

TOWN OF BEDFORD
May 21, 2018
PLANNING BOARD
MINUTES

A meeting of the Bedford Planning Board was held on Monday, April 23, 2018 at the Bedford Meeting Room, 10 Meetinghouse Road, Bedford, NH. Present were: Jon Levenstein (Chairman), Hal Newberry (Vice Chairman), Karen McGinley (Secretary), Chris Bandazian (Town Council), Kelleigh Murphy (Town Council Alternate), Rick Sawyer (Town Manager), Rene Pincince, Charlie Fairman (Alternate), Matt Sullivan (Alternate), and Becky Hebert (Planning Director)

I. Call to Order and Roll Call:

Chairman Levenstein called the meeting to order at 7:00 p.m. Regular members Mac McMahan and Randy Hawkins, and Alternate Monique Rice were absent. Mr. Fairman and Mr. Sullivan were appointed to vote. Assistant Planning Director Mark Connors was not present for the meeting. Ms. Hebert reviewed the agenda.

II. Old Business – Continued Hearings: None

III. New Business:

1. Greiner Investments, LLC (Owner) – Request for re-approval of a condominium subdivision to create two condominium units at 188 Route 101, Lot 20-22-2, Zoned CO.
2. Greiner Investments, LLC (Owner) – Request for re-approval of a site plan to change the use of an existing 1,850 square foot storage facility to a general office use and the conversion of three excess handicap parking spaces to standard spaces at 188 Route 101, Lot 20-22-2, Zoned CO.
3. Carnevale Holdings, Ltd. (Owner) – Request for approval of a Conditional Use Permit for an off-site sign for the Grand at Bedford Village Inn at the intersection of Olde Bedford Way and Old Bedford Road, Lot 10-23-2, Zoned CO.

IV. Concept Proposals and Other Business:

4. The Board will elect its officers and liaisons to other Boards and Commissions.
5. Master Plan Update
6. Development Update

Ms. Hebert stated all of the new applications have been reviewed by staff and it is our determination that the applications are complete. The abutters have been notified; it is the opinion of Planning Staff that none of these applications pose a regional impact. Staff recommends that the Board accept the applications as complete.

MOTION by Councilor Bandazian to approve the agenda as presented. Mr. Sullivan duly seconded the motion. Vote taken – all in favor. Motion carried.

1. Greiner Investments, LLC (Owner) – Request for re-approval of a condominium subdivision to create two condominium units at 188 Route 101, Lot 20-22-2, Zoned CO.

A staff report from Becky Hebert, Planning Director, dated May 21, 2018 as follows:

I. Project Statistics:

*Owner: Greiner Investments, LLC
Proposal: Request for re-approval of a condominium subdivision
Location: 188 Route 101, Lot 20-22-2
Existing Zoning: "CO" - Commercial
Surrounding Uses: Commercial*

II. Background Information:

On February 23, 2009 the Planning Board approved a change of use plan for medical and professional office, and on May 5, 2009, the Historic District Commission approved architectural changes to the existing office building. The ZBA approved a variance on May 19, 2009 to allow the construction of concrete pads and installation of fuel tanks for HVAC units and a generator within the 50 foot wetland setback behind the building. The previously approved flag pole cell tower sits on the west side of the lot off the end of the front parking lot.

The property owner subsequently purchased the adjacent parcel on Chestnut Drive with an existing one-story office building and merged the two lots. On March 1, 2011, the Historic District Commission approved a 6,608 square foot addition. On March 15, 2011, the ZBA approved a special exception to allow the operation of a commercial recreation facility (pilates studio) at this location. On April 4, 2011 the Planning Board approved the addition and site redevelopment.

On August 6, 2012 the Planning Board approved the construction of four new ADA compliant parking spaces off of a new curb cut along Chestnut Drive.

On April 8, 2013 the Planning Board approved a site plan amendment to construct ten additional parking spaces.

On December 5, 2016 the Planning Board voted to grant final approval of the subdivision of Lot 20-22-2 into two condominium land units and site plan for the change of use from warehouse to professional office. The plans were never finalized and the approvals have lapsed. The applicant is seeking re-approval of this application.

III. Project Description:

The purpose of the subdivision is to divide Lot 20-22-2 into two condominium units. Under the Land Development Control Regulations, a condominium conveyance is defined as a subdivision and requires approval by the Planning Board.

The property is located at 188 Route 101 at the corner of Route 101 and Chestnut Drive. The site is 1.601 acres and contains an existing 17,856 square foot medical office building and a 1,850 square foot warehouse towards the rear of the site. As part of site plan amendment which is also on December 5th Planning Board agenda, the Applicant is proposing to convert the warehouse to a professional office use. There is an existing flag pole cell tower at the northwest corner of the property.

