

Town of Bedford

Planning Board Minutes

July 13, 2026

A meeting of the Bedford Planning Board was held on Monday, July 13, 2026, at the Bedford Meeting Room, 10 Meetinghouse Road, Bedford, NH. Present were Hal Newberry (Chair), Chris Bandazian (Vice Chair), Phil Greazzo (Town Council Representative), John Nelson (Member), Steve Clough (Member), Matt Nichols (Secretary), Logan Johnson (Alternate and HDC Liaison), Nery Bordas (Alternate), Becky Hebert, (Planning Director), Colleen Olsen (Land Use and Development Planner). Absent: Chris Swiniarski (Member and Facilities Liaison), Marc Snyder, (Alternate and Conservation Commission Liaison), and Matt Sullivan (Town Council Alternate).

I. Call to Order and Roll Call

Chair Hal Newberry called the meeting to order and requested that the Board members introduce themselves. Due to the absence of one regular member, Chair Newberry appointed alternate Logan Johnson as a voting member for the duration of the meeting. Planning Director Becky Hebert reviewed the evening's agenda, noting that the application for I & Q Enterprise, LLC & Heather Dudko which was continued from the June 15 meeting has been postponed as requested by the Applicant to the August 17 meeting. Ms. Hebert stated the new application to be heard tonight has been reviewed by staff, and it's our determination that the application is complete. The abutters have been notified, and it's the opinion of staff that this application does not pose a regional impact. I would recommend the Board accept the application as complete and the agenda as read.

MOTION Ms. Johnson moved that the Planning Board accept the agenda as read. Mr. Bandazian seconded the motion. Vote: 7-0 — Motion carried.

II. Old Business & Continued Hearings:

- 1. I & Q Enterprise, LLC (Owner) & Heather Dudko (Applicant)** – Request for approval of a Conditional Use Permit to permit electronic changeable numerals on an existing freestanding sign for Heavens Gas Station, at 381 Boynton Street, Lot 44-23, Zoned HC. *(This application was continued from the June 15th meeting, and the applicant has requested a postponement to the August 17th meeting.)*
- 2. Potter Properties, LLC (Applicant & Owner)** – Request for approval of a 15-lot residential subdivision located at 410 Wallace Road, Lot 9-33, Zoned R&A. *(This application was continued from the May 4th meeting.)*

Ms. Johnson recused herself from this application. Chair Newberry appointed Ms. Bordas as a voting member in her place for this item only.

Mr. George Chadwick of Bedford Design presented: Good evening. My name is George Chadwick working with Bedford Design here tonight with TJ Potter, the owner/applicant. If the

Board recalls last month, we asked for a continuance and we figured we'd come back this month to give the Board an update on what we've done over the past two months and look for any questions or comments that the Board may have as a result of what we've done.

The first item is we did meet with the Highway Safety Commission, and they voted to approve the reduction of the speed limit on the road to 25 mph. A 25-mile per-hour road would meet all AASHTO requirements, understanding that it's this Board's purview whether to approve or deny.

Public water is being investigated. We have tested the flow out on Jackson Square. We have submitted design drawings over to Pennichuck Water. Those plans are still under review. The reviewer actually was on vacation last week, came back today and I did my best to contact them today, but I was unable to get a hold of them.

Plans have been submitted to the Board addressing the VHB and Town comments. I did receive some additional comments from VHB recently that we are in the process of addressing. We have proposed a deed restriction in the back of Lot 5. If the Board recalls Lot 5 is the large lot in this configuration. We proposed a deed restriction in the back of it, and I did submit a deed restriction plan that pretty much shows what we're proposing. We're proposing to put a deed restriction in the back 13 acres of Lot 5. We're willing to discuss that further with the Board when it's appropriate. We also submitted to staff a couple concept plans showing what a subdivision would look like if the waiver was not granted for the tangent and center line radius. We did a couple of concepts, actually I did many, many concepts. This particular concept that you have in front of you, what it does is we get a similar number of lots. Actually I believe we get one additional lot, but what it does is it pushes the road a lot closer to the Spring Hill Drive subdivision.

We also did a second one where we eliminated the tangent and the curve in question and what that does is it actually pushes the circular drive or roadway closer to the wetlands. And again, I believe there's one additional lot on this one. And for those reasons, I believe we chose the project that's in front of you that shows sort of a compromise, something that's as far away from Spring Hill as we can as well as far away from the wetlands and the area of concern by the Conservation Commission. In doing so, we ended up on the plan that was submitted in front of you. We did, I believe, speak to the Police Department and I believe they're all set. We did meet with the Fire Department. I believe the Fire Department is all set. They've reviewed the roadway. They certainly would prefer a circular road versus a cul-de-sac, and I believe they're all set with the driveways as well.

As far as the state permitting is concerned, we are working with DES on our State Wetlands Permit. As part of that, there's an ecological review and we're continuing working with them on that aspect of it as well. For the Alteration of Terrain Permit, we submitted plans to the state and are awaiting a permit forthcoming, I believe.

And lastly, the State Subdivision Approval, that is pending as well. One other item was that we were coordinating with PSNH on a dual use agreement to cross underneath the power lines. We have an agreement with them. We did submit it to the Town to review and that is under review as well.

