

TOWN OF BEDFORD
August 17, 2020
PLANNING BOARD
MINUTES

A remote meeting hosted on the Zoom platform of the Bedford Planning Board was held on Monday, August 17, 2020 at 7 pm. Members who were present electronically included Kelleigh Murphy (Acting Chairman), Harold Newberry (Secretary), Bill Duschatko (Town Council), Rick Sawyer (Town Manager), Mac McMahon, Priscilla Malcolm, Stephen Clough, Charlie Fairman (Alternate), Matt Sullivan (Alternate), John Quintal (Alternate), Becky Hebert (Planning Director), and Mark Connors (Assistant Planning Director).

I. Call to Order and Roll Call:

Acting Chairman Murphy called the meeting to order at 7:00 p.m. Chairman Jon Levenstein and Town Council Alternate Phil Greazzo were absent. Mr. Sullivan was appointed to vote.

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 have the ability to communicate with each other during the meeting, and members of the public has access to listen and participate in the meeting using BCTV broadcast or by logging into the Zoom meeting. There are instructions on how to log into the Zoom on the screen of the BCTV broadcast and instructions have also been published in advance of this meeting with directions on how to reach Planning staff to get information about how to join the meeting.

There is no physical location for this meeting, which is permissible pursuant to the Governor’s order, the Town of Bedford is providing public access to the Zoom telephone and the meeting is also being broadcast live on BCTV’s Channel 22. Members of the public or folks watching from home may email staff directly at Planning@bedfordnh.org and we will be monitoring this email account throughout the meeting. You may also participate and ask questions using the Zoom platform and the phone number for participating via Zoom is listed on the BCTV screen and members of the public can also be given instructions by emailing us at planning@bedfordnh.org

All votes tonight will be taken as a roll call vote. If there are technological issues during the meeting, the Chair will recess the meeting first and we will try resolve any technical issues. If it has become apparent that the meeting cannot continue or if for some reason the meeting is discontinued due to technological issues, the applications will be postponed and the meeting will be adjourned immediately.

Mr. Connors reviewed the meeting agenda:

II. Old Business & Continued Hearings:

1. **ER Bedford, LLC c/o Encore Retail, LLC (Owner)** – Request for approval of a site plan and associated waiver requests, for the proposed Market & Main mixed-use development to include three additional buildings comprising 40,561 square feet of retail uses, 20,046 square feet of restaurant uses, a cinema with 11 screens (1800 seats), 200 upper level multi-family units, a 90-room hotel, and associated architectural and site changes at 125 South River Road, Lots 12-33, 12-33-1 and 12-33-2, Zoned PZ. *This application was postponed from the August 3, 2020 meeting at the request of the applicant.*
2. **I & Q Enterprises, LLC (Owner)** – Request for approval of a Conditional Use Permit to allow six electronic readerboard signs over gasoline pump stations at 381 Boynton Street, Lot 44-23, Zoned HC. *This application was postponed from the July 20, 2020 meeting at the request of the applicant.*

III. New Business:

3. **Glen & Darlene Mangan (Owners)** – Request for approval of a lot line adjustment between two residential parcels in a cluster residential development at Green Meadow Lane, Lots 37-21-14 and 37-21-15, Zoned R&A.
4. **Michael McDonough (Applicant), LMJ Properties, LLC (Owner)** - Request for approval to subdivide one lot into three residential parcels at 98 Perry Road and Joppa Hill Road, Lot 18-7-6, Zoned R&A.
5. **226 South River Road, LLC c/o Riley Enterprises, Inc. (Owner)** – Request for approval of a site plan amendment to convert the former Canoe Restaurant to a fast-food restaurant with drive-through service facilities and a high turnover restaurant with a bar, and associated site and architectural changes at 216 South River Road, Lot 22-31-1, Zoned PZ.
6. **Eckman Construction Company Inc. (Applicant), Silver Stream Properties, LLC (Owner)** – Request for approval of a site plan to construct Phase II improvements, including a two-story 8,980 square-foot office and light industrial building addition and an expanded parking area, at Bellemore Drive, Lot 1-18-20, Zoned SI.

IV. Concept Proposals and Other Business: None

Mr. Connors stated for Items #1 and #2 under Old Business on the agenda, both applicants have requested to be postponed to the September 14, 2020 Planning Board meeting and this shall serve as public notice of the postponement.

Mr. Connors stated the remaining four applications under New Business have been reviewed by staff and staff would recommend that the Board find the applications to be complete. The abutters have been notified, it is the opinion of staff that none of the applications pose a regional impact. Staff would recommend that the Planning Board accept the agenda and in so doing, adopt the staff recommendations that the applications are complete and do not pose a regional impact.

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. ER Bedford, LLC c/o Encore Retail, LLC (Owner) – Request for approval of a site plan and associated waiver requests, for the proposed Market & Main mixed-use development to include three additional buildings comprising 40,561 square feet of retail uses, 20,046 square feet of restaurant uses, a cinema with 11 screens (1800 seats), 200 upper level multi-family units, a 90-room hotel, and associated architectural and site changes at 125 South River Road, Lots 12-33, 12-33-1 and 12-33-2, Zoned PZ. *This application was postponed from the August 3, 2020 meeting at the request of the applicant.***

This application has been postponed at the request of the applicant and is now scheduled to be heard at the September 14, 2020 Planning Board meeting.

- 2. I & Q Enterprises, LLC (Owner) – Request for approval of a Conditional Use Permit to allow six electronic readerboard signs over gasoline pump stations at 381 Boynton Street, Lot 44-23, Zoned HC. *This application was postponed from the July 20, 2020 meeting at the request of the applicant.***

This application has been postponed at the request of the applicant and is now scheduled to be heard at the September 14, 2020 Planning Board meeting.

- 3. Glen & Darlene Mangan (Owners) – Request for approval of a lot line adjustment between two residential parcels in a cluster residential development at Green Meadow Lane, Lots 37-21-14 and 37-21-15, Zoned R&A.**

Cynthia Boisvert of ARAGO Land Consultants and Jason Lopez of Keach-Nordstrom Associates, Inc. were present to address this application on behalf of the applicants.

Ms. Boisvert stated in the packet we have a state subdivision plan with the topo as well as the lot line adjustment plan and this is a copy of the plan that is posted on the screen now. They are two existing lots of record in a cluster development. The vacant lot, which is Lot 21-15 is where we are proposing Parcel A to have a small portion added to Lot 21-14. The lot with the existing house really doesn't have much of a backyard because of ledge on that site and with the road sloping down it was very much backed right up to the rear lot line. The client is requesting this lot line adjustment in order to have more of a backyard. The remaining portion of Lot 15 still

has the required box for the Town of Bedford on the State subdivision plan, they are able to have the 4,000 square-foot for septic, we meet all of the setback requirements, frontage, and the area as well under cluster development. That is pretty much it in a nutshell.

Ms. Boisvert stated we have asked for some waivers, which are a benchmark referencing USGS datum, a topographic survey, the high intensity soil survey, and wetland mapping. Nothing has changed in this vicinity since the original subdivision plan was done on the State subdivision plan that was submitted. The topo shown is per LiDAR, we did not do a topographic survey, so that is why we are asking for the waiver from the topo as well. I think between the staff report and the application, it truly is very basic. We are just asking for that lot line relocation to give a better backyard to the house lot, Lot 14.

Acting Chairman Murphy asked for questions or comments from the Board on this application or the waivers. Each Board member indicated they had no questions at this time.