The medical office building will be Unit 1 and the warehouse building will be Unit 2. The site is served by onsite septic and private well. Several utilities are to be owned in common, including the drainage, well and septic system. The condominium declaration will need to provide for the maintenance and repair of the shared utilities. Provisions also need to be made for cross access through the parking lots which are designated as common area, except for the eight spaces closest to Unit 2. The existing cell tower at the northwest corner of the property will be located on land designated as limited common area to Unit 1.

The plans have been reviewed by Staff and only minor items are outstanding. As a condition of approval, the Applicant will need to submit draft condominium documents for staff review (condition #3).

IV. Waivers:

There are no waivers required for this application.

V. Staff Recommendations:

The Planning Staff recommends that the Planning Board grant final approval of the subdivision of Lot 20-22-2 into two condominium land units, in accordance with the plan prepared by Meridian Land Services, Inc., revised on April 18, 2018, with the following precedent conditions to be fulfilled within one year and prior to plan signature:

- 1. The Planning Director shall determine that the Applicant has addressed all remaining technical review comments to the Town's satisfaction.*
- 2. All recording fees shall be submitted to the Planning Department at the time of recording.*
- 3. Staff shall review the condominium documents prior to recording.*

2. Greiner Investments, LLC (Owner) – Request for re-approval of a site plan to change the use of an existing 1,850 square foot storage facility to a general office use and the conversion of three excess handicap parking spaces to standard spaces at 188 Route 101, Lot 20-22-2, Zoned CO.

A staff report from Becky Hebert, Planning Director, dated May 21, 2018 as follows:

I. Project Statistics:

Owner: Greiner Investments, LLC
Proposal: Request for a re-approval of a site plan amendment to change use of 1,850 square foot storage facility to a general office use and the conversion of three accessible parking spaces to standard spaces
Location: 188 Route 101, Lot 20-22-2
Existing Zoning: "CO" - Commercial
Surrounding Uses: Commercial

II. Background Information:

On February 23, 2009 the Planning Board approved a change of use site plan for medical and professional office, and on May 5, 2009, the Historic District Commission approved architectural changes to the existing office building. The ZBA approved a variance on May 19, 2009 to allow the construction of concrete pads and installation of fuel tanks for HVAC units and a generator within the 50 foot wetland setback behind the building. There is also a previously approved flag pole cell tower on the northwest corner of the lot.

The property owner subsequently purchased the adjacent parcel on Chestnut Drive with an existing one-story office building and merged the two lots. On March 1, 2011, the Historic District Commission approved a 6,608 square foot addition. On March 15, 2011, the ZBA approved a special exception to allow the operation of a commercial recreation facility (pilates studio) at this location. On April 4, 2011 the Planning Board approved the addition and site redevelopment.

On August 6, 2012 the Planning Board approved the construction of 4 new ADA compliant parking spaces off of a new curb cut along Chestnut Drive.

On April 8, 2013 the Planning Board approved a site plan amendment to construct ten additional parking spaces.

On December 5, 2016 the Planning Board voted to grant final approval of the subdivision of Lot 20-22-2 into two condominium land units and site plan for the change of use from warehouse to professional office. The plans were never finalized and the approvals have lapsed. The applicant is seeking re-approval of this application.

III. Project Description:

The application is for a site plan amendment to change the use of an existing 1,850 square foot warehouse/storage facility to a general office use and to convert three existing handicap accessible parking spaces to standard parking spaces.

The property is located at 188 Route 101 at the corner of Route 101 and Chestnut Drive. The site is 1.601 acres and contains an existing 19,706 square foot mixed use building with medical office (15,356 sq. ft.), recreational/fitness (1,500 sq. ft.) and storage (1,000 sq. ft.) and a separate warehouse/storage building (1,850 sq. ft.) towards the rear of the site. Access to the medical office building is provided via a two curb cuts off of Chestnut Drive and parking surrounds the building on three sides with paved walkways connecting to the various building entrances. The warehouse has a separate driveway (also off of Chestnut Drive) and a small parking area with 8 spaces.

As part of a previous site plan approval from the Planning Board, the Applicant was required to maintain the smaller building as a storage facility because there was not enough parking onsite to accommodate a more intense use. In 2012 the Town modified the table of parking requirements and under the new standards the building could now be converted to an office use, with 69 spaces required and 71 spaces provided.

The plan also proposes to convert three handicap accessible spaces to three standard parking spaces by removing the pavement markings and signage. The site has eight accessible parking spaces now and is required to have four spaces. After the three spaces are converted, there will be five accessible spaces. The accessible spaces are evenly distributed throughout the site and located in close proximity to each main entrance. Staff does not have any concerns regarding the loss of the three accessible spaces.

There are no proposed changes to the exterior of the warehouse building or the larger medical office building and there are no physical changes to the site other than the conversion of the accessible parking spaces as noted above.