As far as the reasoning for the reduced speed limit, I did submit an e-mail to the Town stating our reasonings, and I'll just read down through them real quickly. The reason being, if a pedestrian is struck by a vehicle traveling 35 miles, it's more likely to cause severe injury or death than if it was struck at 25 mph. Lowering the speed limit protects children playing near streets and residences backing out of driveways. A slower speed limit increases a driver's peripheral vision, which naturally widens. This allows the driver's ability to spot children, cyclists, pets entering the roadway, thereby lessening the time for the driver to perceive and react to conditions. Slow speeds drastically shortened total braking distance. At 25 miles an hour a vehicle can come to a complete stop multiple car lengths sooner than one traveling at 35 miles an hour, often preventing collision. Slow vehicular traffic creates a safer, more predictable environment for families that would like to walk their neighborhood. And what I did state to the Highway Safety Committee; there is an RSA that allows towns to reduce speed limits down to 25 miles an hour. That's RSA 265.63 Subsection I (d) which explicitly allows local authorities to decrease limits in urban residential districts provided they are not below 25 miles an hour. And I believe the Police Chief will support or has supported the reduction in the speed limit down to 25 miles an hour.

Having said that, we know there's been a lot of discussion regarding extending water. I think I'd like to have Mr. Potter just speak a little bit about his thoughts on the well and water just in case we can't make it work with Pennichuck.

Mr. Potter said thank you. We're still working with Pennichuck just to find out what it really would entail and can you do it. But I've been here 50 years in Bedford as a resident. I'm a realtor. I work with a lot of builders. It's my thought that most builders and residents prefer to have their own well and their own filter. They can control it. They can decide if they want it filtered or no, whether they like hard water or they don't. I don't have a filter, and I just don't mind the hard. The PFAS is an issue all across Town. I consulted with the owner of Second Wind Environmental. They came out, they tested my well at 410 Wallace Road. It does show some PFAS. It also has hard water: iron, manganese. I put a filter in for the iron and manganese before I tested it for the PFAS. If I had waited, I could have done them both for a cost of \$10,000 or less. Their recommendation was why would you want to have public water when you still have chlorine and other contaminants in there? Most people put filters on it for that reason because they're not drinking the public water. I said I'm just inquiring. You tell me what you hear. They do all the testing for Saint Gobain in Bedford. They have very good knowledge of PFAS. They put in all the filters for the Saint Gobain State Contamination Program, and I just think most people don't really want to have to pay for water, have a water ban for irrigation, have to add a filter, and we've been doing this in Town forever on wells and it works very well. To bring the water line from Pennichuck, it's also a cost of \$35,000 per lot. So even if you didn't have that, that's a big pass through for a homeowner. But even if it was there, I would still prefer wells for the reasons we just stated. We also looked at wells on the Water Well Board. There has not been a replacement well within a half a mile in the last six years. I only went back six years anywhere within that site. The closest new well was Olympus Way, which is maybe a little over half a mile from the center of this subdivision. That well was 520 feet deep, and they got 60 gallons per minute. Sixty gallons per minute is 10 times what they require for new construction wells. I don't think there's a water quantity issue there. It would certainly show up in replacement wells. I think since Magazine and Jackson Square went public, those wells are at least reduced in use, if they use them for irrigation I don't know, but it

just doesn't show me that there's any need for public water when you have plenty of water. And I don't foresee an issue there. Period.

Mr. Chadwick said so as I stated earlier, we have been working with the state on the environmental issues, and we continue to work with the state. We are attempting to offer to the state this deed restriction, and again it is a deed restriction versus a conservation easement at this point.

The last item that the state was looking for was some sort of protection during construction. What they had suggested was what they call a wildlife barrier along the rear of Lots 4, 5, 6 and 7. Basically it's a silt fence. It's a glorious silt fence. During construction, it just prevents the animals from getting into the construction zone.

Having said that, if there's any questions the Board may have, we certainly will answer them and we understand we still have a few items that we need to address.

Mr. Potter said we also put the 50-foot buffer on Lot 4. Mr. Chadwick said yes, also the Town was looking for a buffer along Lot 4, and we are willing to provide a 50-foot buffer to Lot 4. Chair Newberry asked could you just point out Lot 4? Mr. Chadwick replied sure, that's this one right here. Mr. Potter said it abuts 51 Magazine.