Acting Chairman Murphy asked for any comments or questions from the public. There were none. Ms. Hebert indicated there were no comments received from the public by email.

MOTION by Town Manager Sawyer that the Planning Board grant the following waivers from the Bedford Land Development Control Regulations:

- 1. Section 218.1.5 that requires a benchmark referencing USGS datum**
- 2. Section 218.1.11 that requires existing topography to be shown**
- 3. Section 218.1.12 that requires HISS mapping to be shown**
- 4. Section 218.1.13 wetland mapping**

As these four requirements have no bearing on a lot line relocation plan, and there are no new lots being created. Councilor Duschatko 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 lot line adjustment plan prepared for Glen and Darlene Mangan (Owners), Lots 37-21-14 and 37-21-15, Zoned R&A, as shown on plans prepared by ARAGO Land Consultants, LLC dated June 29, 2020, with the following precedent conditions to be fulfilled within one year:

- 1. Any waivers granted by the Planning Board shall be noted on the plans.**
- 2. All recording fees shall be submitted to the Planning Department at the time of recording.**
- 3. The applicant shall update the NHDES Subdivision approval and the permit number shall be noted on the final plan.**
- 4. 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.

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

4. Michael McDonough (Applicant), LMJ Properties, LLC (Owner) - Request for approval to subdivide one lot into three residential parcels at 98 Perry Road and Joppa Hill Road, Lot 18-7-6, Zoned R&A.

Jason Lopez of Keach-Nordstrom Associates, Inc. was present to address this application on behalf of the applicant. Mr. Lopez stated I believe both Mike McDonough member of ownership LMJ Properties, LLC, and his Attorney John Cronin have joined us at this meeting as well.

Mr. Lopez stated the property is on the corner of Perry Road and Joppa Hill Road. We are seeking approval of a 3-lot residential subdivision. The parent parcel is 6 acres and is located in the Residential Agricultural District. The existing house will be on proposed Lot 7-6, will be a 2-acre lot and has frontage on both Perry Road and Joppa Hill Road. We are seeking to use the two existing driveways. There is a driveway out to Perry Road and a driveway out to Joppa Hill Road. Proposed Lot 7-10 will be a 1.5-acre lot with frontage on Joppa Hill Road, and proposed Lot 7-11 will be a 2.4-acre lot with frontage on Perry Road. There is also a small pocket of wetland on that lot. Each of the lots will be served by a septic system and a well. The existing house currently has a septic system that is located on the proposed Lot 7-10; we will have that removed and will be getting a new septic design for the existing house on its lot. Each of the lots comply with the buildable area of either 13,000 square feet or 20,000 square feet as it applies to each lot, and each lot provides the required 100-foot diameter circle. Each lot has a test pit and also has the 4,000 square-foot septic reserve area. There will be one relocated driveway and two new driveways, and we have provided sight distance on all of those. We also provided a conceptual lot grading plan and provided drainage calculations to show compliance with the drainage requirements and the new stormwater permit. We have received a copy of VHB's final comments; we need to update a detail on the conceptual grading plan, and there is a comment there that we need to discuss the two driveways for the existing house. I have reviewed the staff report and the recommended conditions. On those I would like to talk about Condition #6 dealing with the stormwater permit, Condition #8 the roadway contribution and Condition #10 two driveways on Lot 7-6. With that I can address questions in more detail on specific items or we can discuss those conditions.

Acting Chairman Murphy asked for comments or questions from the Board members on this application.

Mr. Newberry asked on Lot 7-11 could you go over the drainage setup required under that driveway? Could you just review what is going on there? Mr. Lopez responded looking at Sheet #4, simply there is not much to the ditch line down that side of the road. We are going to capture some runoff that comes across the road through a road culvert, and we need to get that on the

other side of the driveway toward the wetlands. So it is simply just a culvert on the lot to maintain the flow from that roadway culvert. Acting Chairman Newberry stated thank you.

Mr. McMahon asked could you go into a little bit of detail on the exit of the stormwater management apparatus? Where it goes? Mr. Lopez responded on Sheet #4 we have done a drainage analysis, VHB has reviewed that, had a couple of comments, and we had to make some revisions. Basically on Lot 7-11 we are taking the house and doing storm drip edges at the edge of the structure and then on Lot 7-10 is the same thing, drip edges, but then we are going to run down along the driveway, so we are going to be infiltrating much of the impervious areas. That gets us into compliance with the pre to post for the drainage and the new stormwater requirements. Mr. McMahon stated thank you.

Mr. Foote stated I have a few questions going back to that same plan again. I am looking at the left plans and it appears that there is some sort of pipe at the exit of the wetland in the back of proposed on Lot 7-10. Can you explain where that water is going? Mr. Lopez replied when that is in higher flood when it ponds up, it does exit in that direction on that lot. Mr. Foote asked so essentially when we get a heavy rain event, the water is going to fill the pond and that is going to discharge in the back of that proposed lot? Mr. Lopez replied yes. They will have to do some more grading and redirect that so it doesn't go into the house. Mr. Foote stated also you are proposing a pipe going underneath the proposed driveway on Lot 7-6. Is that correct? Mr. Lopez asked the proposed driveway realignment? Mr. Foote replied correct. Mr. Lopez stated yes; we are showing a new culvert there. VHB requested that we add that in on that drive. Mr. Foote stated and also it appears as though according to this plan that Lot 7-6 is total 1.07 acres. Mr. Lopez stated there is multiple text there. Yes; we can correct that. Mr. Foote stated I am looking at the culvert that crosses Joppa Hill Road for the proposed driveways and it appears to me that the water from that pond somehow meets to that location, so it would be kind of interesting if all of that was getting there before, rather than having issues with flooding on Lot 7-10. Mr. Lopez responded we can define more of a channel and direct the contractor to grade the lot in that manner. Again, this is a conceptual grading plan. This will be revisited and this might spin into the question of the stormwater permit of do we need to get the stormwater permit for this conditional grading plan or is that something that would be more conducive at the time of building permit when we know the size of the house, the location of the septic and how they are going to grade the driveway in? That is one of the proposed conditions and we would like your feedback on, of how to deal with these smaller lots where we are showing that the subdivision will work but it doesn't necessarily mean this is what a future landowner will build. Mr. Connors replied you would still need to get the stormwater permit prior to recording of the plan, so if you based on a conceptual development of the lots, that is how the requirement is written in the land use regulations. Mr. Lopez responded okay.

Mr. Foote stated also you wanted to talk about the fair share contribution. Mr. Lopez responded yes. Ms. Hebert might have some input on that at this moment. I will let her speak to that. Ms. Hebert stated right now the fair share roadway contribution, the exact amount, has yet to be calculated, and Mr. Foote, I believe the applicants reached out to you for some information so they can accurately calculate that fee. I spoke with Steve Keach and he had no issue with the condition as it is written in the report, so once we determine what the fair share roadway calculation will be if the applicant takes issue with that, they will need to come back to the

Planning Board for a modification. Mr. Lopez, did you have any issues with the staff report and how it is worded? Mr. Lopez replied I did speak to Attorney John Cronin earlier today. It was just a question of whether or not the wording allows for the modification after this meeting. We don't want to have to come back later. Attorney Cronin stated I have reviewed it with Mr. Lopez and with Mr. McDonough and I don't think I have ever seen a fair share assessment on a residential lot after the road is improved. I am just starting to dig into that, so my suggestion to Mr. McDonough would be to whatever the condition is that he would pay it to the extent it is determined to be legal with the reservation of right. Depending on what the amount is, he may just pay it and proceed with a challenge to it conceptually. You may have done it in the past, I don't know, but I don't know how you get a rational nexus other than a Mayberry analysis, or I understand Steve Keach may have done some type of report, but it seems at odds with typical road repair unless that road was greatly improved to deal with growth. I haven't been on it since it has been improved but maybe it has. I think if we could just let the condition sit with that he reserves the right to challenge it, then he won't have to come back. Ms. Hebert stated he always reserves the right to challenge it. Attorney Cronin responded I have been in cases where people agreed on the Planning Board record to pay something and they go to court and the judge says well you should have reserved your rights and you didn't. I just want to be clear on that. If you are saying that he is fine to challenge that later, that is good with me. Ms. Hebert stated that is fine. Mr. Foote stated for the record, the Town spent a half million dollars on Joppa Hill Road between North Amherst Road and New Boston Road, so it was a very simple calculation with the amount of the contract divided by the life of the road and came up with the number that I provided to Mr. Connors within two weeks. It was a very simple process. Attorney Cronin asked who do you assess it to? People with frontage on the road or the general public? Ms. Hebert responded people who are subdividing frontage on the roadway. Mr. Foote stated I have no further questions.