The buildings are currently served by an onsite well and septic system. The applicant will need to provide documentation to demonstrate that the existing septic system is adequate for the proposed change of use. If the system needs to be upgraded, a new system will need to be designed and approved by the NHDES (condition #3).

IV. Waivers:

There are no waivers required for this application.

V. Staff Recommendations:

Planning Staff recommends that the Planning Board grant final approval to change the use of the warehouse building to professional office and convert three handicap accessible parking spaces to standard spaces, for Greiner Investments, LLC, 188 NH Route 101 and Chestnut Drive, Lot 20-22-2 in accordance with the plans prepared by Meridian Land Services, Inc., last revised April 18, 2018, with the following precedent conditions to be fulfilled within one year and prior to plan signature, and the remaining conditions to be fulfilled as noted:

- 1. The Planning Director shall determine that the Applicant has addressed all remaining technical review comments to the Town's satisfaction.*
- 2. The Applicant shall provide documentation to demonstrate that the existing septic system is adequate for the proposed office use; if the system needs to be upgraded a new system shall be designed and approved by the NHDES and the permit approval number shall be noted on the plan.*
- 3. Prior to the issuance of a certificate of occupancy for the new office building, all site improvements depicted on the plan shall be completed.*

Kevin Anderson of Meridian Land Services and owner Bill Greiner were present to address these two re-approvals for Greiner Investments, LLC.

Mr. Anderson stated the purpose of tonight's applications is to request from the Board consideration to reinstate approval for both a change of use site plan and a condominium plan for 188 NH Route 101, Greiner Investments, LLC, originally approved December 5, 2016, which expired a year later, December of last year.

Mr. Anderson stated the change of use was to convert a second building, which was storage to office space. The site meets current regulations and there were no waivers requested at that time. Again, the condominium plan was just to break up the two properties for two separate owners. At this time I would like to turn it over to the members of the Board and get comments, questions or concerns from you.

Chairman Levenstein asked for questions or comments from the Board and the audience with regard to the re-approval of the subdivision request. There were none.

Chairman Levenstein asked are you going to do a separate presentation for both applications or did you just lump them both together? Mr. Anderson replied I lumped them both together.

MOTION by Ms. McGinley that the Planning Board grant final approval of the subdivision of Lot 20-22-2 into two condominium land units, in accordance with the plan prepared by Meridian Land Services, Inc., revised on April 18, 2018, with the following precedent conditions to be fulfilled within one year and prior to plan signature:

- 1. The Planning Director shall determine that the Applicant has addressed all remaining technical review comments to the Town's satisfaction.**
- 2. All recording fees shall be submitted to the Planning Department at the time of recording.**
- 3. Staff shall review the condominium documents prior to recording.**

Councilor Bandazian duly seconded the motion. Vote taken - all in favor. Motion carried.

Chairman Levenstein asked for any questions or comments from the Board and the audience on the re-approval of change of use application. There were none.

MOTION by Ms. McGinley that the Planning Board grant final approval to change the use of the warehouse building to professional office and convert three handicap accessible parking spaces to standard spaces, for Greiner Investments, LLC, 188 NH Route 101 and Chestnut Drive, Lot 20-22-2 in accordance with the plans prepared by Meridian Land Services, Inc., last revised April 18, 2018, with the following precedent conditions to be fulfilled within one year and prior to plan signature, and the remaining conditions to be fulfilled as noted:

- 1. The Planning Director shall determine that the Applicant has addressed all remaining technical review comments to the Town’s satisfaction.**
- 2. The Applicant shall provide documentation to demonstrate that the existing septic system is adequate for the proposed office use; if the system needs to be upgraded a new system shall be designed and approved by the NHDES and the permit approval number shall be noted on the plan.**
- 3. Prior to the issuance of a certificate of occupancy for the new office building, all site improvements depicted on the plan shall be completed.**

Vice Chairman Newberry duly seconded the motion. Vote taken - all in favor. Motion carried.

- 3. Carnevale Holdings, Ltd. (Owner) – Request for approval of a Conditional Use Permit for an off-site sign for the Grand at Bedford Village Inn at the intersection of Olde Bedford Way and Old Bedford Road, Lot 10-23-2, Zoned CO.**

A staff report from Becky Hebert, Planning Director, dated May 21, 2018 as follows:

I. Project Statistics:

Owners: Carnevale Holdings, Ltd.
Proposal: Conditional Use Permit for an off-site directional sign
Location: 12 Olde Bedford Way (Lot 10-23-2)
Existing Zoning: “CO” – Commercial, “RA” – Residential & Agricultural
Surrounding Uses: Hotel, restaurant, residential, office/mixed use