Chair Newberry asked could you go back to the revised layout? Is that something that you've just done and just submitted and has the Town had an opportunity to technically review that? Mr. Chadwick replied no, they have not, and I mistakenly didn't say that earlier. I did have conversations with Becky or an e-mail. The Town hasn't had a chance to look at it yet. It was just submitted. Well, actually it was submitted back in June, but to the wrong agency. It wasn't submitted to Planning Staff. It was submitted through the state. Chair Newberry asked so could you just describe a little bit comparing this proposed—this is your preferred layout at this point? Mr. Potter said it's this one. Mr. Chadwick said let's see. Chair Newberry said what I think would be helpful is if you could contrast the proposed new layout with the old layout and just kind of bring everybody up to view on what improvements or changes it makes in terms of the lots and encroachment. Mr. Chadwick replied sure. So what's on the screen now is our proposal to the Board currently. That's what we submitted back as part of the initial submittal. If the Board can see, it is still a circular loop. It is a fairly good long distance away from the Spring Hill lots as well as a distance away from the area of concern, not only by the Conservation Commission, the state, and us. The concepts that we presented to the Board, this is one of them that we initially looked at. This one pushes the road in this direction closer to the wetlands and leaves the road about the same distance away from the Spring Hill lots. This one, what we did is we eliminated the tangent that was in this location and put in a 333-foot singular loop around the project. Ms. Hebert said it's essentially the same plan, but the road in orange would not need the waivers for the roadway alignment that are being requested. Is that correct? Mr. Potter replied yep. Thank you. Mr. Chadwick said yes, and then the other concept we did still has the tangent in this location, but what it does is it pushes the road closer to the Spring Hill lots, leaving the distance from the wetlands about the same. Mr. Nichols asked which waivers wouldn't be required with this one? Mr. Chadwick replied so what we are asking for is a waiver of the 333-foot center line radius, and we're asking for a waiver of the 100-foot tangent horizontal distance between curves. Chair Newberry said that's for this specific layout. Mr. Chadwick replied that is for the plan that was originally submitted to you. These new ones are

ones that I did back even before we made the submittal to you, trying to figure out what the best alternative was. Ms. Hebert said so these illustrate waivers 1 through 3 in your staff report would not be needed because the alignment of the roadway meets the Town's Road Construction Standards. And the preferred layout is essentially the same layout from May. Is that right? Mr. Chadwick replied it is the same layout from May. Ms. Hebert said okay. Mr. Chadwick said and I believe the Highway Safety has agreed to a reduction in the speed limit. If that is the case, and that is granted, although we'd still need the waiver of the rule, the design of the road meets AASHTO standards, and I believe Public Works is in agreement with that. Chair Newberry said so I think the waivers associated with your original design have been discussed with DPW. Mr. Chadwick replied they have. Chair Newberry asked they're not opposed to those waivers? Mr. Chadwick replied that is correct. Chair Newberry said okay, and this layout has fewer waivers but still requires one? Mr. Chadwick replied this one requires one, correct. The other one, this one here, doesn't require any and it pushes the road closer to the wetlands. Chair Newberry asked how much closer to the wetlands do you come? Mr. Chadwick replied a little over 100 feet, 150 feet or so closer to the wetlands. Chair Newberry asked and what's would the buffer there be as a result of that? Mr. Chadwick replied I don't have that specific number. It's just roughly 100 feet or so. Chair Newberry said okay, so let's talk about this one a little bit. Comments, questions from the Board on this or the other possible street layouts?

Mr. Nichols said I'm not following. Has this preferred layout been through technical review yet with the Town? Mr. Chadwick replied our preferred layout is the one I originally submitted to you. We were asked by staff to provide the other alternatives that we looked at, and that's what this is. So our preferred layout has been through technical review. I do have a few items still to address, but it has been reviewed. These are just alternatives that we looked at before we chose our preferred layout. Mr. Nichols said so the preferred layout is the one that's being brought to us tonight? Mr. Chadwick replied that is correct. These are just options that we looked at that staff wanted me to present to the Board.

Chair Newberry said I think it might be worth comparing and contrasting the layouts. Maybe you could give us the pros and cons of each layout. This one appears to provide a little more space on the lots abutting Spring Hill but brings you a little closer to the wetlands and does not require any road waivers. Mr. Chadwick replied that is correct, and this was the other one that basically, because of holding the 100-foot tangent between these two curves, this one here and this one here, that being the tangent, what it did is it pushed the roadway closer to the Spring Hill lots. Now you may say, why don't you just take the whole circle and move it further to the east or to the right on the plan. If the Board recalls, there's very large hillside that's there and what we're trying to do is get through the hillside and then develop the property. Chair Newberry said so this layout would squeeze the lots abutting Spring Hill properties, and then it would still require one road waiver. Mr. Chadwick replied it would not require a waiver. Chair Newberry said no road waiver, okay. And then if you could just your original layout, which is your currently preferred layout, is that correct? Mr. Chadwick replied that is correct. So this one here keeps that distance away from the Spring Hill lots as well as holds a little bit even greater distance away from the wetlands. Chair Newberry said so the pros would be greater distance to the wetland a little more away on the parcels abutting the Spring Hill parcels? Mr. Chadwick replied correct. Chair Newberry said and this is the one that would require the four waivers? Mr. Chadwick replied two road waivers, correct. Chair Newberry said two road waivers, and those have been discussed with DPW? Mr.

Chadwick replied they have, and Highway Safety had to look at him as well. Chair Newberry said thank you. Comments from the Board, questions from the Board on the original layout, and then we'll just touch on the other two layouts.

Mr. Clough said so I'm not an engineer, but there doesn't seem to be much of a difference in this center line curve difference. I walked the site. I was on the Conservation Commission when I walked the site. I've been in the environmental business for 35 years, and I think they did their best to try to minimize impacts all the way around, including the neighbors and the wetlands, and they seem to strike a pretty good balance. So, by not giving them this waiver, we're impacting either one neighborhood or the wetlands. And the way I'm looking at this, I would probably be in favor of the waiver, given that the difference here is what, 8 feet on the radius? Is that correct? Mr. Chadwick replied about, yeah. Mr. Clough said yeah, that's peanuts. So that's my comment on that.

