

TOWN OF BEDFORD
April 6, 2020
PLANNING BOARD
MINUTES

A remote Zoom platform meeting of the Bedford Planning Board was held on Monday, April 6, 2020. Members who were present remotely: Kelleigh Murphy (Acting Chairman), Hal Newberry (Vice Chairman), Bill Duschatko (Town Council), Rick Sawyer (Town Manager), Jeff Foote (Public Works Director), Mac McMahan, Charlie Fairman (Alternate), Matt Sullivan (Alternate), Priscilla Malcolm (Alternate), Becky Hebert (Planning Director), and Mark Connors (Assistant Planning Director)

Ms. Hebert stated due to the Corona Virus crisis and in accordance with Governor Sununu's Emergency Order #12 and pursuant to Executive Order #2020-04, the Planning Board is authorized to meet electronically. This meeting is being conducted using the Zoom platform and all members of the Planning Board and public are able to communicate with each other using the Zoom platform. The public has access and is invited to listen to this meeting by dialing in 1-929-205-6099 and entering the meeting ID #180 018 984 and meeting password 837792. Instructions for logging into this meeting are posted on the Town's website on the top of the Planning Board agenda.

The meeting is also being broadcast live on BCTV's Channel 22, and you may contact Planning staff by emailing us to planning@bedfordnh.org throughout the meeting with any questions or concerns. If there are technological issues, please let us know and we will pause the meeting to try and resolve those issues. If we are unable to resolve an audio issue, the Chair will close the meeting and postpone any open agenda items to the next regular Planning Board meeting. Please let us know by the email address if there are any issues as Assistant Planning Director Mark Connors will be monitoring the email address throughout the meeting.

This is our first electronic Zoom meeting of the Planning Board and we are going to be doing our best to move things along swiftly and efficiently but all votes must be taken as a roll call vote. You will notice that the Chair will be asking for those roll call votes throughout the meeting. Ms. Murphy was asked to Chair this meeting because our Chairman Jon Levenstein was not able to attend and Vice Chair Hal Newberry is participating via computer audio.

I. Call to Order and Roll Call:

Acting Chairman Murphy called the remote meeting to order at 7:00 p.m. Chairman Jon Levenstein, Town Council alternate Phil Greazzo and regular member Randy Hawkins were absent. The position of Secretary to the Planning Board is presently vacant. Mr. Fairman, Mr. Sullivan and Ms. Malcolm were appointed to vote.

II. Old Business & Continued Hearings: None

III. New Business:

1. Riley Investment Properties, LLC (Owner) – Request for approval to subdivide 189 and 193 South River Road into three separate commercial parcels, Lots 22-87 and 22-23, Zoned PZ. ***This application has been postponed to the May 18, 2020 Planning Board meeting at the request of the applicant.***
2. Mega-X, LLC c/o Elie El Chalfoun (Applicant), Riley Investment Properties, LLC (Owner) – Request for a conditional use permit and site plan approval to construct a gasoline service station with a 3,400 square-foot convenience store and an attached 1,200 square-foot fast food restaurant with drive-through service facilities and associated site improvements at 189 and 193 South River Road, Lots 22-87 and 22-23, Zoned PZ. ***This application has been postponed to the May 18, 2020 Planning Board meeting at the request of the applicant.***
3. Lyophilization Services of New England, Inc. (Owner) – Request for approval of a site plan amendment to modify a previously approved office & warehouse building addition to expand the size of the addition from 18,881 square-feet to 32,341 square-feet and associated site changes at 7 Commerce Drive, Lot 24-99-4, Zoned PZ.

IV. Concept Proposals and Other Business: None

Mr. Connors stated the application for Lyophilization Services of New England, Inc. has been reviewed by staff, and staff would recommend that the Planning Board find the application to be complete. The abutters have been notified, and it is the opinion of staff that the application does not pose a regional impact. Staff would recommend that the Planning Board accept the agenda, and in so doing, adopt the staff recommendation that the application is complete and does not pose a regional impact.