II. Background Information:

In 1984 the Planning Board approved the site plan for the conversion of the house and barn at 2 Olde Bedford Way to the Bedford Village Inn (BVI) restaurant and function center. Over the years, the town has approved several applications to improve and expand the site including the following:

- In 2003 the Planning Board approved a plan for the construction of a proposed spa and inn, this plan also included the relocation and conversion of an existing colonial home on Olde Bedford Way into a three bedroom guest house. The guest house was relocated, but the inn and spa were never constructed.*

- *April 7, 2014, the Planning Board approved a site plan for the construction of a three-story, 55-room hotel with a meeting room and associated site, parking and drainage improvements on Lot 13-40.*
- *June 2, 2014, the Planning Board granted final approval of the subdivision of Lot 13-40 into two condominium units.*
- *May 23, 2016, the Planning Board approved the conversion of an existing guest house to a salon/day spa.*
- *June 27, 2016, the Planning Board approved a Conditional Use Permit to allow two freestanding signs mounted to stone columns at the entrance to the Bedford Grand Hotel.*
- *March 20, 2018, the Zoning Board approved a variance to construct an addition for the tavern at the Bedford Village Inn 21.8-feet from the front property boundary where 60-feet is required.*
- *April 23, 2018, the Board approved an 820 sq. ft. addition to the tavern.*

III. Project Description:

The BVI is located on a 5 acre parcel at the corner of Route 101 and Olde Bedford Way. The site includes an existing restaurant, tap room, gift shop, inn (14 guest suites) and function hall (180 seats). The Bedford Grand Hotel is located on a 4 acre lot immediately adjacent to BVI. Although the Bedford Grand Hotel and BVI are located on separate lots, the sites share interconnected parking lots and essentially function as one site. There is one existing freestanding sign advertising both the BVI and the Bedford Grand facing Route 101 and two additional 8.3 square foot signs mounted to stone columns at the main entrance to The Grand off of Olde Bedford Way.

This application is for a Conditional Use Permit (CUP) to allow a directional sign to be placed off-site, at the southwest corner of the Old Bedford Road / Olde Bedford Way intersection. The sign is a 13.1 square foot monument style with granite posts and stands approximately six feet above the road grade. The sign is not illuminated and has a black background with gold lettering which is consistent with others signs at BVI. In addition to the sign being located off-site, the Conditional Use Permit is also needed to allow a fourth freestanding sign and to permit a 13.1 square foot sign in the Residential & Agricultural District where 8 square feet is allowed.

The proposed location for the sign is within the right-of-way for Olde Bedford Way and adjacent to a vacant parcel also owned by the Applicant. The right-of-way is extra wide and extends approximately 130 feet from the edge of the pavement (in the southerly direction). If the sign were placed on the lot, it would be difficult to see from the roadway and would not be as effective as a directional sign. Through deed research, it was determined that the right-of-way for Olde Bedford Way is owned by the State of New Hampshire and controlled by the NHDOT. The applicant has entered into an encroachment agreement with the NHDOT to allow the sign within the right-of-way.

Off-premise signs are not typically permitted in Bedford, even by waiver or CUP. This type of sign is usually discouraged to avoid visual clutter along the roadway and an overabundance of signage. Staff does not typically support off-premise signs, but understands that the Bedford Village Inn and Grand Hotel are more difficult to find now that lefts turns from Route 101 onto Olde Bedford Way are restricted. If the Board chooses to approve the sign, Staff recommends that the Board discuss the special circumstances as to why this sign is appropriate, such as the land is owned by the Applicant and located across the street from the hotel; the sign serves a directional purpose to guide patrons to the hotel; and there are no hazardous or distracting features on the sign.

The attached documentation from the Applicant summarizes how the request meets the purpose statements of the sign ordinance and the CUP criteria. The Board will need to determine if the purpose statements of the sign ordinance and CUP criteria have been met. I would encourage you to review each of the eight criteria (a-h) separately prior to making a motion for approval or denial.

Conditional Use Permit Criteria: Article 275-73B (1):

- a) *The modification complies with the Purposes of the sign regulations as noted in Article 275-73 A; (listed below)*
 - 1) *Encourage the effective use of signs as a means of communication;*
 - 2) *Prevent hazards to vehicular and pedestrian safety by regulating the type, number, location, size and illumination of signs;*
 - 3) *Protect the public from hazardous and distracting displays;*
 - 4) *Maintain and enhance the aesthetic character and scenic quality of the Town's residential and commercial neighborhoods and limit visual clutter along corridors;*
 - 5) *Minimize potential adverse effects of signs on nearby public and private property;*
 - 6) *Support businesses and community vitality by informing the public of goods, services and activities; and*
 - 7) *Enable fair and consistent enforcement of the sign regulations.*
- b) *The applicant's particular situation, taking into account the overall site plan, including, but not limited to, the use on the property, existing signs, and visibility of the businesses, justifies a modification to the requirements;*
- c) *The site is suitable for the proposed modifications;*
- d) *The modification will not alter the essential character of the locality;*
- e) *The modifications will complement the design of the building or site where the sign is located;*
- f) *The modification will not materially impair traffic or pedestrian safety;*
- g) *The aesthetic character of the site and the surrounding area will not be adversely affected; and*