Chair Newberry said thank you. Other comments from the Board? Hearing none, let's just take a quick look at the other two alternatives to see if there's any comments or questions on those. Any comments from the Board on this possible layout? I would just comment that this one really kind of squeezes those two lots on the south that abut properties on Spring Hill and it's probably something that would be better avoided or minimized. Other comments from the Board? And then I think you had one other one? So the two lots to the south are basically the same size in this layout and the first layout we looked at? Mr. Chadwick replied correct. Chair Newberry said okay, but this one encroaches a little more on the wetland? Okay, what does this one do that the original doesn't? Mr. Chadwick replied this one what we do is we eliminate the tangent between the two curves right here. And in doing so, what happens is we're unable to keep the distance away from the Spring Hill, but what it does do is it pushes it closer toward the wetlands. Chair Newberry said but the road specification on waivers on the original design have been discussed with DPW and are supported So it sounds to me like the original layout is probably the one that makes the most sense all the way around. Mr. Chadwick replied that would be our preferred layout.

Chair Newberry said other comments on the roadway from the Board? Okay, so could you speak a little bit about the deed restriction lot just to give the Board and the audience a little understanding of exactly what that entails and what the results of that would be? Mr. Chadwick replied sure. As I stated earlier, our proposal is to put 13 acres plus or minus in a deed restriction, a no build deed restriction that will prevent any further subdivision. I know at the last hearing there was some concern of trying to use the 50-foot right-of-way to get to the back of these lots. By doing this it will prevent that area from ever being built on. Chair Newberry said so that deed restriction though, would not prevent activity back there? Mr. Chadwick replied no, it would not. Mr. Potter said the intent was to honor what's been used by the neighbors for the last 50 years. If they walk it, they walk it. If they go out there in the winter and skate—just no building, no future subdivisions, block it off and you don't have to wonder what I'm going to do with it, or the next guy is going to do with it. Chair Newberry asked so people can access it, but can they go in there and cut? Mr. Potter replied no. Well, it's deed restricted no cut, no build. Chair Newberry said I didn't hear the no cut. OK, thank you. Mr. Potter said we want access. We want people to be able to access it if they choose. It's not like it's a park today, but people walk it as the Conservation Commission attendees and the site walk indicated.

Chair Newberry asked comments or questions from the Board on the deed restriction?

Mr. Bandazian asked is it a non-disturbance restriction? Mr. Potter replied no, it's not. Mr. Bandazian said so it's no cutting and no building. Mr. Potter said correct. Ms. Hebert asked so what type of disturbance—how would you want to use the land? Mr. Potter replied the same as it's been for 50 years. Ms. Hebert said so just a wood lot? Mr. Potter replied wood lot, people probably walk it, walk their dog off a leash, whatever they've been doing, just keep it so it's the way it's been. Ms. Hebert asked has DES talked with you about the deed restriction? Is that one of the mitigation measures they're recommending? Mr. Chadwick replied that is one of the final items we are working out with them is a deed restriction or a no disturb type of conservation easement. But that's what we're offering is a no build type deed restriction to them at this point. Chair Newberry said yeah, I think related to that in conversation with Planning staff, I don't think it's currently a condition, but I think that we would probably want to add a condition that would require compliance with any DES ecological stipulations, whatever those end up being. Mr. Chadwick replied sure, definitely.

Chair Newberry asked any other comments from the Board? So you're working on H2O. I understand your perspective on wells. But the current regulations say this proposed development meets the requirement to put in city water. So I think when you were here before, I had indicated that I wouldn't support a waiver on that unless there was a technical engineering reason that said it was impossible to execute. So I encourage you to keep working with Pennichuck and make it something that will be workable. Mr. Potter replied we hoped to have that answer tonight but we just couldn't quite pull that off. Chair Newberry said understood. Mr. Bandazian said if I may, I would just echo the Chair's concern about that. I've been representing the Town for 10 plus years on PFOA and contamination from Saint Gobain. And a very small minority of people opt not to connect to municipal water that are offered municipal water. Most of them will have the pipes brought to the foundation so they can opt in. And what we've seen over the years, including very recently, is every month more properties go on as properties are resampled. And so last month, we had four new properties added in Bedford. Based on resampling, one of them tested below one part per trillion initially, so the state has required on the south side of Route 101 resampling as part of the development of a groundwater management plan. And on resampling, all of those properties fell below for the first two samples in 2021 or 2022, and they are above this most recent resampling. And the reason people like municipal water, among other things like not being concerned about supply is that municipal water has to be tested once a month. And so if we, as a condition, said test it once, that's fairly meaningless in terms of safety for homeowners. So I would echo what Hal said, and I didn't quite get what you had mentioned. You mentioned something about testing flow at Jackson Bridge? Mr. Potter said Jackson Square. Mr. Chadwick replied yeah, Pennichuck went out and did flow test the hydrant to determine what the flow was at that point. I don't have the actual readings with me tonight, but we do have flow and pressure at that location. We have put together a water design to get it down into the subdivision, and they're running their model currently to see what the flow and pressure would be at the homes. We have gotten a requirement from the Fire Department for the size homes, and we're trying to meet that flow requirement.