Town Manager Sawyer stated my question is probably more directed at staff, and I am sure Mr. Lopez can weigh in too. The proposed culvert on Lot 11 appears to be taking runoff straight from the road or right-of-way and I didn't know if an easement was requested or needed or if staff had looked at that or not. Mr. Connors stated it was something that Mark Verostick from VHB had a comment on that you showed a culvert for, was it this lot or was it the other lot, Lot 6. Mr. Lopez responded it was the relocated driveway accesspoint for the existing house; he wanted a culvert over there. If I understand Town Manager Sawyer, you are asking on Lot 7-11 the culvert comes directly under the road, dumps onto the property, flows down into the wetland, where you are looking for an easement over that driveway culvert to maintain that flow to the wetland? Town Manager Sawyer responded only if staff believes it is necessary. Mr. Foote stated I'm not sure of the easement, or even if an easement here is necessary, but give the Town the ability to flow water to that wetland would be appropriate, I think. Typically, I don't like the Town to be in a predicament to maintain that culvert that is going on private property. Town Manager Sawyer stated Mr. Lopez, I guess it would just be a note that allows flowage rights across the property. Mr. Lopez replied okay, I can add that. Town Manager Sawyer stated I have no further questions.

Vice Chairman Murphy asked for comments or questions from the audience attending this Zoom meeting.

Jessica Chambers, 95 Perry Road, stated I have a couple of questions regarding what I believe is Lot 7-6, and my concern is that the lot has now been reduced in size with a 6-bedroom, 6-bathroom house on it and the size of the lot calculated, and I wasn't able to really determine whether or not it met due to the soil conditions. I sent in an email that has all of the details in it, but I didn't know if there was additional information or somebody could speak to how the minimal lot size was determined with the 6-bed, 6-bath house now on a smaller lot. Acting Chairman Murphy asked could the applicant speak to that? Mr. Lopez stated Mr. Connors, I did see that email that was sent at 6:32 this evening. Did you want to read that or do you want me to read that? Mr. Connors responded the person did not request that it be read into the record but I would happy to do that. Ms. Chambers stated that would be so much better than me trying to remember what I wrote. Mr Connors noted this e-mail was sent shortly before the meeting and read the e-mail into the record:

Good evening,

Regarding the subdivision application at 98 Perry Road, I have the following questions/concerns:

- Minimum lot size is determined by zoning, as well as soils. Although the soil table is listed, the areas are not, which does not allow me to determine whether or not the existing 6 bedroom/6 bathroom house on Lot 7-6 would become non-conforming when calculating the minimum lot size using the method listed in Article 231, Paragraph 231.2.4a. Can this breakdown be provided?

- The buildable area listed on Lot 7-6 is identified in the 13,000sf shaded rectangle, but the existing structure and accessory structures exceeds this area on the proposed lot. My concern is the 5,500sf home on lot 98 Perry exceeds the buildable area and is non-conforming.

- Is the buildable area limited to the shaded area?

Thank you,

Jessica Chambers, 95 Perry Rd, Bedford, NH 03110

PS - my husband, James, will be attending the zoom meeting. We look forward to your responses.

Mr. Lopez stated I am going to start with the second item and that is the question regarding the 13,000 square-foot shaded rectangle. Please post Sheet #2. Right around the existing house is a grayed box. That grayed box is a 13,000 square-foot area that is considered the buildable area, that is the minimum area and because of the slope it is less than 8 percent that is required to be shown on the lot. That is not an area that we have to maintain the building within so the existing house can be placed outside of that, it can exceed the limits of that box, it is just that we have to provide 13,000 square feet that is suitable for the placement of the house and driveway and minimum facilities for a residence. Even though the house does slip outside of that grayed area a little bit, that does not make it non-conforming. We meet the subdivision regulations.

Mr. Lopez continued the first item on the lot size and the soil types, having received that at 6:30pm, I dug out my lot area by soil type calculations, and I have to admit there is an error there. This lot was sized for the 4-bedroom house, and for the lot requirements if you have more than a 4-bedroom house, you are required to increase proportionally for each additional bedroom. So you need to have based on soils a value of 1. This is a 6-bedroom house, so we would be required to have a soil value coming to 1.5, 0.25 for the 5th bedroom and 0.25 for the

6th bedroom. After looking at that I tried to scramble and see how that correction could be made. We currently are showing the lot size by soil calcs at 1.43 on the soil loading and we need to have 1.5, so we are short 0.07. We are required to have on Lot 7-11 1 and we have 1.53, so what I am going to need to do is to adjust that, I believe it is the westerly lot line, of Lot 7-6, slide that lot line over the wetlands and onto the other lot a little bit in order to grab that extra soil, but we do have enough frontage for three lots, we have enough area per zoning of 1.5 acres, but that soil calculation is based on 4 bedrooms not six. Actually in this case everyone missed that except for the abutter. We will have to make that adjustment. Ms. Chambers stated thank you. I don't have any further questions or comments.

Mr. Connors stated we did get one other email from Victoria Smith of 213 Joppa Hill Road. She asked to please show where the arrow for Lot 17-10 is located. I cannot see the plans well. For reference, this is a part of Joppa Hill Road that intersects Perry Road with conservation land where Joppa Hill is to the west of the site and it is kind of a triangular lot sandwiched between Perry Road and Joppa Hill Road.

Ms. Hebert stated we also have two people who have joined by phone. If you would like to speak on this application, please unmute yourself and speak up now. You can also press *9 to raise your hand using the Zoom platform. There were no responses from the public.

