you can't have a higher density than what would be permitted for a single-family residential subdivision but allows for more compact development and the protection of open space. Under amendment #3, we were talking about increasing that required open space from 25 to 40 percent. Ms. Sarette said OK, thanks.

Vice Chair Newberry said so, if there's anyone we have not heard from who would like to speak? I think we have a variety of opinions on this proposed amendment, and we'll hear it again on the 23rd, see if

there's any additional input from either the Board or from the public. Thank you all for commentary and coming out this evening. I think we still have 1-2 amendments to go through here.

Amendment #8 – Miscellaneous Housekeeping Amendments

Vice Chair Newberry asked are there questions or comments from the Board? Mr. Sullivan said I thought for sure the crowd was here for the housekeeping amendment. Vice Chair Newberry asked anyone in the audience who would like to comment or have a question on proposed amendment #8. Seeing none, I think that leaves us with amendment nine we took care of. I think we've gotten through all of the proposed amendments, and we've also gotten through the citizens' petition amendment. As far as amendment #7, well, actually, as far as all these amendments, the staff has received a number of comments on amendment #2, amendment #7, and amendment #9, and those will all be a part of the minutes from this evening's proceedings.

IV. Concept Proposals and Other Business: None

V. Approval of Minutes of Previous Meetings (December 19, 2022)

Vice Chair Newberry said we have approval of the minutes from December 19, 2022. Do we have any corrections to the minutes from that meeting as written? Hearing no corrections, is there a motion on the minutes?

MOTION: Ms. Malcolm moves to accept the Planning Board minutes for December 19, 2022 as handed out to us today. Mr. Clough seconded the motion. Vote taken – all in favor. Mr. Sullivan abstained. Motion carried.

VI. Communications to the Board: None

VII. Reports of Committees: None

VIII. Adjournment:

MOTION by Ms. Malcolm to adjourn at 8:38 pm. Mr. Clough duly seconded the motion. Vote taken – all in favor. Motion carried.

The next meeting of the Planning Board is scheduled for January 23, 2023.

Respectfully submitted by
Sue Forcier