Chair Newberry said so for everyone's understanding, could you just elaborate a little bit on the Fire Department and size of home? Mr. Chadwick replied sure. The question came back from Pennichuck, what size homes are you going to build? We said anywhere from 3000 to 4000 square

foot homes. Based on that, the Fire Department came back and said they needed 2000 gallons per minute at 35 PSI for pressure at the homes, at the hydrants out front of the homes. Chair Newberry asked so that'll be one of your targets? Mr. Chadwick replied it will be. Chair Newberry said okay, other comments questions from the Board regarding water.

Mr. Clough said I went on record on the first meeting saying that I was for the wells and I just have a question with regard to source. So how far away, PFAS speaking, is this lot as far as contamination from any particular source? Because a lot of the PFAS is nonpoint type of pollution. Mr. Bandazian replied it's pretty well accepted that there's PFAS from Saint Gobain on the north side of Route 101. And I think it's very likely—it didn't magically stop at Route 101 or Spring Hill Road. And some of these levels are above what you would expect if you were in the Great North Woods in New Hampshire what blew in from an unknown source. So I think it's very likely that there is some level of contamination from Saint Gobain in this area. Mr. Clough said yeah, okay, so realize that the New Hampshire standard is 4? Mr. Bandazian replied 12, and so the properties that I mentioned that tested below and this year came back, there was one that tested in 2021 at 4.1 and 4.2. It tested at 18 this year. There's another one that tested at 6.1 and 8.0 in 2023 and 2025 respectively. It came back at 15 this year. There's one at John Goffe Drive that tested .620 in 2021, .760 in 2023 and 16 this year. Mr. Clough replied that's pretty random. Mr. Bandazian said well, it's not. The trend is that they're going over. Mr. Clough replied well, but it's from airborne. I bet you if they tested my well, it might exceed. I'm not trying to present an argument. I'm trying to say that the way—and I was in charge of PFAS for my company since it started. I'm a toxicologist. So I see that the standard of 12 as a laboratory artifact. Everything's going to be contaminated if the laboratory—lead is five parts per billion. That's 1000 times higher than the PFAS standard is what I'm saying. So basically, the argument I'm making is wells make sense from the standpoint of water quantity. They make sense from the standpoint of water quality. Because I really think the PFAS issue, randomly speaking, is a red herring. And they make sense from the standpoint of preserving the owner's sovereignty over the control of both the quality and the quantity. You can put in a filter if you want. And then it makes sense in terms of an additional \$35,000 per house as you stated to bring in public water. So I'm just going to go on record that I'm in favor of the wells.

Chair Newberry said I think in this instance there are factors in addition to PFAS that play into a good reason to consider putting in Pennichuck water. Mr. Clough asked like? Chair Newberry replied like Town Regulation that says a development like this one is expected to connect to water. Mr. Clough said yeah, that's the regulation. And just because that's the regulation doesn't mean... Chair Newberry replied so when and if we get to looking at a waiver, we'll see where the Board comes down. Mr. Clough said I'm just going on record. Mr. Bandazian said I'll just add that testing is about \$300 a year and servicing an activated granular carbon filter system is \$300 to \$500 a year, so it's not free. Mr. Clough replied but activated carbon won't take away PFAS. Mr. Bandazian said yes it does. That's what DES has required of Saint Gobain where water connections are not feasible. Chair Newberry said okay, I think we understand your position, Steve. I don't want to get into a debate on PFAS. Let's see. What else do we have here?

Ms. Hebert said can I ask one quick question about the water supply? The 3000 to 4000 square feet, would that include any ADU or would that be? Mr. Potter replied they have a couple of ranges that if it's between this size and that size, they want that, or 5000 or 10,000 square feet. We're

going to wait and see what Pennichuck says. If somebody builds a 4000 square foot house and wants to do an ADU, is that going to crash the system? I doubt it. But Pennichuck has to tell us that. We gave him a full engineered plan and I don't know. Chair Newberry said so there are some significant open questions yet in regard to public water. A couple of things I noticed in some of the technical comments, one of them was testing for ledge. Can you speak to that? Mr. Chadwick replied sure. Earlier I had talked about cutting through the knob right by the beginning of the property in this location. If you look, there's the high point of the knob and it sort of runs through this direction here. What we're doing is we are cutting through this knob 30 feet on the high side, much less on the lower side. One of the comments that the staff or Public Works had mentioned was maybe we should go out and do some borings in that location and try to figure out what the ledge really is out there so that during construction there's no hold up. We know what it is. We've already designed for it. Our response back to Public Works was that we certainly don't have any problem getting equipment out there during the construction phase or even prior to our preconstruction meeting to know what that is. At this point in time, we felt that if it's ledge, it's ledge. We're going to deal with it. I know there's a concern with blasting in Town that wherever possible, the vote for not blasting, doing some sort of mechanical breaking of the ledge. We're certainly willing to work with the Public Works at the time of construction. But at this point, it's just an added expense for us to go out there not knowing if we even have a project at this point.

Chair Newberry asked could you switch to the plan view that shows your cuts? Mr. Chadwick replied sure. So on the left-hand side of the road is Wallace Road. Here's our entrance coming through. This grating represents the cut that I'm talking about. If you look below at the profile, this being the existing grade out there today, this being the finished grade of the road. So we're talking about this cutting of this right here. Chair Newberry said yeah, I suspect that the Board will probably want to specify mechanical ledge removal. And then if that proves impossible, then that can always be looked at. Mr. Chadwick replied okay.