Town Manager Sawyer stated I don't know if they discussed the second driveway issue for Condition #10. They brought that up earlier that they wanted to discuss that. Mr. Connors responded it is the mother lot where the large house is located has its main driveway access off Perry Road as shown on the posted plan, and the driveway kind of snakes around and it becomes a gravel driveway and there is a secondary driveway access off Joppa Hill Road, and as configured, the driveway encroaches on to the proposed new lot, so what the applicant is proposing to do is to relocate the driveway for the mother lot so that it is fully incorporated within the lot that they are proposing. Staff is requesting that the secondary driveway access be closed off because in our view it conflicts with the updated roadway driveway design standards that were approved by the Board in October. There is a section that speaks to secondary driveways, which I believe this would be applicable, and it does allow for the Public Works Director to grant lots with a secondary access that meet certain conditions and I think it does in this case, but it leaves it up to the discretion of the Public Works Director. Mr. Lopez stated the applicant would like to maintain the two accesspoints. The primary paved to Perry Road and then relocate the existing gravel. So we have provided the sight distance plan, which obviously would need to get the driveway permit from DPW, and we have repurposed that existing curb cut on Joppa Hill Road to serve the new Lot 7-10. Therefore, we would like to maintain the two driveway accesspoints for Lot 7-6 and we do believe that it is consistent with the regulations and also the driveway ordinance. Mr. Connors stated I am not sure if this is something you want to speak to, Mr. Foote. The reason why we are asking that they close the secondary driveway is the driveway standards are pretty clear that the Town wants to avoid residential lots with two driveway accesses, there doesn't seem to be a good reason to have two driveways here. The way that I am interpreting the regulations does allow the Public Works Director to allow a secondary access if he chooses to, but I believe it leaves it up to the discretion of the Public Works Director. Mr. Foote stated I really haven't been to this site in a while. I recall back in the day when the houses there along the driveway was somewhat majestic and it really didn't serve a lot of the

wall up here is the primary access. I am somewhat ambivalent about it until I just heard about it and I think about stormwater and loading and it seems as though because of that additional driveway there will be stormwater going to that culvert that crosses underneath Joppa Hill Road, and I am kind of concerned about the stormwater. Lot 7-10 as it is existing onto Perry Road about flow onto Lot 7-11 and look at this and then from the wetland down to Lot 7-10, what is preventing the person who purchases Lot 7-10 from blocking the culvert. Mr. Lopez responded nothing, I guess. We can incorporate something on the plan that gives some flowage rights to that also. Mr. Foote stated if you are looking at the location of the existing pipe and you look at your lot line, I think you just said you are going to move the lot line further to the south, which certainly that pipe is going to cross three different lots, so the consideration for that should be taken as well. I do agree with Mr. Connors. I know you consider the parent road where the paved access to the property is, I have not really seen a benefit from that additional driveway from Lot 7-6 that enters Joppa Hill Road. Attorney Cronin stated I'd like to comment on that. I looked at this earlier today, and I did see that the driveway construction requirements say unless otherwise permitted by the Town, each parcel is allowed a permitted driveway. Then if you go look at the regulations, a driveway and other access to public ways and that is at Section 239-3 Prohibitions, which says, no construction permit shall be allowed and it talks about driveways and it says more than two driveways. So I read that to say two are allowed, entrances, exits or approaches from any one highway to any one parcel of land unless the frontage along that highway exceeds 500 feet. You are having one access in this case on two different roads, one on Perry Road and one on Joppa Hill Road, and it appears that unless otherwise allowed by regulation, this appears to allow you to have one driveway on each of those streets, so it is really not even a prohibition. Mr. Connors responded that is true, Attorney Cronin, but in the Land Development Control Regulations, the updated driveway standards that the Board approved back in October includes a section on circular driveways and it includes this language: 'The Director of Public Works may permit a circular driveway if the following criteria are met: Along a Class V road or better must exceed 500 feet; it meets the safe distance requirements in accordance with Section 2B and the proposed construction confirms the requirements set forth in Figure 4 of these standards.' But the way that it is written in these updated requirements that were passed in 2019 it leaves it up to the discretion of the Public Works Director. Attorney Cronin asked did they overrule the one that I read? Is that no longer in force? Or they conflict? Mr. Connors replied I believe there might be a conflict and there are two different requirements, but the stricter requirements take precedent.

Mr. Lopez stated I would like to go back to one of Mr. Foote's comments on the drainage. Today that driveway is an existing gravel driveway and we are looking to rebuild that as gravel. That was factored into the drainage analysis so it would actually technically be a little bit shorter but not much. Really there is going to be no additional increase in runoff due to that driveway being relocated. If we were to eliminate it completely and grass that area in, we would probably be able to have a reduction of the infiltration on Lot 7-10, we have more infiltration on that lot to make sure we are matching our pre to post. In drainage it works and we have provided the site distance, which complies to all of the criteria that Mr. Connors just read relating also to circular driveways.

Attorney Cronin asked Mr. Lopez, is this a circular driveway in the ordinary sense? Isn't that typically where you have two accesses off from the same road? Mr. Lopez responded I really

wouldn't classify this as circular because usually the circular is two accesspoints, maybe a hundred feet, maybe a couple of hundred feet, apart onto the same road. This is distinctly two separate roads; this is an accesspoint to each frontage. Attorney Cronin stated I just wanted to understand that everyone gets the gist of the issue is that there are already two servicing the particular lot. I know you are creating additional lots but it already has two there. You are simply relocating it a short distance. I would just ask you to consider that as well. Ms. Hebert stated I will just say that the Town has a policy of interpreting the circular driveway to mean two driveway curb cuts, they are not always connected or circular in nature, but we typically used that to determine whether or not someone would be eligible for a second curb cut. Mr. Foote can expand on that from standards that DPW enforces. Attorney Cronin asked are these regulations new? Have you had a lot of instances where you have made that call under these new regulations? Ms. Hebert replied there was some more language under the old Town construction standards and they have recently been updated and the circular driveway language is found in there.

Town Manager Sawyer stated I have one more question for the Planning Director. Are you comfortable with the lot sizing changes that need to be done being approved by staff or do you feel that needs to come back to the Planning Board? Ms. Hebert replied I feel comfortable given the oversizing of the adjacent lot that that lot line can be adjusted to make up the 0.07 shortfall in the lot size calculation for the 6-bedroom home. I think that we can handle that under a technical review. It will mean that the lot line will shift slightly.

Mr. Newberry stated I would like to go back to Condition #10. Is that resolved? The way I heard the conversation is we should keep Condition #10, but considering adding 'unless reviewed and approved by the Public Works Director.' Mr. Connors responded I would be comfortable with changing the language to allow that second driveway access if the Public Works Director approves it.

MOTION by Town Manager Sawyer that the Planning Board grant final approval of the subdivision application prepared for LMJ Properties, LLC (Owner), to create two new residential lots at 98 Perry Road and Joppa Hill Road, Lot 18-7-6, in accordance with the plans prepared by Keach-Nordstrom Associates, last revised July 30, 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. 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 Planning Department.**

4. All recording fees shall be submitted to the Planning Department at the time of recording.
5. A NHDES Subdivision Permit shall be obtained and the approval number noted on the plan.
6. The applicant shall obtain approval for a Stormwater and Land Disturbance Management Permit from the Department of Public Works.
7. The applicant shall prepare an easement or declaration document to allow the 75-foot well radii for Lot 18-7-6 to encroach on to Lot 18-7-11 for recording. The easement language shall be to the satisfaction to the Planning Department.
8. The Applicant shall complete a Rational Nexus Roadway Contribution memorandum for review by the Town. The amount of the contribution shall be to the satisfaction of the Department of Public Works Director. The Rational Nexus Contribution shall be paid prior to recording of the subdivision plan.
9. A new leach field serving Lot 18-7-6 shall be constructed and the existing leach field removed prior to recording of the subdivision.
10. The subdivision plan shall be revised to eliminate the driveway access for Lot 18-7-6 off of Joppa Hill Road.
11. Prior to the issuance of a certificate of occupancy for homes on Lots 18-7-10 and 18-7-11, school and recreation impact fees shall be paid.
12. The plan shall be amended to the satisfaction of the Planning Director to address the lot sizing by soil type requirements.
13. Flow rights on Lots 18-7-10 and 18-7-11 shall be added as notes to the plan subject to review and approval by the Planning Director.

Mr. Newberry duly seconded the motion.

