

TOWN OF BEDFORD
March 8, 2021
PLANNING BOARD
MINUTES

A remote Zoom platform meeting of the Bedford Planning Board was held on Monday, March 8, 2021. Members who were present remotely: Jon Levenstein (Chairman), Kelleigh Murphy (Vice Chairman), Hal Newberry (Secretary), Bill Duschatko (Town Council), Rick Sawyer (Town Manager), Jeff Foote (Director Public Works), Mac McMahon, Pricilla Malcolm, Steve Clough, Charlie Fairman (Alternate), Matt Sullivan (Alternate), John Quintal (Alternate), Becky Hebert (Planning Director), and Assistant Planning Director Jillian Harris

Due to the Coronavirus crisis and in accordance with Governor Sununu's Emergency Order #12 pursuant to Executive Order 2020-04, the Planning Board is using the Zoom platform to conduct this meeting electronically. Please note that there is no physical location for this meeting and the BCTV building is closed to the public.

The Town of Bedford is providing public access to the meeting live on BCTV, streaming at www.Bedfordnh.org/393/BCTV, and by calling into the meeting. Please email planning@bedfordnh.org or call 603-472-5243 to receive the Zoom call-in information.

Planning staff will also be accepting questions and comments by email at planning@bedfordnh.org. Please notify staff by email if there are technological issues during the meeting.

I. Call to Order and Roll Call:

Chairman Levenstein called the remote meeting to order at 7:00 p.m. All members were present.

II. Old Business & Continued Hearings: None

III. New Business:

1. AB Atlantic Group, LLC (Owner & Applicant) – Request for approval of a subdivision to create one new residential parcel at 58 Jenkins Road, Lot 32-40, Zoned R&A.
2. Harvey Road Commercial Property, LLC (Owner & Applicant) – Request for site plan approval of a multi-tenant 17,400 sq. ft. industrial warehouse building with accessory office space, located at Harvey Road, Lot 35-98-30, Zoned PZ.

IV. Concept Proposals and Other Business: None

Ms. Hebert stated the new applications, Items 1 and 2, have been reviewed by staff, and it is staff's recommendation that the applications are complete. The abutters have been notified, and it is the opinion of staff that neither of these applications pose a regional impact. Staff would recommend that the Board accept the applications, and by doing so, determine the applications to be complete.

MOTION by Mr. Newberry to accept the agenda as read. Ms. Malcolm duly seconded the motion. On a unanimous roll call vote, the motion carried.

1. AB Atlantic Group, LLC (Owner & Applicant) – Request for approval of a subdivision to create one new residential parcel at 58 Jenkins Road, Lot 32-40, Zoned R&A.

Earl Sandford of Sandford Surveying and Engineering was present to address this application for subdivision approval.

Mr. Sandford stated we have a 2-lot subdivision. (Site plan was posted on the screen.) We are on Jenkins Road about $\frac{1}{4}$ - $\frac{1}{2}$ south of the grocery store off from Route 101. It has an existing house and barn on it, and there was a bit of a squeeze play. The deed for it calls for 3.7 acres with 340 feet of frontage; when we did the full survey it actually only had 3.3 and change acres and a little over 300 feet of frontage, but fortunately the 300 is enough for the purposes of subdividing that we are attempting to do. They lost a third of an acre and about 40 feet of frontage from what the deed said there was. There could be some dispute but that is not part of the issue tonight. We are going with the most conservative boundary and something that I am willing to sign off to. So we have an approximate 3.4-acre lot that we are subdividing basically in half.