- h) *The modification will be consistent with the spirit and intent of the Zoning Ordinance and Town of Bedford Master Plan.*

IV. Staff Recommendation:

In the event the Planning Board decides to approve the Conditional Use Permit, the following draft motion is provided:

I move that the Planning Board grant the Conditional Use Permit and finds that the criteria have been met per our deliberations to allow the proposed freestanding off-premise directional sign, as shown on the plans prepared by TF Moran with a revision date of November 14, 2017, for Carnevale Holdings, Ltd. (Applicant), at the intersection of Olde Bedford Way and Old Bedford Road, Lot 10-23-2, Zoned RA.

In the event the Planning Board decides not to approve the Conditional Use Permit, the following draft motion is provided:

I move that the Planning Board deny the Conditional Use Permit and finds that the criteria have not been met per our deliberations to allow the proposed freestanding off-premise directional sign, as shown on the plans prepared by TF Moran with a revision date of November 14, 2017, for Carnevale Holdings, Ltd. (Applicant), at the intersection of Olde Bedford Way and Old Bedford Road, Lot 10-23-2, Zoned RA.

Ms. McGinley recused herself from this application.

Chris Rice with T. F. Moran and owners Jack and Andrea Carnevale were present to address this request for a Conditional Use Permit for the applicant Carnevale Holdings, Ltd.

Mr. Rice distributed additional material to the Board. An aerial photo was posted on the screen. Mr. Rice indicated on the photo the location of the existing Bedford Village Grand, the Bedford Village Inn and the location for the proposed sign at the location of Olde Bedford Way and Old Bedford Road.

Mr. Rice stated we are here tonight to request a conditional use permit for an off-premise sign as well as to allow a 13.1 square foot sign where 8 square feet is permitted and a fourth free-standing sign because Bedford Village Inn currently has three signs. One sign is on Route 101, one is at the entrance to the existing Bedford Village Inn, and then there is an entrance sign at the entrance to the Bedford Grand Hotel. The purpose of this sign is to help guide patrons to the existing Bedford Village Inn and the Bedford Grand Hotel. If you recall when the Bedford Grand Hotel was approved, the entrance into what was formally Village Lane is now Olde Bedford Way, there used to be a full access into this intersection and as part of the approval for the hotel, we were required to put in a pork chop island that would make it a right-in, right-out and restrict left turns into the site from Route 101. The Bedford Village Inn has been operating since 1986, so for about 30 years people that were headed to the Bedford Village Inn from the west were used to turning left onto that road and now they can no longer do that. Some people do still try, I have seen it happen, but my understanding is that when the Route 101

improvements are done, there is going to be a median that completely eliminates that possibility. So what we are trying to do is to provide people with a safe way to get to the site if you are not familiar with the area. We worked with NHDOT to put a sign on one of those blue directional signs on Route 101 that says turn left at Old Bedford Road and that is great, but if you are not familiar with the area, once they get on this road there is no sign telling them to turn left here for the Bedford Village Inn and Bedford Grand Hotel. That is what we are proposing here tonight.

Mr. Rice continued I do have a detail of the sign, which is included in the packet, and it is similar to the sign that is on Route 101. The sign face area itself is about 4 feet by 3 feet and it would be about 6 feet above the road elevation. An application was made back in November of 2016 and it was conditionally approved by the Planning Board with a couple of conditions, which I believe had to deal with going to the Town Council and releasing rights to the right-of-way, but as we got into it, it was determined that the right-of-way is actually owned by the State of NH and not the Town, so we have been working with staff and the DOT to obtain an encroachment agreement, which I have included an executed copy of that in your packet and staff has a copy as well. The State has approved the location of the sign and I believe all that remains is to obtain the conditional use permit. The sign is located within the right-of-way and I can show you in a little bit more detail on the posted sketch the location relative to the roadway. Shown is Old Bedford Road and Olde Bedford Way and the entrance to the Bedford Grand is kind of sitting up about right here. The proposed sign is of high quality materials, it is not going to impair sight distance, traffic or pedestrian safety, and in fact we think that it will improve pedestrian safety and traffic safety because people don't know where to turn and are going down and pulling into neighbors' driveways and such and could create some unwanted things to occur.