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

3. **Lyophilization Services of New England, Inc. (Owner) – Request for approval of a site plan amendment to modify a previously approved office & warehouse building addition to expand the size of the addition from 18,881 square-feet to 32,341 square-feet and associated site changes at 7 Commerce Drive, Lot 24-99-4, Zoned PZ.**

Jeff Kevan of TF Moran and Tony Nazaka of Stone River Architects were present, via the Zoom platform, to review this request for a site plan amendment on behalf of the applicant. Also signed into the Zoom platform are the following representatives from LSNE Damon Abernathy, Bill Stevens and Scott Delorme.

Mr. Kevan stated the parcel is 4.78 acres in the Performance Zone. For background, this site was originally approved for a 3-unit development in 1999, it was to be built in three phases. The first unit was built in 1999, the second was built in 2002, and since then this third unit has kind of sat and hasn't been built. We came in in 2006, the wetlands had changed and we had proposed to add this parking on the side of that unit in 2006 and got a variance approved for some wetlands work and went through the Planning Board. Again, the construction didn't move forward, so we came back in in 2018 with LSNE as the owner and basically got that plan reapproved. Since then LSNE has been looking at the use within the building. They have a contract and they need to put in some assembly type process for pharmaceutical products, that process is linear so as the architect worked on it with the people laying out the equipment inside they wanted to expand that addition to the back where this pavement used to come across the back of the site and basically fill that full of building.

Mr. Kevan continued we went before the Conservation Commission and the Zoning Board because that now put the building, even though this was pavement before, within the wetland setback. In working with the Zoning Board and the Conservation Commission, they were concerned with how tight it was to the wet, so we slid this building forward by 10 feet, where it used to line up across the front, and we slid the building forward 10 feet and we removed 10 feet off from the back of the building, so we shortened the building and they were able to make that process still work internally. In so doing, we removed the pavement in the back so we actually reduced impervious coverage on the site. Parking still works within the property, and also trying to address some of the concerns and items brought up by the Zoning Board of Adjustment and the Conservation Commission, we added a leaching catch basin off the back of this corner, as indicated on the posted plan, that would take this roof runoff of the additional unit and would send it through a leaching process that would help treat that runoff a little better.

Mr. Kevan stated we have also gone in and added some landscaping. As seen on the landscape plan that is posted, we went back and adding this landscaping in this buffer area where the building was in that buffer and added this additional landscaping to enhance that screening and the function and value that that buffer would normally provide there. Parking required for the total building is 108 spaces, we have 115 and utilities are already there servicing the site.

Mr. Nazaka stated with regard to the architecture, this is a new Phase III addition to an existing building. Indicated on the screen is the first phase of the building and then the second phase and the third phase is the portion that we are working on now. The idea in that this third phase of the building was to sort of give the building a little more identity, not only for the company but in Commerce Park itself. That is how we sort of got this new architecture introduced to the existing building. Obviously the first two phases were just a repetition of each other, so we figured this could not only break up the building but give the building a sense of presence for LSNE with changing up the materials.

Mr. Nazaka continued as Mr. Kevan mentioned, this is a very linear building. One of the design challenges with a previous project for LSNE was breaking up such a large mass of a building architecturally and materially, even as far as colors, so it is just not a monotonous big block of a building. That was something we really tried hard to do in this design. As you can see, even though this is 270 linear feet, the front of the building is kind of shorter and then it steps up for

the processing needs above. This tower at the end is brick and in the front elevation it kind of creates an end cap that ties the whole building form together from the existing material. As you go back, we are using two types of metal panel and trim to break up the mass and in a way tie back to some of the previous projects that we used, which is a similar metal panel. The front façade is a Kalwall system. I am not sure if everyone is familiar with this but essentially it is a semitransparent panel that allows daylighting for folks inside and then during the nighttime if there are lights on and people are active inside, where it kind of shows some of that light through the entire façade, not just the windows. One of the important parts that the owner thought was to get some good daylighting into the office space which will be the second story, as indicated on the screen.