Mr. Sandford stated the way the house is situated with the septic system and their view and their access to the barn, if you can see on the plan coming in off from Jenkins Road, the typical access is to swing around to get to the barn. We tried to protect that area to preserve with the existing residence to the best of our ability, which does result in a shape, which is the only waiver that we are asking for, is that the geometry is not what we normally like to do. Certainly if it was raw land, we would be making a nice even line through the middle of the lot. We have done our due diligence, we have had a soils survey analysis, the wetlands have been delineated in the field, and we have made sure that it met all of the area requirements for the Town of Bedford. It has city water but there will be an easement because the city water comes up, and instead of coming off from the road, it comes up from the lot to the south and we are not going to change that, so that will end up becoming an easement, but we will start with a declaration of easement because there is one owner for both parcels. That is an element of this. You can see the wetland on the southern end that we are avoiding. This was the house that was given for building on the lot. It is a little better than your normal conceptual one, but the proposed driveway shown in gray comes in to the garage, and as I have stated in terms of the drainage, the existing lot that will remain as 32-40 will be unaltered so it is that of all the improvements, which makes sense, would be on the newly created lot. There is ample room for the septic, the house, the driveway, we have added roof drainage land savers to compensate and make sure there was a zero net increase in drainage off from the site. Some of those dark lines on the south side of the driveway represent shallow infiltration trenches that, in concert of all of those mechanisms, give us below pre-development flow in the post-development scenario.

Mr. Sandford stated that is pretty much it. We made sure that we didn't impact wetlands, we are not in need of any variance or any relief, the only question, and I believe your regulations say the Board has the discretion for what constitutes geometrical shapes, so I wasn't sure if we would even need the waiver but we did submit that for a shape that, again, wouldn't be the shape that we would do on raw land. It wouldn't be the first time that it has been done in town, it has that sharp angle of the sideline coming off, it has the 150 feet of frontage, comes off at a sharp angle, flattens out, and actually makes the shape for the driveway, and allows the existing house to continue to enjoy where its septic system is. There are some gardens out there and things that just make more sense to stay with the existing house and also the access to the barn. I would be glad to answer any questions.

Chairman Levenstein stated frankly it doesn't look very geometric in the shape it is in right now. I don't seem to have a real problem with that.

Chairman Levenstein asked for any comments or questions from the Board.

Councilor Duschatko stated you are showing a waterline coming in; is the water service to the proposed lot a separate line or is it going to come off from the current one. Mr. Sandford responded, Bob from my office talked to Pennichuck Water Works and they are okay with coming off from the road. We would rather come off the other line, but we do have to secure an easement within the other easement, I believe. There were some legal issues, so they said if we wanted to temporarily avoid any legal issues, and we can end up building it the way it is drawn, which is coming off from the main that is on Jenkins Road, but if we can procure an easement, we would love to bring the waterline in parallel with the other one.

Mr. Clough stated the wetland itself is a polygon but the wetland setback doesn't look proportional to that polygon. Is it me or is it something else? Mr. Sandford responded the wetlands is the triple dotted line, not to be confused with the contour line, it is not a very poorly, it is just a poorly drained wetland and you can walk through it. When you have a sharp exterior corner on a wetland and you are doing a 50-foot offset, you end up with a curved shape at the 50-foot line as it swings the 50 feet around that point. Mr. Sandford indicated the various lines on the plan. Shown is the building setback and we are staying beyond the 50-foot setback. Mr. Clough stated I was just trying to buy you a little bit more backyard if there was. I have no more questions; I am satisfied with that answer.

Chairman Levenstein asked if there were any members of the public who have joined the meeting online or by phone.

William Forrester, 64 Jenkins Road, stated I live just south of the property being discussed. I am a little concerned that I was never notified of this. I believe that the property behind me has land that runs parallel to mine, so it doesn't necessarily abut, but this is clearly going to affect my privacy. Just so I understand, are we planning on removing some trees and forest in the backyard there? Mr. Sandford responded as we curve around the wetland, there is a treeline that is shown at the left edge of the wetland, underneath where it says driveway infiltration trench on the plan, you can see a little bit of a treeline there. There won't be any trees cut to the right of that for the

purposes of this development, it is not within the impact area of disturbance of soils. I can't say what any future owner would want to do in terms of keeping or removing trees, but it is certainly not the intention of this plan to remove anything more than necessary to get the driveway in, and most of it is coming in over non-treed area right now. There is quite a separation, and I see your point, but there is a separation between your lot line, the cursor is shown on the waterline, which is on your neighbor to the north, and then we are north of that, but you are in close proximity, I do grant that.