Mr. Rice reviewed the purpose statements for the Conditional Use Permit. All Conditional Use Permits for signs must comply with the following purpose statements:

- 1) **Encourage the effective use of signs as a means of communication:** I think we have covered this. It is really to help vehicles navigate safely toward the site.
- 2) **Prevent hazards to vehicular and pedestrian safety by regulating the type, number, location, size and illumination of signs:** This is access signage and is in keeping with other signs in the surrounding area, it is very similar to the sign that is along Route 101, and, again, it is to prevent hazards from people slowing down and turning into other driveways and such.
- 3) **Protect the public from hazardous and distracting displays:** This will be a very tasteful sign. There are no moving parts or letters with it, it is similar to other signs in the area, and it will not be illuminated. I know as part of the original request there was some discussion that it might be illuminated but this sign is to not be illuminated.
- 4) **Maintain and enhance the aesthetic character and scenic quality of the Town's residential and commercial neighborhoods and limit visual clutter along corridors:** This property is kind of in a transitional zone. If you look at the aerial plan posted, we have commercial properties all to the south and then basically from this point north is where the residential areas start, and we don't believe that the sign will be visible from any residential properties.
- 5) **Minimize potential adverse effects of signs on nearby public and private property:** Again, it is not visible from any residential properties, it doesn't block any other signage

and it is in keeping with other signage in the vicinity.

- 6) **Support businesses and community vitality by informing the public of goods, services and activities:** Again, this has already been covered where we are trying to get people to the location because they can't go the way they have been going for the past 30 years.
- 7) **Enable fair and consistent enforcement of the sign regulations:** This will not create any kind of precedence, this is a very unique situation given the road changes and the main access to the facility.

Mr. Rice reviewed the criteria for the Conditional Use Permit:

- a) **The modification complies with the Purposes of the sign regulations as noted in Article 275-73 A:** The sign is proposed to help direct traffic to the Bedford Village Inn and Bedford Grand Hotel as the previously existing route is no longer possible. Since many site customers are new to the area this directional sign will help prevent hazards from lost patrons trying to find the facility, which is not visible from Old Bedford Road. The proposed sign is almost identical to the sign along Route 101 and the size is very reasonable at approximately 13 square feet. As you can see from the detail provided, the materials of the sign are of high quality and will enhance the aesthetic character of the area. There will be no adverse impact to public or private property as the sign is located within the right-of-way next to a portion of property that the applicant owns. The parcel indicated on the screen is also owned by the Carnevale's, it is predominantly wetland and there are no plans for any future buildings on that parcel.
- b) **The applicant's particular situation, taking into account the overall site plan, including, but not limited to, the use on the property, existing signs, and visibility of the businesses, justifies a modification to the requirements:** For approximately 30 years the owners have had an operating business in the same location and during that time patrons could access the facility directly from Route 101. That has now changed and now they have to turn onto Old Bedford Road, and, again, there is nothing telling them to then turn onto Olde Bedford Way.
- c) **The site is suitable for the proposed modifications:** We feel that it is suitable for the proposed directional sign that is to be located within the right-of-way, abuts a piece of property owned by the applicant, and it is a predominantly wetland area. The proposed sign does not block the view of a building structure or other sign that is in that area.
- d) **The modification will not alter the essential character of the locality:** The proposed sign is modest in size; it is made of high quality materials that complement the architecture of the Bedford Village Inn and the Bedford Grand Hotel.
- e) **The modifications will complement the design of the building or site where the sign is located:** The architecture has been designed to match that of the Bedford Village Inn and the Bedford Grand Hotel, it is black background with gold lettering, which matches all of their other signs.
- f) **The modification will not materially impair traffic or pedestrian safety:** It will not impair traffic or pedestrian safety and in fact we think that it will be an improvement.
- g) **The aesthetic character of the site and the surrounding area will not be adversely affected:** The proposed sign is located within the right-of-way, it abuts a piece of property that is predominantly wetland, it is owned by the applicant, and it does not block

any signage or any other buildings or structures.

- h) The modification will be consistent with the spirit and intent of the Zoning Ordinance and Town of Bedford Master Plan:** The main purpose of the Zoning Ordinance is to promote the health, safety and general welfare of the inhabitants of Bedford. One of the main goals of this is to promote the safety of people getting to the facility. We feel that the proposed directional sign will alleviate congestion resulting from driver confusion on Old Bedford Road and will help direct traffic along its lengthy detour to the site given the access from Route 101 has been discontinued.

Vice Chairman Newberry stated I have two questions. What is the height of the sign from the ground? Your sketch shows the sign is 35 and then it's got a little top to it. Mr. Rice replied the 35 is the sign face area. The post is going to be about 6 feet above the existing grade of the road adjacent to it. Depending on exactly where the sign is placed and because the existing grade does slope off in that area a little bit, I believe that the sign posts themselves in this area are going to be about 8 feet tall to make the sign 6 feet above grade, because where the posts are placed is about 2 feet below the road elevation. Vice Chairman Newberry asked when you say grade, you mean relative to the paved road? Mr. Rice responded yes. If you are relating it to the road surface elevation, the sign would be 6 feet tall; if you are relating it to the ground elevation, it would be 8 feet tall.