Chair Newberry asked questions or comments from the Board regarding ledge and removal.

Mr. Nelson said Mr. Chairman, just a quick question for the Planning Director. Is that a preference or is there something in our LDCR that dictates what methodology should be used for that removal? Ms. Hebert replied there's nothing in our Land Development Control Regulations that specifies a type of ledge removal that's required. In the past, abutters have preferred the mechanical ledge removal in lieu of blasting. We can ask the applicant to bring back more specific details on the amount of rock you anticipate, the time and the duration of the ledge removal. Mechanical ledge removal can be very noisy because people are hammering the rock and if it's a significant amount of ledge, that can take a long time. It can take an entire season sometimes. Chair Newberry asked is that location the only place you anticipate ledge issues at this point? Mr. Chadwick replied yes. As your Planning staff just stated that if a mechanical form of ledge removal, it would take over a long period of time. You'd feel the vibration in the ground for a fairly long period of time. With blasting, it could be done in a much shorter period of time with less disruption of the neighbors. Chair Newberry said part of that protocol, though, would include adjacent well analysis prior to the blasting, correct? Mr. Chadwick replied it would. Anytime we do blasting in any town, you need to contact the Fire Department and work with them. There would be a pre-blast survey of surrounding properties and know what issues there are or aren't. And so there'd be a basis of comparison. Ms. Hebert asked do you anticipate ledge removal on the residential lots, too? Mr.

Chadwick replied no, based on the test pits that we did. Chair Newberry said so it sounds like depending on what you actually find there, the preference would be mechanical, but if that's impractical, then it's impractical. Comments from the Board? Is there anything else that we haven't touched on that still needs to be addressed, or additional information developed?

Mr. Nichols asked do we already have a condition for that ledge? I don't see one. I'm just trying to... Chair Newberry replied no, I don't think we do specifically have a condition on that. But I would suggest that the Board's preference would be mechanical if it's feasible. I don't know if we need to make that a condition. What do you think, Becky? Ms. Hebert replied maybe we could add it to Condition 15 that has to do with the ledge probes and say method of rock removal to be approved by Public Works and the method determined to be least impactful to the abutting properties? Something like that? Chair Newberry said yeah. Mr. Nelson asked do we have the ability to dictate that? Is there a controlling rule or regulation that we could hang that on? Ms. Hebert replied we have had applicants volunteer based on concerns from the public during the public hearings about ledge removal to volunteer to do mechanical ledge removal. Mr. Nelson said so it could be a recommendation versus a requirement? Ms. Hebert said yes. Mr. Nelson said thank you.

Chair Newberry asked other questions or comments from the Board?

Councilor Greazzo said I haven't seen anything here for winter road maintenance and salt management. I see you have a retention pond. What's your plan for dealing with the salt near the wetland areas? Mr. Chadwick replied so these drainage ponds are gravel wetlands. It's not a regular drainage pond you may think of. This would become a town road. If the town chose not to salt the road with sodium chloride and chose to use potassium chloride or something like that, we wouldn't object to that. But again, that's a question that I probably should ask to Public Works.

Chair Newberry said other comments from the Board?

Mr. Nelson said Mr. Chairman, the only kind of comment I would have just maybe on top of that is, there is a large number of open items. I know some of these are last minute things with changes, but just overall the sense is that there's still quite a bit of these items that are either in discussion or need some clarification. It's just an observation. Mr. Nichols said yeah, I would agree with that. There's a lot of open items, in general. Chair Newberry said yeah, I think in all probability I would suggest that the Board consider tabling this because there are a lot of unknowns, yet I don't see anything here that says impossible. But I do think that we want to make sure that what we're considering approving, we're doing it well informed.

Mr. Chadwick said Mr. Chair, if I may? Would it be possible to work on some of the waivers tonight, so we had at least the direction we're going in? If the Board is in favor of—I think two of them are pretty much no brainers, but the road design, I think, is a big waiver here. So, if the Board was so kind to give us a little bit of direction on that? Chair Newberry replied I think we can take a look at that, sure.

Councilor Greazzo asked can you go back to your preferred plan for the road please? I like that it keeps it away from the wetlands. I also noticed that you're missing a lot here. You have 14 instead

of 15. Mr. Chadwick replied the 15 being the existing house out on Wallace Road. Councilor Greazzo said okay.

Chair Newberry asked is there anything else from the Board? Hearing nothing more from the Board, we have a larger audience than frequently this evening. What I would ask is if you want to comment on this application, please go to one of the microphones, state your name and address. And if you hear something that you want to make a point of, rather than completely reiterating the point, please reference it so that everybody gets a chance to speak this evening.

PUBLIC COMMENT

Ms. Denise Ricciardi, 29 Magazine Street, Bedford: Good evening, Mr. Chair, and members of the Planning Board. I'm Denise Ricciardi and I reside at 29 Magazine Street. I'm here this evening because I would like to share with you a lot of concerns that I have, that you may take under your consideration.