Mr. Forrester asked is there any way that you can put a tree buffer covenant into this plan? Mr. Sandford responded I don't know of any regulation that would force that. I don't know of any lot in the neighborhood that has such a restriction, and I am not sure whether there is a rational nexus to impose it upon the new lot. Ms. Hebert stated we don't have anything in the Town's subdivision regulations that would require the no-cut buffer. The wetlands will provide a natural buffer between your property and the proposed development and that is as shown on the posted plan, and you can see how the wetland runs along the southerly lot line. Mr. Forrester stated the southeasterly portion of the lot. Mr. Sandford stated looking at the scale it seems like the driveway should be at least 120 feet away from your lot line.

Mr. Forrester asked just for this zoning area, what is the minimum acreage? Chairman Levenstein responded 1.5 acres. These both meet the standard.

Mr. Forrester stated I don't have any further questions. I will say that I was notified of this at the last minute from another neighbor who saw the agenda, so I haven't really had time to review this, this is kind of a last minute thing. I am a little disappointed that I wasn't made aware of this ahead of this. Chairman Levenstein asked Ms. Hebert, was notice sent? Ms. Hebert replied he is not a direct abutter. State law requires the applicant to notify the direct abutters, so we don't widen that circle beyond the properties that immediately abut the application. There is a finger of land on the adjacent property to the south that looks to be about 50 feet wide where the water line comes in and then I believe Mr. Forrester's property is the next one beyond that.

Chairman Levenstein asked for any further questions or comments from the Board. There were none.

MOTION by Mr. Newberry that the Planning Board grant the following waiver from the Bedford Land Development Control Regulations:

- **Section 231.1.1, to allow a lot configuration that does not contain a regular shape and the side lot lines are not substantially radial or perpendicular to the street.**

Councilor Duschatko duly seconded the motion. On a unanimous roll call vote, the motion carried.

MOTION by Mr. Newberry that the Planning Board grant final approval of the subdivision of Lot 32-40 to create one new residential lot, in accordance with the plan

prepared by Sandford Surveying and Engineering, Inc. with a revision date of February 11, 2021, with the following precedent conditions to be fulfilled within one year and prior to plan signature, and the remaining conditions of approval to be fulfilled as noted:

- 1. A letter shall be submitted to the Planning Department by a Licensed Land Surveyor, certifying that all boundary monumentation has been set as noted on the approved plan, or in lieu of a letter, the final subdivision plan to be recorded may be submitted noting that the bounds have been set.**
- 2. The Planning Director and the Department of Public Works Director shall determine that the applicant has addressed all technical review comments to the Town's satisfaction.**
- 3. All outstanding (if any) engineering review fees shall be paid to the Department of Public Works.**
- 4. If the waivers are granted by the Planning Board, they should be noted on the plan.**
- 5. All recording fees shall be submitted to the Planning Department at the time of recording.**
- 6. A note shall be placed on the plan stating that a Driveway Permit from the Department of Public Works shall be required prior to the issuance of a building permit for Lot 32-40-1.**
- 7. The NHDOT Subdivision permit shall be obtained and the permit number shall be noted on the plan.**
- 8. The Applicant shall provide a utility easement for the benefit of Lot 32-40 for the existing water line that crosses over proposed Lot 32-40-1, the easement shall be reviewed and approved by the Planning Director and recorded with the subdivision plat.**

Vice Chairman Murphy duly seconded the motion. On a unanimous roll call vote, the motion carried.

- 9. Harvey Road Commercial Property, LLC (Owner & Applicant) – Request for site plan approval of a multi-tenant 17,400 sq. ft. industrial warehouse building with accessory office space, located at Harvey Road, Lot 35-98-30, Zoned PZ.**

Nick Golon of TF Moran was present to address this request for site plan approval. Mr. Golon stated I am joined on the zoom call with a few members of my team. Bill Stevens, President of Harvey Construction, Andrew Martino senior PM of Harvey Construction and architect Tony Mazaka.

Mr. Golon stated as you alluded to in your opening, Mr. Chairman, this is for Lot 35-98-30. We are within the Performance Zone and the lot is comprised of approximately 3.32 acres. The existing lot is not without its limitations, as you can tell by the checkerboard of lines across it. We do have a fairly large wetland that is located on the subject property, just under an acre, also an associated setback with that, this is also a corner lot, so we have some additional restrictions

relative to that front yard setback element. Needless to say, a little difficult with some of the siting elements but I think we have been able to pull together a fairly nice plan.