Vice Chairman Newberry asked the bar that shows on that plan is the stop line? Mr. Rice replied yes. Vice Chairman Newberry stated it is hard to tell from that, but have you verified that that is not going to block sight? Mr. Rice replied yes; we had taken a look at that area. I don't know if Mr. Foote was there at the time, I believe it was with Jim Stanford at the time, and if you look at the posted photo, that sign almost kind of sits right here between the edge of the stop bar and a little bit into the right-of-way. So when he and I looked at it, the thought was you are supposed to stop before the stop bar and when you stop there, you have a clear line of sight, and then as you inch forward before you hit the intersection, you, again, have 15 feet from the edge of the travelway to look down the road either way. Vice Chairman Newberry asked so that has specifically been looked at? Mr. Rice replied yes. Vice Chairman Newberry stated thank you. Mr. Fairman asked where in this picture is the sign going to be? Mr. Rice replied right here; I am actually trying to square it off as close as I can dimensionally but it is roughly in that location.

Mr. Sullivan asked with this conditional use permit would there ever be an opportunity for additions to the sign without having to come back to the Planning Board or is it very limited to the sign as depicted here? Mr. Rice stated it is my understanding that it is limited. We are only proposing what we have shown on the sign detail. My understanding is that anything above and beyond that would have to come back. Ms. Hebert stated it is limited to the sign that is proposed, so any expansion of the sign area would have to come back to the Planning Board. Mr. Rice stated I would have to check too, but it might also be referenced in the encroachment agreement, where that agreement references the detail we provided for the sign. So as far as DOT is concerned, that is all we are allowed to put out there as well.

Councilor Bandazian stated on the sign location plan it looked to me like there are two stormwater pipes but I don't know for certain what those are. Mr. Rice responded yes, those are

two existing drain lines if you are referring to the two dash lines indicated on the posted plan. Councilor Bandazian responded that is correct. Mr. Rice stated those are existing drainage pipes, which we are not impacting at all or coming into conflict with. Councilor Bandazian asked and you will leave enough space with the sign location for the Town to maintain them if there is a need to? Mr. Rice replied yes.

Town Manager Sawyer stated I am surprised that the sign can be forward of the stop bar and still meet the sight triangle requirements. Maybe if we could just include a condition that that would be verified with Public Works. You also brought up, and I don't think I have ever seen a sign described as being 36 inches tall but not talking about the total height of the sign, and the agreement with the State also says the sign will be 36 inches tall. It doesn't reference the overall height of the sign. That is a very strange way for me to see that described and hopefully the State is not holding you to 36 inches tall. Mr. Rice responded I provided them with the sign detail so I think that they were just referencing that detail. They were provided basically everything that I am showing you tonight with their packet before the encroachment agreement was executed by both parties, but I can look into that and confirm with the State if you would like. Town Manager Sawyer stated it won't become a problem when somebody is interpreting it 10 years from now, not those today like at DOT or yourselves, but I would think you would want to make sure you are covered. It says 36 inches tall by 53 inches wide suspended on two granite posts. It doesn't say that it can be up to 6 or 8 feet post height. Chairman Levenstein stated you need to get that clarified. Town Manager Sawyer stated it is between you and the State; it sounds like this Board understands that it is 6 feet above road grade. Mr. Rice responded I will clarify that with them and if a new encroachment agreement is executed, I will supply you with it. Vice Chairman Newberry stated the location plan does have a note that says 6 feet tall. Mr. Rice stated and this plan was given to DOT as part of the application, but, again, I will confirm it and clarify just for insurance. Town Manager Sawyer stated I think everybody today will understand that because they are all in place but if you are trying to fix it in the future or replace it or something, you might get hung up.

MOTION by Councilor Bandazian that the Planning Board grant the Conditional Use Permit and finds that the criteria for a Conditional Use Permit have been met per the applicant's presentation and our deliberations to allow the proposed freestanding off-premise directional sign, as shown on the plans prepared by T. F. Moran with a revision date of November 14, 2017, for Carnevale Holdings, Ltd. (Applicant), at the intersection of Olde Bedford Way and Old Bedford Road, Lot 10-23-2, Zoned RA on the condition that the applicant verify the sight distance is satisfactory. Town Manager Sawyer duly seconded the motion. Vote taken - all in favor. Motion carried.

Ms. McGinley returned to the meeting.