Mr. Nazaka stated again, we are trying to break up the form as much as we can even though it is just the back of the building but we are trying our best to give the building some feel and not be so monotonous in its form. Posted now is showing as you come in the loading dock area, these doors would be some of the main loading dock doors for this new addition, where they would utilize the existing loading dock area to bring in materials to the new addition. This area shown now is the egress area and the door is not shown because it is around this corner and an elevator is there. Posted now is a back view of that brick stairway beyond, so that becomes a secondary entrance for the users in the building.

Mr. Nazaka stated these entry areas actually don't exist now. We are currently still working with the owner on updating the entries as needed. It is a small part of the overall project and we are not completely there yet. We are hoping to get this approved now that it might be something similar, we might scale this back just a tad, as we are wrapping up our design but we are just not entirely sure not only if it is better, is a difference in the budget for this project, but we do think that something will happen here.

Mr. Nazaka stated now posted are some renderings of what this project will look like from Commerce Drive, both during the evening and seeing out of the park, and this would be a view heading into the park during the daytime.

Mr. Nazaka stated as far as material, as I mentioned, we are utilizing maybe metal panel and the Kalwall system. Just under the profiles for what we would like to see for some of these long expanses, the heavier corrugated metal panel with sort of larger reveal. This graphic posted gives you a little better idea on how this Kalwall system is made and sort of asks via windows for standard kind of windows in this system. The system itself meets all energy codes, all fire resistant codes and things of that nature. It is a very readily available and widely used product.

Mr. Nazaka stated we are calling this the penthouse above, so our rooftop screening for the office area in the front we will screen. I am not positive but I don't even think we are going to end up with rooftop units on top of this area, what is actually this penthouse is for, so these aren't even going to be here, as a point of discussion just to make that note. If it comes to where we need an extra rooftop unit up there as I have dotted it in, we would screen them as the Town requires.

Ms. Hebert stated we have a question from Vice Chairman Newberry asking if the Kalwall will show illumination at night. Mr. Nazaka replied it won't be like a bright beacon of light; it will

be a dim glow and that is if the lights are on inside. In the winter it gets dark at 3:30pm, so during the work hours and times like that, you would certainly see activity and would know that there are people working in there because the lights would be on and it would sort of emit a small glow. During the night there might be some minimal amount of lighting for emergency lighting, signage or whatever inside. You may be able to see that but I would assume that they are not just going to be leaving lights on and having this glow at all times.

Mr. McMahan stated considering that the main entrance may be changed, I wonder whether or not we could have an understanding that before they make the change that they coordinate with the Planning Department rather than having to come back to the Planning Board. Mr. Nazaka replied that would certainly be our preference, and if that would appease the Board, that would be great. We have worked with Ms. Hebert and Mr. Connors before this meeting and we would keep in touch with them with whichever route we go with entrances to ensure that it is up to their standard for approval.

Town Manager Sawyer stated my only concern was about the Kalwall system and the amount of light it would show off. I have Googled some images and I saw some that were brighter. It seems like a departure from the rest of Commerce Drive, but I like the architect's presentation on it, and I certainly think it will be distinctive for LSNE who really owns the majority of the buildings on the road now. As long as I don't hear complaints or comments or concerns from abutters when we take public testimony, I am satisfied at this point. Thank you.

Mr. Foote stated I have a question for Ms. Hebert. Was there any sewer accessibility fee discussion with this or not? Ms. Hebert replied there is a condition that LSNE will need to pay a sewer accessibility fee for the addition. Mr. Foote stated they understand that they do need to make that payment though. Town Manager Sawyer stated it is listed as Condition #10 on the staff report.

Ms. Malcolm stated I like this architectural view a lot.

