

TOWN OF BEDFORD
August 15, 2022
PLANNING BOARD
MINUTES

A meeting of the Bedford Planning Board was held on Monday, August 15, 2022, at the Bedford Meeting Room, 10 Meeting House Road, Bedford, NH. Present were: Charlie Fairman (Chairman), Hal Newberry (Vice Chairman), Matt Nichols (Secretary), Chris Bandazian (Town Council Alternate), Priscilla Malcolm, Matt Sullivan, John Quintal (Alternate), John Nelson (Alternate), Jillian Harris (Assistant Planning Director), and Becky Hebert (Planning Director)

I. Call to Order and Roll Call:

Chairman Fairman called the meeting to order at 7:00 p.m. Town Councilor Phil Greazzo, regular member Steve Clough, and Alternate Chris Swiniarski were absent. Alternate John Quintal was appointed to vote for Mr. Clough and Councilor Bandazian was voting in place of Councilor Greazzo.

II. Old Business & Continued Hearings: None

III. New Business:

1. **Millennium Running (Applicant) & 209 Route 101 Realty, LLC (Owner)** - Lot Line Adjustment Approval for 2 lots, located at 209 Route 101 and 137 Bedford Center Road, Lots 20-39 and 20-41, Zoned R&A and CO. *(At the request of the applicant, this application is postponed to the September 12, 2022 meeting.)*
2. **Millennium Running (Applicant) & 209 Route 101 Realty, LLC (Owner)** – Request for Site Plan approval for the construction of a 4,000 SF vehicle storage garage, overflow parking and future pad site, located at 209 Route 101 and 137 Bedford Center Road, Lots 20-39 and 20-41. *(At the request of the applicant, this application is postponed to the September 12, 2022 meeting.)*
3. The Planning Board will hold a Public Hearing on proposed amendments to the Land Development Control Regulations, Sections 102.5, 317.1.20, 323.1, 323.1.3 and 341.2.4. The full text of the proposed revisions is available in the Town Clerk’s office during normal business hours and on the Town website at www.bedfordnh.org

IV. Concept Proposals and Other Business: None

Ms. Harris reviewed the agenda and stated that the two applications for Millennium Running are postponed to the September 12, 2022 Planning Board meeting. This announcement shall serve as public notice.

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

New Business:

- 1. Millennium Running (Applicant) & 209 Route 101 Realty, LLC (Owner) - Lot Line Adjustment Approval for 2 lots, located at 209 Route 101 and 137 Bedford Center Road, Lots 20-39 and 20-41, Zoned R&A and CO. (At the request of the applicant, this application is postponed to the September 12, 2022 meeting.)**
- 2. Millennium Running (Applicant) & 209 Route 101 Realty, LLC (Owner) – Request for Site Plan approval for the construction of a 4,000 SF vehicle storage garage, overflow parking and future pad site, located at 209 Route 101 and 137 Bedford Center Road, Lots 20-39 and 20-41. (At the request of the applicant, this application is postponed to the September 12, 2022 meeting.)**

Applications #1 and #2 are postponed to the September 12, Planning Board meeting.

- 3. The Planning Board will hold a Public Hearing on proposed amendments to the Land Development Control Regulations, Sections 102.5, 317.1.20, 323.1, 323.1.3 and 341.2.4. The full text of the proposed revisions is available in the Town Clerk's office during normal business hours and on the Town website at www.bedfordnh.org**

Ms. Harris stated at the July 18, 2022 Planning Board meeting, the Board voted to hold a public hearing at the August 15, 2022 meeting for consideration of amendments to the Bedford Land Development Control Regulations to include the addition of a definition in Section 102.5 – Term Definitions and updates to Section 317.1.20 to require a landscape plan that is prepared and certified by a professional landscape architect who is licensed in the State of New Hampshire. Section 323.1 also includes an amendment to clarify that the landscape design shall be prepared and certified by a LLA and Section 323.1.3 is added to allow the Board the option of requiring a certificate of compliance signed and sealed by a LLA post construction.