Mr. Golon continued when you look at the overall layout, shown is our proposed warehouse, 17,400 square feet of which 1,400 square feet will be a mezzanine area. You can see there are two primary access egress points that are defined, one to the rear loading area as shown. You will notice an area of hatching at the driveway, there is an existing drainage swale that was considered jurisdictional wetlands. We have filed for and had approved a wetlands permit to impact that 500 square feet. As we work our way into the driveway, you will notice one site element, which is a minimized loading dock, and as we continue our way into the rear portion of the site, we do have some elements of parking, as well as a turning area established for access to these warehouse doors. Other elements that are of value to note; we have our dumpster enclosure located at the rear of the site, and when you take a look at the landscaping, you can see how that is appropriately screened. In our meetings with the Conservation Commission, as there is a variance that was approved for this site in relationship to the building setback, one of the items they had asked for is to make sure that the dumpster pad was located outside of the 50-foot wetland setback, which you can see that it has been. Relative to our second driveway, this is located at the front of the building providing access to these canopy doors. We see that we have approximately 12 parking spaces, the driveway has been located along the middle area of Harvey Road to achieve appropriate site lines. Again, that will be something we can talk a little bit about when it comes to the landscaping as that was one of the limitations this property has to deal with. There is an area that is defined on the abutting property for a site line easement, which the owner is actively coordinating with that owner. One of the things you will notice as we get to landscaping, you will see that we are somewhat devoid of landscaping along the frontage of the property and we are taking account for some existing trees that will remain and we have a nice photo to show you of that.

Mr. Golon stated now looking at the grading and drainage as well as our utilities. This is an open drainage system; these depressed areas located here, here, here, and here are bioretention areas. This is our way of letting Mother Nature do her job, it is part of the low impact development criteria that we follow, provides the opportunity for plantings within those bioretention areas, which are viewable from Harvey Road, so provides an added aesthetic balance to the site. For utilities, the site will utilize municipal water and sewer. There is a roadway moratorium on Harvey Road so there is no cut that is proposed. We are lucky in that the existing waterline is located just outside of the road so that provides a tappable location. We did investigate the opportunity to tie into the Harvey Road sewer system, but in lieu of that, are connecting off the back of the property where there is an existing sewer line and easement that provides a readily connectable location for it. We are not connecting to the gas line in Harvey Road, but we will be tapping the existing overhead electric. This will be fed via an underground line to our proposed transformer and then into the building. Shown on the screen is the sewer profile running from our proposed building to behind 30 Harvey Road where we will tie into the existing sewer.

Mr. Golon stated for sight lines, and this is one of the design elements that we had to be very careful with relative to this property. You can see on the posted plan relative to the sight lines, these are the gray hatched areas, so our more southerly driveway you can see how that really encompasses the vast majority of the frontage of the property. So there will be the clearing of trees within that location, and when you look at our landscape plan, you can see how we have tried to

balance the need for public safety and sight lines with also providing the necessary landscape plantings. Next shown is our northerly driveway, and, again, you can see how that sight line really does encompass the vast majority of the frontage of the property looking east down Harvey Road where we are entirely within the paved area, essentially Harvey Road, so no issues with our sight lines there.

Mr. Golon stated posted now is our stormwater management plan. The area of impact is just over 2 acres, and then now onto our landscape plan. You can see from the site photo that is located in the lower left-hand corner, by regulation we are allowed to take a count for existing trees in order to fulfill the requirements of both the street tree landscape strip as well as the front landscape strip. What we did is, we did go out and locate at least enough trees to show that that requirement is satisfied, and when we look at the photo, these are some pretty healthy caliper sized trees. There is not a tremendous understory to them, as they are mostly evergreens, but they do provide a nice element and a nature feature to the property being that the area of disturbance along the frontage would remove the vast majority of the trees. The area that I had mentioned for the stormwater management previously is the bioretention areas, and you can see those areas that are within these hatched patterns here. Again, that provides an added ground element of lower canopy shrub type plantings, which will provide an aesthetic interest to the site. But what you don't see are the street plants, big trees along this portion and that is for that reason of public safety. We had the opportunity to review with Town staff, and what we will do prior to construction or as part of that construction process, is evaluate what trees, if any, may be able to remain and not inhibit sight line. That way we are ensuring public safety but also saving whichever trees that we can to promote the aesthetic values of the lot.