Mr. Fairman stated I don't see a waiver on percentage of impervious surface. As I look at the lot, it looks like it probably doesn't need it. Mr. Kevan responded to the best of my knowledge we don't need a waiver for impervious surface. Mr. Connors stated it is showing as 59 percent impervious, whereas the maximum is 75 percent, so they wouldn't need a waiver. Mr. Fairman stated when I look at the lot, it doesn't look like that. That is good. Thank you.

Acting Chairman Murphy asked on the two entrances to the existing building that are potentially getting reworked, but it sounded like you weren't 100 percent committal on that, if in the process you find that it is not in your budget and it is not going to happen, is that something you are going to circle directly back to Ms. Hebert on? Mr. Kevan replied yes.

Acting Chairman Murphy asked for questions or comments from any members of the public that may have emailed questions or may be monitoring this remote meeting. Ms. Hebert stated for members of the public who are interested in speaking, please dial *9 and raise your hand and let us know that you have a question. We will go through each of your phone numbers to identify you and ask you to unmute your mic and ask your question. I just scanned the list and I don't see

anyone attending from the public. I believe everyone in this meeting is either part of the LSNE team or associated with the Town and the Planning Board. Acting Chairman Murphy asked in light of that, Ms. Hebert can you tell me if there are any comments or questions that were submitted by email? Ms. Hebert responded Mr. Connors has been scanning the Planning email Inbox. Mr. Connors replied there are no new emails today and I hadn't received any previously either.

Acting Chairman Murphy polled the Planning Board members for any further comments or questions.

Mr. Kevan stated we have one waiver in front of you and that is for screening the dumpster pad that is in the back corner in the middle of the pavement, as indicated on the screen. You can't see it from anywhere else unless you are in the back of the site adjacent to that stairwell.

Mr. Kevan stated I have been through the staff report and have no concerns or questions on that, other than on the rational nexus contribution. It was based on frontage, so I am just questioning whether or not instead of the full frontage that should be a third of the frontage since we are just talking about unit 3 versus the entire building. Ms. Hebert responded we would typically not parse the frontage in thirds because the rational nexus is also based on trip generation for just 1/3 of the building. Mr. Kevan stated I was just asking the question. With the shift work and whatnot here, it is a very low trip generation for the peak hours, so I was just wondering if it was applicable to use a portion of that frontage versus all of it. I will leave that up to the staff. Ms. Hebert responded we would need more time to analyze that, so my recommendation would be to talk to your client, and if that is something that you feel you need to pursue, we could revisit that with Public Works and with our traffic engineer, but at this point I can see that the fair share roadway calculation is consistent with how we have calculated it in the past. Mr. Kevan asked so if the client decides they want to revisit that, we would come back and revisit that later? Ms. Hebert responded you could certainly come back but I would want to be more specific. Mr. Kevan stated okay; thank you.

Mr. McMahon stated I would like to thank the applicant for the redesign of the building so you reduced the incursion into the wetland setback. It is much appreciated. Mr. Kevan responded thank you.

Councilor Duschatko stated I have a comment on the use of Kalwall. I have been involved in some projects in the distant past using Kalwall, so this is a major wall with a 24-hour a day shift and it actually comes out as a very nice gentle light. In this type of area, I think it is a very good use of the product.

Mr. Sullivan stated I am a fan of this architecture with the adaptations that have been made. Acting Chairman Murphy stated I am as well.

MOTION by Town Manager Sawyer that the Planning Board grant the waiver from the Land Development Control Regulations Section 275-65(D) Performance Standards, waive the landscaping requirements to screen the dumpster enclosure.