Since the July meeting, staff has received public comments via email from Leo Urban, PLA in regards to suggested updates to the draft amendments. Recommended updates include a change to the definition to Professional Landscape Architect (versus Licensed Landscape Architect) and a reference to the State Law Chapter 310-A.141, which defines the practice of Landscape Architecture. Section 317.1.20 is updated to reflect the wording used in the state statute. Finally, Section 323.1.3 is updated to provide more detail and sample language for certification and compliance. The Planning Board may require a certificate of compliance signed and sealed by a Professional Landscape Architect, certifying that all plantings and associated elements of the landscape design installations have been installed per the approved landscape plan. And the certification shall state: I hereby notify the Town of Bedford Planning Department of the completion of the installation of the landscape plan for the referenced site plan and certify that

the installation is in substantial conformance with the plans, details and specifications on the plan that was prepared, signed and sealed by the Professional Landscape Architect and approved by the Town of Bedford Planning Board. Any changes have been reviewed by the Planning Department and the Professional Landscape Architect, who prepared the landscape plan, and any of those changes would be noted on the plan.

Ms. Harris stated those were the changes since the last version. In addition to the amendments for stamped landscape plans, staff recommends an amendment to Section 342.2.4 still reads the same and it would state: Changes in uses depicted and permitted on the approved site plan or approved as-built plan may be approved by the Planning Director provided it is a permitted use within the zoning district and does not exceed an area of 10,000 square feet, is how the new language would read.

Ms. Harris stated staff recommends that the Planning Board allow time for the updates to the amendments to be properly posted, since they are substantial since the last time the Board saw them, and staff recommends continuing the public hearing to the September 12, 2022 meeting for final adoption.

Vice Chairman Newberry stated I am curious about the striking of the 33 percent. Is there any reason behind that, to just simplify things? I don't have an issue with it, but I was just curious what the change in thought was. Ms. Hebert responded it is really to simplify things and we find that it is sometimes overly burdensome on the building owners when they have to go through a site plan review process with the Planning Board when they are changing from say professional office to medical office and their use may be more than a third of the building. It could be a small area, but we had talked about this with the Board in the past and wanted to give people a little bit more flexibility. This only applies to changes of use, it doesn't apply to projects that involved more work to the site, changes to the building elevation, changes to the site in terms of parking layout, and extensive physical work on the property. This is really for a change of use to the building. The Board sees these every now and then. We recently had one at the former Noah's Event Center where they wanted to change from an event center to a commercial recreational use, and the impact is minimal and there were no physical changes to the site. This would allow staff to be able to review something like that and approve it administratively. Another example we have had medical offices come in and want to switch to professional office. Most people would recognize the difference between medical office and professional office but a medical office has slightly higher standard for handicap parking so we do review that, but it is not something that requires a lot of technical review. We wanted to open up the administrative approval to allow staff a little more flexibility when we are looking at these changes of use. We always have the ability to forward a plan to the Planning Board. What staff is under no obligation to approve anything administratively and I will often call the Chair and say I have this plan, if I am not certain I will have a conversation with the Planning Board Chair and we will make a determination on whether it should go to the Board or be reviewed administratively. The development community seems to like it when staff can review a change of use administratively. Popular things we see are medical office to professional office and vice versa, and we often see a lot of personal service uses going into existing buildings like a hair salon or a spa might take up a former office space. They file a plan with us right now under this current language, but if their

use takes up more than one-third of a building, they would have had to come to the Planning Board. We are really just trying to broaden the category a little bit to give flexibility.

Ms. Malcolm asked have we had issues with landscape designers in the past that has warranted these changes? What has promoted these change for landscape architects? Ms. Hebert responded the Board received a request from Leo Urban to consider the changes, and it is something that the Town has talked about in the past and a lot of your more complex site plans are already being stamped by a landscape architect. TF Moran has a landscape architect on staff, so if you go back through past site plans that you reviewed, most of those major site plan applications have a landscape plan prepared by a landscape architect. We wanted to recognize the professional because it is one of the licensed professions in the State of New Hampshire and we wanted to update our regulations to include that as a requirement. I think the Board will see high quality landscape plans and continue to see high quality landscape plans with the requirement for the landscape certification.

Chairman Fairman asked for comments or questions from the public on this item.