Mr. Golon stated with regard to landscaping required elements; you can see that we do have evergreen plantings to shield the loading dock as required, landscape plantings around both the dumpster and transformer pad locations with additional larger trees placed where possible to try and break up the expansive of the façade of the proposed building.

Mr. Golon stated that is in large part our discussion of the site layout. I would like to have Mr. Nazaka review the architectural plan so he can have the opportunity to speak to them.

Mr. Nazaka stated this building is going to be pretty straightforward. We have done a number of projects on Harvey Road, Harvey's other addition to their main building and now this building. We try to learn from some other projects we have had and what the Town is looking for and I think we have hit most of the items that we hope we get this passed.

Mr. Nazaka stated Mr. Golon afforded us with this lower perspective that you see posted, which is sort of the main view of the building where we tried to concentrate a lot of our architectural features. It is a simple building, to keep within budgetary constraints for the owner, it is just a box, so we have tried to break it up as much as we can visually with different metal panels, windows, doors, lighting, and signage as much as we could. We tried to tie the building back to the Harvey headquarters building right down the road. That building is a brick building with green metal panel roof, gray trim, so we are trying to incorporate different aspects of that building into this building so this will kind of be tied into that.

Mr. Nazaka stated on the main perspective it shows some windows above where that is a small mezzanine area, the brick base tying back to the Harvey building, and the metal panels to break up these longer facades. Now onto the east and south elevations: obviously the back of the building, and one is abutting the neighbor but you don't quite see as much. On the east elevation we tried to at least incorporate some metal panel changes in that to break it up a bit, and the south elevation is nearly out of sight for how it is positioned on the site. Overall it is a relatively short building, it is 25 feet on the high end, it is a low sloped roof, and then there is the potential to be solar panels on the roof, they are not the kind of solar panels that stick up off at angles, they would just be sort of flush parallel to the roof.

Mr. Nazaka stated as far as the perspective, I try and represent as accurate as possible with what the site will end up looking like, so I did put the landscaping in as what is shown on the landscape plans. Obviously that is years down the line when it has matured, but I think that is a fairly accurate representation of what the building will look like.

Mr. Nazaka stated one small thing that we did in the back and forth with the Town, just to take it one step further with breaking up the large building is we did entry canopies at the front. Originally they were smaller canopies and now we have a little more modern sort of pseudo cantilevered with these tie-backs to the building, one smaller one and then one larger one for the one or two tenants, depending on how it works for the owner down the line. It is currently slated just to be occupied by Harvey and then they will get tenants as they come along. That is the long and short of the exterior design.

Mr. Golon stated that is the formal presentation for us this evening.

Chairman Levenstein asked the Board for any comments or questions regarding this application.

Mr. Newberry asked is this building going to have a sprinkler system? Mr. Nazaka replied yes. I believe our building type is required by code.

Mr. Newberry stated the staff memo had mentioned techniques for breaking up the large façade to the street. Have you given consideration to any other techniques like some kind of an added screen or something like that to provide a little more visual breakup to the elevation? Mr. Nazaka replied the tough part is that it is a pre-engineered steel structure, so when you start adding anything onto that, it becomes tough to do not only from a budget aspect but also a building design aspect. If that makes sense. Once you start introducing different penetrations and things like that to a building, they are inviting the elements, it is kind of just a storage building, but we want to avoid those at all costs. Really the most cost-effective, smartest way to sort of break it up was really by the metal panels and adding different canopies, some of the site lighting, and the brick base sort of grounds the building into the site. This main perspective, the loading dock sort of made sense not only from the way Harvey meets the user, but it does help sort of break that up. That is a long answer to your somewhat easy question. We have, it is, just sometimes there are some limitations to what we can do. We try not to just spend our client's money, so there are all sorts of cool architectural things you could do, it is just not conducive to this building. Mr. Newberry stated thank you. I think it works reasonably well the way it is. I was just curious if there were any other reasonable things that you could address that issue with.