Acting Chairman Murphy asked is there any discussion with Condition #10 unchanged? There was no response to this question from the Planning Board members.

Acting Chairman Murphy called the roll. Upon a unanimous roll call vote, the motion as stated carried.

5. **226 South River Road, LLC c/o Riley Enterprises, Inc. (Owner) – Request for approval of a site plan amendment to convert the former Canoe Restaurant to a fast-food restaurant with drive-through service facilities and a high turnover restaurant with a bar, and associated site and architectural changes at 216 South River Road, Lot 22-31-1, Zoned PZ.**

Jason Lopez of Keach-Nordstrom Associates, Inc. was present to address this application to amend a site plan on behalf of the applicant. Also present were Roy and Mary Schlepler owners of Pressed Café, Charlie Logiotatos, and Chris Riley of Riley Enterprises, Inc.

Mr. Lopez stated this is a 2-acre lot located in the Performance Zone and is currently a sit-down

restaurant with an outdoor patio. They are looking to incorporate a drive-through and maintain indoor seating, the outdoor patio and a bar. This is kind of a hybrid use between drive-through and sit-down restaurant. They do serve breakfast, lunch and dinner, and the proposal will require a large portion of the westerly side into the site to be reconfigured for the addition of the drive-through facility.

Mr. Lopez continued as you can see on the posted plan, we are going to propose two order menu boards that will permit about 10 vehicles to queue before they start pulling into the parking spaces. Those two aisles will merge together into one, end up crossing over, we are going to sign and stripe the intersection with a limited access drive aisle, they will cross over that, and then run parallel to the building to the drive-through window. If there is an issue with a delayed order, we are going to provide four spaces where vehicles can pull off and wait for their order to be carried out to their car, which will allow vehicles to move through the drive-through with more speed.

Mr. Lopez stated we have worked with staff on this layout. We went back and forth a few times, and where we have landed is what you are seeing tonight. We are looking at minimizing traffic conflict out there and in so doing we are going to limit the traffic. If you look on the upper part, the north part, of the site, we are relocating a dumpster to that north corner, and we are going to put some signage along that drive aisle to authorized vehicles only looking for fire access and delivery vehicles, emergency vehicles, we just want to limit the customer traffic through that drive-through area. Then down along that center access aisle we have a dedicated loading zone and then connect right back out into the parking lot.

Mr. Lopez stated the two order boards will have a minimum of 10 cars stacking and there are four spaces at the end or the entrance of the dual line. We are going to mark those for employee parking only to help limit conflict with patrons to the restaurant. We are going to provide signage for the 1-way service. We have one pole light that is internal to the site that we need to relocate to one of the grass islands to get it out of the drive aisle, so the outer perimeter of site lighting is not going to change, just the one internal pole. There is overall a reduction in the impervious area as we are going to incorporate grass islands. The project architect has provided photos of the existing building and then renderings of what the proposed updates to the façade is going to be. The building elevations were posted on the screen, both existing and proposed. Mr. Lopez stated the entrance shown in the first slide is going to be reworked and relocate the entrance into the building, the patio will be maintained in place, the proposed corner that we will call the main driveway and Target accessroad where they will relocate that front entrance, give it a whole new look, redo some of the windows, paint some of the brick and have some composite wood-looking panels placed, which is the side that is facing the Target driveway. In the patio they are incorporating some lighting in the roof section and some wall sconces on the posts.

Mr. Lopez stated we do have one waiver request with this application, which is no bypass lane. We are requesting the waiver after discussing this with staff and we want to minimize complication of traffic flow by introducing a third lane in with the drive-through, which is going to probably cause more conflict, so anyone that enters the drive-through lanes will have the opportunity at that center access aisle for delivery and emergency vehicles where they can exit there and get out of the queue if they need to, so we felt the waiver was adequate.

Mr. Lopez stated we have reviewed the staff report and proposed conditions and we do not have any concerns with any of those conditions.

Acting Chairman Murphy stated the design looks great. Thank you for presenting that.

Acting Chairman Murphy asked for any questions or comments from the Board on the waiver request or the application.

Mr. Newberry asked what is the average wait time for your orders in the queue? Where and how does the staff deliver the long lead orders that you mentioned? Will there be an exit sign at the north end of the drive-through lane for an effective bypass? Will there be an exit allowed sign there or something that allows people or alerts people that that they can bail out if they choose to? Mr. Lopez stated for the third question, we do not have sign that states exit allowed. I guess that is something we could incorporate into the plan. If Mr. Logiotatos is willing, maybe the first two questions might be better for him to address. Mr. Logiotatos stated typically we get the food out between three to four minutes from time of ordering because there is a longer queue from the speaker where the order is taken, so we are anticipating that the food will be ready for the orders by the time they actually make it to the window and pay. If someone does have to wait for their order, we will be running from a side door out to the parking spots delivering the food to them like we currently do in another location. Mr. Newberry asked will staff have to be crossing that line of queued cars or will they cross in front of that line? How is that going to be handled safely? Mr. Logiotatos replied it would be in the front. Mr. Newberry stated thank you.

Mr. McMahon asked are you going to come back later for a signage plan or what you displayed right now is what you think it will look like? Mr. Lopez replied what is shown on the plan is what it would look like. On that property there is no individual monument sign or anything like that, it is just building signage. Mr. McMahon asked to staff, does this meet the requirements? Mr. Connors replied I think it is a little bit more than what we allow. I think this could be handled as technical comments. Just add a note to the architectural plan that signage will be handled separately. Certainly they could always come back with a waiver application if they chose to.

Councilor Duschatko stated my question is on the requested waiver. You are in the queue and you have to take a very sharp right-hand turn to get out. Is there enough turning radius there? I can't really tell from the plan. Where the islands are shown it is a very narrow spot and a very tight spot. Mr. Lopez responded I am not quite following where you are talking about. Councilor Duschatko stated you are going through and there is the menu board on the left or right, is that where you exit from if you don't want to go through there? Mr. Lopez replied no; up closer to the dumpster. Councilor Duschatko stated you have 1-way traffic there. Mr. Lopez stated yes; either turn to the right or head straight out there. Councilor Duschatko asked how can you head out where you are showing a 1-way flow? I don't understand where you are going. You are stuck in the line, you go by the order menu, now you have to merge into a single lane to get out and then go against the traffic, which I know there won't be anything there, but against a 1-way street. Ms. Hebert stated there really is no bypass. Councilor Duschatko asked how do you get out? You are stuck. Once you start in the maze you have to finish it. Mr. Sullivan

stated it looks like you take a right after it merges into the one lane. Councilor Duschatko asked where the cross hatches are? Mr. Lopez stated where they are probably going to go is just straight out toward South River Road. Councilor Duschatko stated but now you are going against your traffic flow that is coming in from the other people that want to park by the patio, for example. Mr. Lopez stated there shouldn't be any traffic there. That is going to be signed for authorized vehicles only, which is the dumpster, delivery trucks, emergency vehicles. There is not going to be much there. Councilor Duschatko stated just going back and looking at the mess at Dunkin Donuts and the cars coming in and then cars coming out, it doesn't make a lot of sense to me. It needs a better explanation. Mr. Connors stated it is a fairly wide area. I agree with you that the way it is lined up right now, it is not necessarily encouraging it, but it is 20 feet wide for emergency access, so the average car could negotiate that turn if they did need to exit but for a truck or a larger vehicle it might be difficult.