4. The Board will elect its officers and liaisons to other Boards and Commissions.

Chairman Levenstein stated Ms. Hebert has supplied us with a memorandum that shows who is in what position presently and what positions we need to fill. Mr. McMahan is not here but he has agreed to be the Conservation Commission liaison and if he is not, we can revisit this at a future meeting. Chairman Levenstein stated presently I am on the TIF Advisory Committee and

I don't mind continuing, but if somebody else has an interest or would like to be involved in that, let us know. Ms. McGinley stated I will do it.

Mr. Fairman stated on the Historic District Commission the representative of the Planning Board doesn't have a vote. I don't know why but it would be good if it was changed because we quite often don't have a quorum and if I was able to vote, I would assist in making a quorum. I don't know the history of it, I don't know why it is that way, but if somebody could check into it and find out what the history is and if that could be changed. Ms. Hebert stated I believe that is a Charter change, but it is a very good point because we do struggle with a quorum for the Historic District Commission. Mr. Fairman stated there were two or three times where if I did contribute to the quorum, we would have had a quorum and we didn't. Chairman Levenstein asked how do we change the Charter? Councilor Bandazian stated we would have to have a hearing on it and put it on the Town Meeting ballot. Town Manager Sawyer stated we can look into it and report back to the Board. Chairman Levenstein asked is it the same with the Conservation Commission? Ms. Hebert replied I don't believe they vote; they just contribute, they have a voice but not a vote.

MOTION by Town Manager Sawyer to nominate Jon Levenstein as Chairman of the Planning Board, Hal Newberry as Vice Chairman of the Planning Board, Karen McGinley as Secretary of the Planning Board, Mac McMahan as Conservation Commission liaison, Charlie Fairman as Historic District Commission liaison, and TIF Advisory Committee member nomination is Karen McGinley. Councilor Bandazian duly seconded the motion. Vote taken - all in favor. Motion carried.

Chairman Levenstein stated with the Southern NH Planning Commission our role is to advise the Town Council whether the following individuals be recommended to the Commission. Ms. Hebert stated you have six members on the Southern NH Planning Commission; this year three terms are up and those are: Dave Danielson, Bill Jean and Barbara Salvatore. I have reached out to everyone and they all would like to continue on. My recommendation would be to recommend their nomination and I would carry that recommendation to the Town Council. Vice Chairman Newberry asked how are the number of representatives on the Southern NH Planning Commission determined? Ms. Hebert replied by population. Town Manager Sawyer stated I believe once we hit a population of 25,000 we get one more representative. We do advertise this along with all the other openings for boards and commissions back in January and February and we had no other applicants for these positions, that I am aware of.

The Planning Board moved and voted in favor of recommending to the Town Council the reappointment of Dave Danielson, Bill Jean and Barbara Salvatore to the Southern NH Planning Commission.

5. Master Plan Update.

There was no update available on the Master Plan.

6. Development Update.

Ms. Hebert reviewed several slides of development sites throughout the town. They included the Bedford Village Inn, the 7-lot subdivision on Wheeler Farm Road, the Market & Main project, the Elliot Medical Office Building, and the BASC building small addition.

Vice Chairman Newberry stated I think posting these on the Town's website would be a good thing for people to be able to look at and have a better idea of what is going on around Town in the way of developments. Ms. Hebert responded sure.

V. Approval of Minutes of Previous Meetings:

MOTION by Town Manager Sawyer to approve the minutes of the April 23, 2018 Planning Board meeting as written. Vice Chairman Newberry duly seconded the motion. Vote taken - all in favor. Motion carried.

III. Communications to the Board:

Mr. Fairman stated I would like to bring to the Board's attention the Bedford Community Food Pantry, which now after a couple of years of operation has gotten formalized with a set by-laws, a board and officers. In the first quarter of this year we provided over 2,000 meals to families in Bedford that need assistance and about 1,200 weekend lunches distributed by the nurses in our schools to children that are on the assisted lunch program. Lunches get passed out on Friday's for the weekend and for the last vacation we passed out 26 packages of nine lunches for the same people. The food pantry is located behind the Presbyterian Church, it has no affiliation with the Presbyterian Church, and is actually a program of the Bedford Lion's Club, but we have members from various organizations around the Town. I represent the Rotary; we have representatives from the School Department, the Town and a variety of other people on the board. One of the things that we need help with is getting more people to know about us and to come in and take advantage of our services. If you know of anybody that needs some assistance, if anybody watching on BCTV knows of anybody that needs assistance, we are open the first and third Saturday's of the month from 8:30am to 10:30am and the first and third Monday's of the month from 5:30pm to 7:30pm. They just have to stop in, confidentiality is assured and a box of food will get them through a couple of weeks.

VII. Reports of Committees: None

VIII. Adjournment:

MOTION by Vice Chairman Newberry to adjourn at 7:40 p.m. Ms. McGinley duly seconded the motion. Vote taken – all in favor. Motion carried.