Mr. McMahon stated a couple of comments. The first would be professional briefings. The second one is thanks for the solar panels.

Councilor Duschatko stated I have a question on the color of the green, and I realize this is just a rendering. It shows it on, what I believe is the west façade, it is just coming across as a much brighter green than the south façade. Is that just a factor of how it was lit? Mr. Nazaka replied yes. It is really just a rendering. Again, I try to make it as accurate as possible. That is, like an evening shot so the sun is sort of setting, just trying to get some nice light that might show it in a different light than just your straight-on. Councilor Duschatko asked is it darker than it appears? Mr. Nazaka replied it is because that side is getting your evening sun, it is darker on that façade than it appears. It is closer to the 2-D images above.

Town Manager Sawyer stated if this was more on South River Road, I would have a lot more concerns with not breaking up the building to meet the architectural standards. But given the buildings that are around it already, I think this will look great in this location. Chairman Levenstein stated I agree with you on that. The fact that it is in this industrial park area, sort of negates the necessity for some of the aesthetics that we normally would have on South River Road.

Mr. Fairman stated a follow-up on the solar panels; it is so important that we reduce our carbon footprint these days. How close to net zero do you expect to be able to be? Mr. Nazaka replied I can't really speak to that too much. If I recall from some of our past discussions with the solar energy folks, it might be like 50 percent, but, again, don't quote me on that. I am not too sure. I believe the idea is to actually tie into the existing Harvey building; their main headquarters will be using this solar as well. Mr. Fairman stated a nice flat roof like this I would like to think that you would get pretty low on percentage, a lot lower than 50 percent on carbon. Mr. Nazaka responded I think it depends on how many panels they end up putting up there. It is a good sized roof. Mr. Fairman stated let's cover it with panels and get it down. It really is beginning to be critical, and looking at that as a Planning Board, I think we will be looking very close into the future at carbon footprints. In fact, one of the things I will recommending to the Board is that we ask for that for any development of what is the percentage and so on, more information about that part of our construction in the future. Take a look at it and add more panels if you can. We need to reduce our carbon footprint. Mr. Stevens stated I can actually answer part of that. The low option right now is to cover 80 percent of the energy that this building creates for the electrical function. We could add more panels and that is what we are analyzing right now and eliminate the need for our corporate headquarters also, so we could power both buildings from the solar array. Mr. Fairman stated thank you very much.

Chairman Levenstein asked where are the mechanicals? I assume the building is air conditioned. Mr. Nazaka replied it is not; it is just a heated building. It is mainly just warehouse space. It will be designed build MEP type delivery. Mr. Golon stated I just recalled that that was something that we had a chance to speak to is that all the ground mounted equipment that would be required has been shown on the plan, which as Mr. Nazaka alluded to, because it is a warehouse building with limited needs, you don't need all those extra bells and whistles.

Chairman Levenstein asked if there were any members of the public who have joined the meeting

online or by phone. Ms. Hebert stated I do not see anyone from the public and we have not received any emails tonight on this application.

Chairman Levenstein asked are there any waivers? Ms. Hebert replied there are no waivers.

MOTION by Mr. Newberry that the Planning Board grant final site plan approval for the proposed 17,400 square-foot industrial warehouse building, for Harvey Road Commercial Property. LLC, on Lot 35-98-30, in accordance with engineering plans prepared by TF Moran, last revised February 18, 2021, with the following precedent conditions to be fulfilled within one year and prior to plan signature, and the remaining conditions of approval to be fulfilled as noted:

- 1. The Director of Public Works and the Planning Director shall determine that the Applicant has addressed all remaining technical review comments to the Town's satisfaction.**
- 2. The Applicant shall submit any outstanding engineering review fees to the Planning Department.**
- 3. The Land Disturbance and Stormwater Management Permit shall be approved by the Department of Public Works (DPW).**
- 4. The Applicant will coordinate with Planning and DPW staff to identify some taller trees without lower limbs, located along the frontage of the property between the two driveways that may remain without impeding the sight distance onto Harvey Road.**
- 5. The Applicant shall obtain a sight distance easement from the adjacent property owner (Lot 35-98-32) to achieve the required 400 feet of sight distance on Harvey Road, as noted on the plan.**
- 6. Prior to commencement of work, arrangements shall be made with the Planning Department regarding payment and coordination of third party inspections.**
- 7. Prior to commencement of work, a preconstruction conference shall be held with the Planning, Building, Fire and Public Works Departments.**
- 8. Prior to commencement of work, a performance guarantee in an amount approved by the Town for onsite maintenance of erosion and sedimentation controls shall be placed on file.**
- 9. Prior to a Building Permit being issued, the Applicant's Fair Share Roadway contribution to the Harvey Road improvements, shall be paid to the Department of Public Works.**
- 10. Prior a Building Permit being issued, the Applicant shall obtain a Sewer Permit.**
- 11. Prior to a Building Permit being issued, the Applicant shall provide retaining wall design drawings (stamped by a licensed structural engineer) to the Town for proposed retaining walls 4 feet high or greater.**
- 12. Prior to the issuance of a Certificate of Occupancy for the building, the Applicant shall pay the sewer accessibility fee.**
- 13. Prior to the issuance of a Certificate of Occupancy for the building, all site improvements depicted on the plan shall be completed.**

Ms. Malcolm duly seconded the motion. On a unanimous roll call vote, the motion carried.

V. Approval of Minutes of Previous Meetings: None

IV. Communications to the Board:

Ms. Hebert stated the Town election is tomorrow, March 9th, and to remind all of the Planning Board members and those listening from the public to go out and vote. Your next meeting will be March 22nd, and we will be continuing electronically through March and we can discuss that as we move into the spring if the Board would like to continue to meet electronically or have us look at other options. I have been getting questions every now and then from folks if we are going to still be meeting via zoom or will we be switching to in-person meetings soon. I just wanted to give everybody the heads up that through March we will be meeting electronically.

Vice Chairman Murphy stated the Town of Bedford has openings on a number of boards and commissions, including the Planning Board. There is an application that is on the Town website right now and the deadline is fast approaching to fill that out. If you are interested in serving on a board or a commission, just fill that out and get it returned to the Town. Chairman Levenstein stated we know we are going to have some new Planning Board members.

Mr. Fairman stated at a previous meeting I believe you committed to sending a letter to Mark Connors. Has that happened and if so, can we share it? Chairman Levenstein responded I don't believe it has been done yet, but we will make sure to do it. Thank you for the reminder.

Town Manager Sawyer stated I would like to mention our new Assistant Planning Director Jillian Harris. She comes to us with a tremendous amount of experience, having been a planner in neighboring Merrimack as well as Portsmouth, New Hampshire and also prior to that at Southern NH Planning Commission. I know she is going to be great in her new role. Welcome. Ms. Harris responded I am excited to be here.

Chairman Levenstein asked is there anything new with Wire Belt? Town Manager Sawyer responded as far as I know they are not going to be moving on their previous site plan that came before you, but I know that they are still interested in Bedford and hopefully they will be here eventually. Keep your fingers crossed. Mr. Newberry stated that kind of speaks to what we had talked about a couple of meetings ago around considering having any kind of activity around a capacity to encourage development that the Town views as favorable. I kind of wonder if Londonderry decided that hearing they were going to move maybe made a move to encourage a particular business to stay where they are. Town Manager Sawyer stated I appreciate the comment, but in this particular case that is not what happened. It was just simply a business decision for them whether or not a site became available. Again, I am still going to keep my fingers crossed that they will ultimately be here in Bedford in some capacity. Positive thoughts.

Chairman Levenstein asked is anything happening with the Market & Main lawsuit that you can share? Ms. Hebert replied at this time there is a structuring hearing scheduled for March 31st, and Encore's team has filed a request to transfer the appeal to the Housing Board of Appeals.

V. Reports of Committees: None

VIII. Adjournment:

MOTION by Town Manager Sawyer to adjourn at 7:55 p.m. Mr. Sullivan duly seconded the motion. On a unanimous roll call vote, the motion carried.

Respectfully submitted by
Valerie J. Emmons