Mr. Foote stated I have a question relative to traffic at the signal. Has there been any sort of review of that? Mr. Lopez replied no; we did not review traffic. That did not come up in the scope. It is lower count on the seats and so forth than the previous restaurant. Mr. Foote asked so there was no consideration given for the additional traffic? Mr. Lopez replied no; no traffic study has been done. Mr. Foote stated okay; thank you.

Ms. Malcolm stated I think I am having a problem with that cross hatched area where Councilor Duschatko was also concerned. There was mentioned early on that if somebody is going through the line and their order is going to take longer than anticipated that up to four cars were going to be diverted somewhere so that the orders could be brought out to them. Is that correct? Mr. Lopez replied correct. Ms. Malcolm asked where are those cars going to go? Mr. Lopez replied if they approach the pickup window and pay and their order is not ready, just immediately to their right there are four spaces that will be available for them to pull in. The person at the window will say pull up to one of the spaces and then they will wait there and their order will be carried out to them. To exit they will take a left and head out to the main entrance for the site. Ms. Malcolm stated I think I see that now. You are not going to have any issue turning left there and going against the traffic that is coming in waiting? Mr. Lopez asked coming into the site? Ms. Malcolm responded yes. Mr. Lopez stated please post the first sheet, the existing conditions plan. Acting Chairman Murphy stated Mr. Lopez, if I understand her correctly, I think the question is one of the degree of a potential log jam that could occur. Ms. Malcolm stated that is right. Mr. Lopez responded they are going to have to wait at an intersection, it is much like in the existing site. You have 2-way traffic on all of these drive aisles and it would be no different than people who have negotiated the site over the years. They are going to come to that area and before they pull out they are going to have to wait before they go towards the exit of the site.

Mr. Clough stated all of my questions were addressed by other Board members.

Mr. Sullivan stated looking at the hours of operation of your other locations, they appear to be 5:00am to 10:00pm. Will this location have those same hours? Mr. Logiotatos replied yes; we are planning to keep the same hours.

Mr. Fairman stated first of all welcome to Bedford. As you know, we have lost three restaurants in the last year, we desperately need new restaurants, particularly family restaurants. I am a little

concerned about the emphasis on the bar and not enough emphasis on family. I would like you to comment about that. I also share concern with the members that spoke earlier about the traffic flow through that drive up. It is a pretty tight area, I have seen in other drive ups cars with trailers on them, campers, and all kinds of vehicles, and I am not sure that you have enough turning radius for all of that. I just trust that you have studied that kind of a problem.

Mr. Logiotatos stated we just added the bar in one of our locations. We have always been focused more on the food, smoothies, lattes, espresso. We just wanted to add another offering to what we do. Press Café is definitely a place that we bring our families and we try to be a big part of the communities that we are in, so we do get a lot of high school kids, we do get a lot of families that come into our establishments and no way would we ever want a bar atmosphere, like a typical bar or a club atmosphere. What we are looking for is to just basically give another offering with dinner like a nice glass wine or a nice martini. We are not big into a loud bar or anything like that. We just want something comfortable, easy and relaxing, we know the main part of our restaurant is the café side, we just wanted to kind of give another offering. With that concern, it wouldn't be a loud, obnoxious bar, it is definitely geared towards families. Mr. Fairman stated thank you very much, and, again, welcome to Bedford. Mr. Logiotatos stated we look forward to seeing you there.

Mr. Lopez stated in response to your question on the turning radius. I had met with the owners of Pressed Café out there, Mary and Roy. Mary had a similar concern on turning radius because she drives a suburban and she wanted me to mark out and show where she needed to drive. It negotiated that turn quite fine and she didn't have to max out the steering. That was one of the requests is can my suburban make it and there is more than ample turning radius there. Mr. Fairman stated thank you.

Mr. Quintal asked is there going to be a height restriction at your drive-through? Mr. Logiotatos responded yes; we do currently have a drive-through height restriction. Mr. Quintal stated I was just wondering about bigger box trucks trying to go through or whatever, bigger vehicles with the turning radius. Mr. Logiotatos stated we don't typically service big box trucks in the drive-through. We do offer online ordering that would be more of what we would ask them to do. Mr. Quintal stated thank you.

Acting Chairman Murphy asked if there are any members of the public connected through Zoom or phone that have questions or comments. If you are on the telephone, you can dial *9 to raise your hand to indicate that you have a question.

Chris Riley stated we are excited as the owners of 226 South River Road, LLC for the site to bring Pressed Café to the town. I know there has been a lot of excitement in the past about the prospect of having Pressed Café come to Bedford, so we feel that this site will meet the need. As Mr. Fairman referred to in some of his comments, we are losing restaurants and we feel that Mr. Lopez from Keach-Nordstrom Associates, Inc., as well Mary and Roy, have worked diligently to try to get the best possible layout for this site given what is the normal in that a good majority of the servicing is done through the drive-through at this point. I think the key for restaurants to be successful moving forward will be the ability to remain open when physical entry into the facility is prohibited. We hope it doesn't happen again but while we are in this now, we know

what has occurred in the past and we are trying to create businesses moving forward that will be able to sustain a business model that works. I know they worked quite diligently to get the double drive-through designed well and as we know there is no such thing as a perfect design, but we feel this is a very strong, good design. We have been in contact with the majority owners and management company at New England Development, Steve Karp's company, to discuss this tenant coming to the site and they are excited about the tenant in this site. Addressing most of the other traffic concerns: stacking I think is a little more than we need but they are showing with the two lanes, as well as the pickup aisles, over 20 cars can stack in that before we see anything approaching the entryway, and in an extreme circumstance if there was overflow in excess of 25 or 30 cars, which is a very, very rare occasion, if it would ever occur, we would still keep all traffic internal to the development so that there isn't any overflow or spill into any public roadways. I hope the members of the Board and staff are as excited as we are as owners of the property to see this business come to town. I think it is a real asset to Bedford, and I think the citizens will really get a lot of enjoyable use out of it. Thank you.

Acting Chairman Murphy asked Ms. Hebert, are there any comments that were submitted prior to the start of the meeting or any comments that were submitted after 4:30pm today that should be read into the record? Ms. Hebert stated we have not received comments by email.

Acting Chairman Murphy asked do any Planning Board members or staff have any further comments or questions at this point.

Mr. McMahon stated could we have the location of the height restriction put on the plan. Where is the snow removal area going to be located? Mr. Lopez replied we luckily have decreased the impervious area and now have some larger grass islands. I don't honestly know where they were stacking all of the snow when it was all pavement but now we have quite a bit of extra green space.

Chris Riley stated a question was raised about the signage. As far as the existing signage on the building currently and the new signage that was shown in the architectural, I would request that the Board allow the applicant to keep the existing square footage, not to exceed what currently is in place on the building, and should the applicant wish to go and request additional signage above and beyond the existing square footage that is present currently today, that we come back and work with staff or come to the Board if that is needed. I don't think it would be. I don't see the signage going larger than what is currently on the building, but I don't know, as Ms. Hebert had mentioned, if the signage there exceeds two 32 square-foot signs. I just want to have the business owner be allowed the same exact amount of signage or less, and if they did require more, to come back to this Board. Thank you. Ms. Hebert responded because the applicant did not file a waiver for the signs, I would want to have a better grasp on the size of the signs and how the proposed signs compare to what is existing today. I guess I would recommend that the Board require compliance with our regulations for the signs, and if they need additional relief, they can come back to the Board for a waiver. They appear to be conforming. Mr. Connors stated they look like they are within that 32 square-foot restriction.