I want to start with the water. Setting aside the PFAS situation, Magazine Street doesn't use their wells. Our wells were contaminated years ago. I've lived in my house since 1997—because of the salt from the salt shed and it doesn't go away. Riddle Brook is on my property. It's full of salt. It has been tested. It doesn't go away. So if you go forward with this project and you don't use public water and you put wells, you just wasted an awful lot of money, and no one is going to buy a house with a contaminated well. Again, setting aside the PFAS. So there's no way, I mean 99.9% sure that those wells will not be contaminated with salt. It travels through the water, through the ground underneath. Come to my house and look at all my plantings that are dying from it.

The other thing is, in my opinion, if you're going to move forward with the development, there should be other plans, alternative plans that will have less negative impact to the wetlands. For instance, maybe cluster development. That might be more useful. The culverts, because we do have those federal protected species like the Blanding turtles and the spotted turtles. The culverts at 12 inches are not sufficient. It would have to be 15 inches.

Some of the other things that concern me are on the crossing at Number 2, that could be reduced by shifting the crossing to the west. That would impact the narrowest part of the wetlands. I think that it would be very smart to leave off Lots 4 and 5 because there's a larger volume of water present.

Another concern for me is the erosion controls. It doesn't appear to have been accounted for in the impact totals. And the other thing I'd really like to mention is I did speak to the Department of Environmental Services this afternoon. And they sent the applicant, on June 5th, a list of at least a dozen things that must be corrected. They have not heard back from the applicant as of this afternoon, but the applicant does have until August 4th to respond to the concerns which will have a big impact on whether this development is approved by DES or not. And if you would like, if you don't already know, I can bring you up a copy if you like.

Chair Newberry said if you would, just give it to the Planning Director, and we'll make it part of the minutes. Ms. Ricciardi replied thank you. I kept it brief. I could go on and on, but I want to respect your time.

Ms. Joanne Smith representing the Bedford Conservation Commission: Hi, good evening. My name is Joanne Smith. I'm here to represent the Bedford Conservation Commission. We met with Mr. Potter and Mr. Chadwick at the meeting. I'd like to submit the letter that we, the Conservation Commission, wrote to the Planning Board and read that into the minutes, too, please? I can read it out loud or I can just pass it off to you.

Chair Newberry said if you could, at least give us a summary of it, and we will take a copy of it.

Ms. Smith said yeah, absolutely. The Commission reviewed the subdivision on April 28th, May 26th, and we did a site walk on May 7th. The application requested review and recommendation from the Commission regarding the proposed filling of 6,875 feet of scrub shrub wetland to facilitate the subdivision development. The property is unique due to its sloping topography and mosaic of our planned islands interspersed through the surrounding wetland complex associated with Riddle Brook. It also abuts several town owned parcels that are protected for conservation or recreation. When the Commission updated its Open Space Plan in 2023, this property was added to its list of desired acquisitions. The wetlands on the property are part of a Magazine Street wetlands described in Bedford's 2005 Wetlands of Exceptional Value Study. The study describes the area as relatively undisturbed due to its isolation and unique topography and notes its diversity of upland and wetland habitat, which provide excellent wildlife habitat. The study further concludes that the wetland system provides important sediment retention, nutrient removal functions, while serving as valuable spawning and nursery habitat for native fish species. Riddle Brook is impaired by low oxygen, low dissolved oxygen levels, and elevated pH. The wetland complex provides habitat for the spotted turtle, a state threatened species, and the Blandings turtle, and aquatic and terrestrial endangered species. Spotted turtles are known only to occur in Bedford, and state confirmed records document Blanding turtles' occurrence and nesting in the vicinity of the project site. The 2025 New Hampshire Wildlife Action Plan says the following about the status of the Blandings turtle. Because Blanding turtles often use vernal pools and uplands, protection only of large wetlands is not adequate to protect the Blandings turtle. New Hampshire has been the fastest growing state in the northeast in recent decades, and development in the southern part of the state is consuming open spaces at a rapid rate. New Hampshire State regulations currently are ineffective at protecting species that use large wetland complexes and building in disturbance setbacks from freshwater wetlands are not required under New Hampshire State Wetland Regulations. Sorry, it's a long letter.

Chair Newberry said I thought you were going to summarize it, but you're doing fine. Ms. Smith said well, I feel like it's very important because there's a lot of detail in here that I would like the Commission to hear. Chair Newberry said I agree, carry on. Ms. Smith continued the Commission acknowledges that the proposed subdivision concentrates development on the eastern portion of the property, therefore avoiding direct impacts to much of the high value wetland complex associated with wildlife habitat. However at the time the Commission was asked to provide a recommendation, it had not received the results of the DES Wetland Permit Review. We actually have those now since the letter was written to you, which Denise Ricciardi just referred to.