Leo Urban stated I am a licensed landscape architect, and I made a presentation to the Board a number of months ago. The only thing I would like to add is that it is a State law, it was passed 16 years ago to require licensure of landscape architects to be recognized by all municipalities and to send its drawings to towns. I really appreciate the fact that the Town of Bedford is picking up on this and going forward, and I thank you for taking this under consideration.

Chairman Fairman asked if there were any communications sent to the Planning Department from the public? Ms. Hebert responded no.

Chairman Fairman closed public comment on this item.

MOTION by Ms. Malcolm that the Planning Board continue the hearing on the proposed amendments to the Bedford Land Development Control Regulations, Article 100 – Land Development Control Regulations, Article 320 – Design and Construction Standards, and Article 340 – Administration and Enforcement, to the September 12, 2022 meeting. Mr. Sullivan duly seconded the motion. Vote taken - all in favor. Motion carried.

V. Approval of Minutes of Previous Meetings:

MOTION by Vice Chairman Newberry that the Planning Board approve the July 18, 2022 Planning Board minutes as written. Ms. Malcolm duly seconded the motion. Vote taken; motion carried with Councilor Bandazian abstained.

VI. Communications to the Board:

Ms. Hebert stated next regular Planning Board meeting is September 12, 2022. We will have about four items on the agenda. It won't be a terribly long meeting.

Ms. Hebert stated your second meeting in September is the Planning Board's Annual Fall Workshop, and that meeting date is set for September 26, 2022. You will see more information from the Planning Department on your fall workshop. If you have any topics that you want the Town to consider, please send myself or Ms. Harris an email and we will make sure that we get those on the agenda. This is the workshop when the Board typically discusses proposed changes to the Town's Zoning Ordinance in preparation of the zoning amendment process, which states in December. Let us know if you have any thoughts or ideas.

Ms. Hebert stated I also wanted to welcome Chris Bandazian back to the Planning Board. Councilor Bandazian has accepted the position of Town Council filling Bill Duschatko's position through the March election. Although you may not all know this, he is a veteran member of the Planning Board and has spent several years serving as a Planning Board member.

Ms. Hebert stated announced the retirement of transcriptionist Valerie Emmons from the Planning Board. She has served as transcriptionist for the Planning Board for the Town of Bedford for 16 years, and she produces very detailed meeting minutes that you review every month and accept into the record. These meeting minutes have served the Town incredibly well through various land use appeals that the Town Attorneys have had to defend on behalf of the Planning Board, and I really believe that the high quality of the meeting minutes have played a role into making sure that your decisions are well defended when we do need to go to court, and they also provide an incredible historical record of your meetings and the Board's actions. Tonight is Valerie's last meeting and very sad to see you moving on. Valerie is retiring from her transcriptionist position and going to be officially starting retirement soon and we congratulate her.

Vice Chairman Newberry stated I would just like to also thank Valerie. I have been on the Board for a few years and in my experience it is pretty rare that there is any change to the written minutes. Occasionally there may be a tweak here and there, but I think it is pretty impressive that the transcriptions are done as well as they are. I don't always read every word, but I make sure that I look at what I think I said and I just want to comment that I think Valerie has done a marvelous job for the Town and for the Board. Thank you.

Councilor Bandazian stated Valerie, you have been transcriptionist not only on this board by on other boards that I have served on. As a member of the Town Council, you are consistently complimented by legal counsel on the quality of the minutes that we have and how your minutes are basically the gold standard for defending land use decisions or prosecuting land use decisions. I congratulate you on your retirement. I am delighted to have had this brief reunion this evening, and I wish you all the best.

Chairman Fairman stated I second what all have said about Valerie. I would like the Board to stand and applaud Valerie in her dedication to the Town. Thank you for your service.

Chairman Fairman stated it is nice to see steel going up on Market & Main. They are progressing on the first building and I assume soon on the second building. It is good to see after several years of back and forth on that development.

VII. Reports of Committees: None

VIII. Adjournment:

MOTION by Mr. Quintal to adjourn at 7:23pm. Ms. Malcolm duly seconded the motion. Vote taken – all in favor. Motion carried.

Respectfully submitted by
Valerie J Emmons