Town Manager Sawyer asked is there an elevation of the drive-through side of the building? Mr. Lopez replied no. Town Manager Sawyer asked but there is an actual overhang that you are

worried about for a height restriction? Mr. Lopez replied yes. The architect has not solidified that side of the building, the interior and the location, but I was told that there would be a canopy over the drive-through.

MOTION by Mr. Newberry that the Planning Board grant the following waiver from the Bedford Land Development Control Regulations Section 321.2.4, to not provide a bypass lane adjacent to the drive-through service lane. Ms. Malcolm 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 site plan amendment to add drive-through service facilities for a proposed fast-food restaurant and high turnover restaurant with bar service and associated architectural changes in accordance with the site plan prepared by Keach Nordstrom, last revised July 27, 2020, and the architectural plans by Prellwitz Chilinski Associates, last revised July 28, 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 update the architectural plan to note all proposed exterior building materials and add a note that any rooftop mechanical equipment will be fully screened.**
- 4. The Applicant shall provide an updated lighting plan or add a note to the plans that no exterior lighting changes are proposed.**
- 5. Prior to commencement of work, a pre-construction meeting shall be scheduled with the Planning, Public Works, and Building Departments.**
- 6. 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.**
- 7. Prior to the issuance of a certificate of occupancy for the building, all site improvements depicted on the plan shall be completed.**

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

- 6. Eckman Construction Company Inc. (Applicant), Silver Stream Properties, LLC (Owner) – Request for approval of a site plan to construct Phase II improvements, including a two-story 8,980 square-foot office and light industrial building addition and an expanded parking area, at Bellemore Drive, Lot 1-18-20, Zoned SI.**

Jason Lopez of Keach-Nordstrom Associates, Inc. was present to address this request for approval of a site plan on behalf of the applicants. Matt and Mark Walsh of Eckman Construction Company, Inc. Silver Stream Properties, LLC were also present.

Matt Walsh stated as many of you know we were in front of you at the end of June, we got started on this piece of land that we purchased on Bellemore Drive to construct our own light industrial facility primarily for ourselves with several tenants in order to be able to support the buildout of the building. We originally permitted this project in two phases, a two-phase site design, simply so that we could circumnavigate the State's requirement of 100,000 square feet and over where you needed to go to a State AoT permit for alteration of terrain and that process takes up to four months. It was our intention to get started even earlier this year prior to understanding the effects of the pandemic, and we wanted to be able to start on Phase I site work and use the summer months in order to buildout what you see on your screen, which was approved for construction this past end of June. So we got started mid-July on our Phase I site work, we parallel pathed Phase II drawings and submission to the Town, as well as the Phase II required State of New Hampshire AoT permit, which allowed us to exceed 100,000 square feet of disturbed area. We have recently received full approval from the State on the AoT, I believe that permit copy has been provided to the Planning Department and it was dated August 5th, give or take, so we have received that permit in hand. We are back before you tonight simply to permit Phase II of the site buildout, and I think it is important to note that we are showing an addition and simply setting up this site for a future addition. We have no immediate plans to build that addition, we had explained this back in June but we wanted folks to understand what our intentions are, but the roadway around the site we have actually brought back in in order to not require any buffer encroachments to the residential development behind us, so we have even brought in that addition about 30 feet from being flush with the end of our already permitted Phase I construction. That is kind of the gist of it. We are here tonight primarily for the site improvements. I will also note that many of the improvement infrastructure items were permitted with Phase I, the cistern, the leach field, subsurface drainage, very minor modifications have been made in Phase II, we have adjusted as necessary, the dumpster location, a couple of minor things, but overall this is the same plan you saw on Phase I, we are just here to allow ourselves to complete the buildout of the circulatory roadway around the site that exceeds that 100,000 square feet. I will turn it over to Mr. Lopez if he has any additional comments, and we will be happy to field any questions. We did see the conditions of the approval, we have no issue with the conditions of approval, which requires us also to come back in front of the Board for architectural approval of our future addition should we choose go down that path.

Mr. Lopez stated Matt Walsh pretty much covered most of it. We will use the existing two curb cuts that were approved in Phase I. We did provide an updated short form traffic memo reviewed by VHB and there were no issues with that. That should do it unless there are specific questions from the Board.

Acting Chairman Murphy asked for any questions or comments from the Board on this application. There were none at this time.

Acting Chairman Murphy asked if there are any members of the public connected through Zoom or phone that have questions or comments. If you are on the telephone, you can dial *9 to raise

your hand to indicate that you have a question.

Bob Poirier stated I am with English Woods Homeowner's Association. I know it is probably early to ask this question, but now that the site has been cleared, the buffer zone, if you will, literally consists of one pine tree and in some cases none and the pine trees that are there have no low hanging branches. What are the plans as far as the buffer zone for plantings or anything in there to give us some sort of a buffer zone on our property to the property that they are on? Matt Walsh asked please post the landscaping plan, Sheet 5 of 9. I think the key here is I think it was written in the condition. We have added some plantings along that back slope that actually as a result of the Phase I buffer questioning so that has since been added. Essentially what you see right in the back there. Mr. Lopez stated upon completion of the grades and the side slope of the parking, there will be blue spruce added along the back line of the property. That will be a mix of 6 – 7-foot tall blue spruce.

Acting Chairman Murphy asked Mr. Connors, are there any comments that were submitted prior to the start of the meeting or any comments that were submitted after 4:30pm today that should be read into the record? Mr. Connors stated we have not received comments by email on this application.

MOTION by Town Manager Sawyer that the Planning Board grant final site plan approval for the proposed Phase II improvements including a 12,410 square-foot building addition with office and light industrial uses, at Bellemore Drive, Lot 1-18-20, in accordance with engineering plans prepared by Keach-Nordstrom Associates, Inc. last revised July 31, 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. The Applicant shall submit any outstanding engineering review fees to the Department of Public Works.**
- 3. The NHDES Alteration of Terrain Permit shall be obtained and the permit number noted on the plans.**
- 4. Active site operations shall be limited to the hours of operation, 7 am to 8 pm, and all exterior lighting, apart from what is necessary for site security, shall be turned off by 8 pm.**
- 5. The applicant shall obtain approval for a revised Stormwater and Land Disturbance Management Permit from the Department of Public Works.**
- 6. The applicant shall return to the Planning Board for architectural approval of the Phase II building addition.**
- 7. The plans shall be revised to relocate proposed ornamental landscaping on the south side of the property to the front of the site such that there is no loss of landscaping from the Phase II improvements.**
- 8. Arrangements shall be made with the Planning Department regarding payment and coordination of third party inspections.**

- 9. Prior to commencement of work on the Phase II building addition, a pre-construction meeting shall be scheduled with the Planning, Public Works, and Building Departments.**
- 10. 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:

There were no available minutes to be approved tonight.

VI. Communications to the Board:

Ms. Hebert stated I would like to update the Board again on the developments with the Master Plan. BCTV is finalizing the Master Plan presentation that was jointly produced with members of the Think Tank and our planning consultants, Town Planning and Urban Design Collaborative. I expect them to be putting kind of the final touches on that presentation tomorrow, and I expect it to be set to broadcast the program later this week. I will send an update out to the Board letting you know how to watch the program, when it is going to be broadcast, and if you could please share the program with your friends and family. The next 30 days or so is the last and final push for public comment on the Master Plan, so I would also encourage all of you to read it if you haven't, get us your final thoughts and comments on the plan. We will be dedicating a meeting in September to reviewing and discussing any and all final comments of the plan, we would like to schedule this for Board discussion and hopefully Board adoption later this fall. We are excited to be at this point and it has been a long process this spring with Covid and the challenges that the pandemic has brought upon conducting public outreach and wrapping up a plan of this nature. If you have any questions, you can always reach out to me or Mr. Connors, and we are excited to be bringing this to the forefront again.