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

MOTION by Town Manager Sawyer that the Planning Board grant final approval of the site plan amendment to modify the Phase III plan for 7 Commerce Drive, Lot 24-99-4, in accordance with the engineering plans prepared by TF Moran, last revised March 5, 2020, and the architectural plans prepared by Stone River Architects, received March 5, 2020, with the following conditions to be fulfilled within one year and prior to plan signature, and the remaining conditions of approval to be fulfilled as noted:

- 1. The Director of Public Works and the Planning Director shall determine that the applicant has addressed all remaining technical review comments to the Town's satisfaction.**
- 2. In the event that the Planning Board approves the waiver, the plan shall be updated to list the waiver granted as approved.**
- 3. The applicant shall obtain approval for a Stormwater Management Permit from the Department of Public Works.**
- 4. The Applicant shall submit any outstanding engineering review fees, if any, to the Planning Department.**
- 5. A letter from Manchester Water Works stating that they will be able to serve this project shall be submitted to the Planning Department.**
- 6. Prior to the 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 pre-construction meeting shall be held with the Planning Department, Department of Public Works and the Building Department.**
- 8. Prior to the issuance of a building permit, the Fair Share Roadway Contribution fee of \$36,212.00 shall be paid to the Planning Department.**
- 9. 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.**
- 10. Prior to the issuance of a certificate of occupancy for the addition, the sewer accessibility fee shall be paid.**
- 11. Prior to the issuance of a certificate of occupancy for the addition, all landscaping shall be restored such that it is consistent with previously approved plans for the site.**
- 12. Prior to the issuance of a certificate of occupancy for the addition, all site improvements depicted on the plan shall be completed.**
- 13. The two existing entryways to the existing building can be upgraded with approval of the Planning Director.**

Mr. Fairman duly seconded the motion. On a unanimous roll call vote, the motion carried.

V. Approval of Minutes of Previous Meetings:

MOTION by Town Manager Sawyer to approve the minutes of the March 9, 2020 Planning Board meeting as written. Mr. McMahon duly seconded the motion. On a unanimous roll call vote, the motion carried, with Councilor Duschatko, Mr. Foote, Mr. Sullivan, and Ms. Malcolm abstained.

VI. Communications to the Board:

Ms. Hebert stated in reviewing your Planning Board schedule with Chairman Jon Levenstein, we made a decision to go to one meeting a month during this time when we are under the Governor's stay-at-home order. The April 20, 2020 and the May 6, 2020 Planning Board meetings have been cancelled. Your next regular meeting will be on Monday, May 18, 2020. This allows us to better prepare for these electronic meetings and to hopefully move some of the agenda items that cause potentially more public interest towards the time period when hopefully we are out of the stay-at-home order and able to have in-person meetings again.

Acting Chairman Murphy asked in addition to the two items that were continued from this meeting to the next meeting, are you aware of additional applications for that May meeting? Ms. Hebert replied yes. On the May 18th agenda at this point we have the postponed items from this meeting, which are the gas station on South River Road and the subdivision associated with that. Also, we have an application for the Market & Main site plan to add the residential units. We also have an application for a new industrial building on Bellemore Drive. Acting Chairman Murphy stated the call-in information for that May meeting will be different than the information this evening. Ms. Hebert stated our thinking with going to one meeting per month, with tonight's meeting as our April meeting, the Governor has waived this requirement but the State statutes require Planning Boards to meet monthly, so even before he waived this requirement, we were thinking we needed to transition to one meeting per month. At this point the Governor's stay-at-home order is lifted on May 4th and your next regularly scheduled meeting would have been May 6th, which would have just been days after the stay-at-home would potentially be lifted, and it would be very hard for staff to plan for either an in-person or electronic meeting not knowing whether we would be looking at an extended stay-at-home order or if we would be able to go back to in-person meetings. We hope to have more information as time passes. We are now day-to-day and week-to-week like everyone else with this issue. We would be posting information about the May 18th meeting about two weeks in advance of that meeting.

VII. Reports of Committees: None

VIII. Adjournment:

MOTION by Town Manager Sawyer to adjourn at 7:42 pm. Mr. Fairman duly seconded the motion. On a unanimous roll call vote, the motion carried.

Respectfully submitted by
Valerie J. Emmons