Mr. Fairman stated when you say ask to make sure we have all read the plan, is there a new version out or are you talking about the original draft. Ms. Hebert replied we have the original draft; there will be a new version that will get put out that has changes, not broad sweeping changes, but changes that were discussed by the Board the last time we reviewed the plan and response to some of your comments. I don't believe that has been published yet. I think they were wrapping up a few final photo edits and we expect an updated plan to be published so I guess the more current plan is available for the public to look at so we won't be seeing those repeat comments. We will send a link to the plan and a link to the broadcast as soon as it is available and then we will have about a month to wrap up the final public input period. Mr. Fairman stated you asked us to make sure the public looks at the program and make more comments. What version are they commenting on at this point? Ms. Hebert replied at this point if they looked at the old version and they want to send us their comments, that is fine. We will know whether you are commenting on an old or new version based on your comments and things

like the big ideas have not changed. We are not seeing content changes; a lot of changes that were made had to do with initial comments about graphic layout and presentation of the plan. Mr. Fairman stated it is pretty disappointing that we are not seeing more extensive changes, but I will wait to see where it goes. I hope we have something about the schools, I hope we have something about the Town's vision on structures in the Town and other facilities. Some of the major issues, the major things missing from that plan better show up. I don't see why we aren't putting out another version for comments and public comments and comments by the members of the Board. The first draft was so bad and missing so much stuff and had stuff in it that didn't belong. Acting Chairman Murphy stated I think you are going to be pleasantly surprised. There have been a number of edits and updates that were done since that initial draft was circulated, and when Ms. Hebert said publish the draft, I believe she meant the most recent version of the draft and not the initial version that was circulated many months ago amongst the steering board members. That draft has undergone a number of iterations and some serious scrutiny by the members of the committee and other important people in town, and I think that you are going to be very pleasantly surprised with the outcome as a result. Mr. Fairman asked so there is another draft by very important people that have reviewed it, but I guess members of the Planning Board don't fit into that category obviously. I will wait and see what we get. Ms. Hebert stated your comments were taken into consideration and there is a new section on schools. I would like to get the draft out there, get the public presentation airing and then we are going to set up a meeting where we will go through the comments one by one and the Board can review what they like, what they don't like. We have one final shot at packaging a set of comments to deliver to the consultant that they will address before the Board looks at the final, final draft.

Ms. Hebert stated I think that the Board also needs to remember that a Master Plan is a broad vision, it is a document that sets a broad vision for the community, so it would be very inappropriate to include all the details of a facility study that had a same budget as the Master Plan itself into the Master Plan. Keep in mind that it is a broad document; it sets the stage for a lot of action items that the community can take on to implement their vision, but it is not meant to be a document that addresses each and every single need in the community. It is a broad vision and it is a guiding document. It is not the document that is going to spell out solutions for all of our needs and facilities. Acting Chairman Murphy stated Mr. Fairman, I know that your comments were critical mass on some of the updates that occurred in the plan, so I would just ask that you give it a read because, again, I really do think that you are going to be pleased to see that your concerns and your comments were incorporated into the draft that is going to be circulated.

Mr. Fairman stated I hope that we don't rush the process and rush the document just so we can say we get it done this year. If we have to go into next year to have a better document, a more complete document, we should do that. Let's not rush to meet some guideline that I am not sure is set in stone. Let's make sure that we get it right, and I disagree with you Acting Chairman Murphy, I think that an outline at least of what we are going to do relative to facilities, something that is going to cost us \$25, \$50 million, I don't know, whatever it is, really needs to be in this plan. If we don't have that covered, and, also, what about the roads. We don't say anything in there about what road construction we are going to do. I think there are 23 pages out of the 110 that talk about transportation but we don't say anything about what road construction we are planning to do and how are we going to continue the process that we have been making. I will

wait and see. Acting Chairman Murphy stated if I can speak to that for a second. When a Master Plan document is created, like Ms. Hebert said earlier, it is a bullet point list of the broadest strokes of development and the future of the Town and it is supplemented by these very specific plans that tend to follow and be approved by both the Planning Board and the Town Council. A prime example of that is the bicycle and pedestrian plan, which was endorsed by the Town Council and approved by the Planning Board. It is a very specific plan that deals with very specific avenues for creating sidewalks and for creating pedestrian ways and bicycle paths in town, on a level of detail that we couldn't possibly go into in a Master Plan or the Master Plan would be thousands of pages long. Another great example of that is the road plan, which has its own website in the town, so the road plan, which constantly updates residents on what road construction is being done and what the next steps are and where the Town is going direction-wise, those are very specific sub-plans to the Master Plan that can be referenced and referred to but don't take away from the overarching vision of the Town because if the Master Plan was super specific and something like Covid happened or something else happened, then all of a sudden the Master Plan looks like perhaps it might not be applicable to the Town, which is why I think we deal with specifics in the sub-plans and we deal more with generalities in the Master Plan. I do appreciate your comments very much.

Councilor Duschatko stated this is the first I have learned that there have been some other drafts other than the one that has been up on the Town website. I get asked questions about this constantly. If we are changing radically, and I have to agree with Mr. Fairman's statements, the first one was very disappointing, then we should take down the old one and put up the new one as fast as possible, particularly if it is going on TV and all that sort of thing or else you are totally going to confuse the population. Ms. Hebert stated I'm sorry, I misspoke, we will absolutely have the new one up before the public broadcast is aired. We are asking for public comment, it is all going to happen this week, it is about ready to happen and we will send you links to everything, the before and after if you want to get a sense of the before and after. I think you also need to remember what the Master Plan is what the bullets are. Town Manager Sawyer has been working with the Town Council on finalizing a facilities Master Plan that is probably longer than the Master Plan that you are going to be reviewing for the community, and it includes hundreds of pages of very detailed analysis and review of all of our town facilities and what their building needs are. That is beyond the scope of what a Master Plan would address. Councilor Duschatko stated I am certainly well aware of that effort. I am just saying that the general public is not well aware of these efforts. They see something on the website, they pick it up, they read it, they sort of said this makes no sense to me. If we don't get rid of that type of thing and put something fresh up there, then it is just going to make it worse, it is just going to confuse people. I would exercise some caution, and I would like to see as a courtesy giving the members of the Planning Board and the Town Council at least a few days' preview before it goes out publicly so we have a chance to prepare to answer questions we may get from the rest of the constituents. We are just a filler, and it would make our lives a lot easier, and I am speaking for all of my colleagues on the Town Council, and I hope I am speaking for my colleagues on the Planning Board. That is basically my opinion and I think it is necessary that we do that.

Ms. Hebert stated you have a third August meeting on the 31st of the month.

Acting Chairman Murphy stated I want to thank Ms. Hebert and Mr. Connors for all of the work that they have put into this Master Plan because it has been no small task to birddog this with TPU DC, particularly losing our initial point person from that organization. So I greatly appreciate their ability to assimilate the comments that they have received so far and go out of their way to make sure that there are edits and suggestions that made their way into subsequent versions of the draft Master Plan. I really want to shout out to them for their efforts.

VII. Reports of Committees: None

VIII. Adjournment:

MOTION by Mr. McMahon to adjourn at 9:04 p.m. Mr. Sullivan duly seconded the motion. On a unanimous roll call vote, the motion carried.

Respectfully submitted by
Valerie J. Emmons