And so, while the Commission recognizes that the wetland impacts associated with Merrill Farm Road may be essential to the productive use of the property, it questions whether the wetland impact Area 5 proposed for driveway crossing is essential for productive use. During the Commission meetings with the applicant, the preference for conventional subdivision was stated on several occasions. However, it was not made clear if a cluster subdivision could avoid the wetland impacts in Area 5 or the subdivision was viable without Lot 5. Although the Commission appreciates the effort to concentrate development away from the Riddle Brook Wetland Complex, it remains concerned about the proximity of proposed Lots 3, 4, and 5 to exemplary wetland communities and upland habitat used by the Blanding turtles. Proposed Lot 5 is substantially larger than the other lots and contains a significant portion of the site's highest value wetland and potential turtle habitat. The Commission is concerned about future wetland impacts and upland disturbance that could result from the development on this lot. Human activities associated with residential development, including outdoor lighting, noise, operation of yard equipment, and future construction of accessory dwellings such as swimming pools, ADUs, garages, and sport courts, may cause additional habitat loss, displaced wildlife, disrupt movement corridors, and increase mortality risks. The use of fertilizers, herbicides, insecticides as well as soil disturbance and increase of sediment transport may degrade water quality and adjacent wetlands. Disturbed areas associated with development may facilitate the spread of invasive plant species into the wetland complex, reducing habitat quality and displacing native vegetation. The Commission recognizes that the Planning Board serves a different role and may determine the criteria for the subdivision approval and request made waivers have been satisfied. Should the Planning Board approve the subdivision, we recommend requiring a non-disturbance deed restriction within the wetland setback of proposed Lots 3 and 4. The restriction should prohibit ground disturbance while allowing the removal of dead, diseased or hazardous trees. The wetlands on these lots are part of Riddle Brook Wetland Complex and the non-disturbance deed restrictions are necessary for water quality, turtle habitat, and indirect effects of human development. If the impact to Lot 5 is not avoided, please require a conservation easement or deed restriction on as much of the lot as possible. We appreciate the 13-acre deed restriction but feel we would have a better impact with a larger deed restriction than 13 acres. Require the applicant to incorporate all recommendations of the consultation with New Hampshire Fish and Game regarding Blanding turtles into the final project design to minimize the impacts and habitat loss of the Blanding turtles. And then the applicant should have a qualified wetland scientist flag the ordinary high watermark, and the 50-foot horizontal setback from the ordinary high watermark for installation of stream buffer markers. If conservation easement areas or deed restrictions or deed restricted areas are added to the plan, the applicant should hire a licensed surveyor to install non-disturbance markers on the boundary of these areas prior to the transfer of ownership.

I'd also like to draw attention and question the letter from the Department of Environmental Services that was just brought over. They, in one of their sections, are requesting working with the Ecological Review section to produce a draft conservation easement. And I'm curious as to where the applicants are on that process since the letter was, I think, sent June 10th. And I'd also be open to answering any questions that the Board may have of the Conservation Commission.

Chair Newberry said thank you. I think what we'll do is we will ask the applicant to pay attention to the issues raised, and I think several of the conditions that are already being proposed by Planning address some of the issues. I'm not sure that it addresses all of them, but I would expect

the applicant to, assuming we come back in and finish this at some point, address those concerns. I think one of the things I had mentioned earlier was that we will probably have a condition in here that the development comply with DES ecological stipulations, and I think that's a process that is still ongoing and they're still collecting information and working with the applicant. Is that a fair statement, Becky? Ms. Hebert replied yes. Chair Newberry said thank you. Ms. Smith said thank you.

Mr. Nichols asked can I ask a question of the applicant? Why wasn't the DES letter from June 10th included? How come there was no response? Mr. Chadwick replied the Town did get a copy of it. They are CC'd on that letter. Ms. Hebert said it's included in your packet in the Conservation Commission folder. Chair Newberry said that letter indicates that it's a work in progress still. Mr. Chadwick replied that is correct.

Chair Newberry asked is there anyone else who would like to comment, Sir?

Mr. Paul Roy, 2 Jackson Square, Bedford: Paul Roy of Jackson Square. This is literally in my backyard. So, for them to say that there's little ledge or anything, the whole thing is ledge out there. The last time they messed with the water, wetland crossing right near Wallace Road, it flooded my garden out. It flooded my neighbor at 10 Jackson. So I don't know what they plan on doing this time. And the water is down on Magazine. It's not on Jackson. So that's why he doesn't want to do that. And it's all cost. And keep in mind that once he gets this subdivision approved, he's selling the lots. He's not developing each lot, so he's not going to be concerned with what restrictions are put on those lots. Chair Newberry said thank you.

Ms. Kristina Nelson, 14 Jackson Square, Bedford: Christina Nelson, 14 Jackson Square. So I'm an abutter to Lot 3. Thank you, Joanne. I appreciate you bringing up the wetlands that run behind those lots as well, because I know that we brought them to the attention of each and every one of these meetings so far as, like the Conservation meetings and the previous Planning Board goes. But one of the things that we had brought up, and I know the Conservation Committee had discussed, was placing deed restrictions in the back of more than just Lot 5. So what they don't show on this map here is that the lot line between my yard and Lot 3 here is actually a running stream. Year-round it is a running stream that feeds right directly into those wetlands and right into Riddle Brook as well, and the stream is at the bottom of a slope. Our concern primarily is about run off into that stream and how that's going to impact the wildlife in the neighborhood and the wetlands that are there, as well as any runoff causing difficulties with our neighborhood. So we had asked for consideration because Mr. Potter does intend to sell these lots, although he's created a clearing map of where he would recommend putting the houses, anybody is able to do what they will with those lots once they are sold. So we're requesting a deed restriction to limit the disturbance near those wetlands as well as near the property lines, which are one and the same for my lot.

Also, I would like to mention, and I don't have to get too far into this because for me, it's really neither here nor there whether they have wells or city water in this new development. But we are the last lot on Jackson that does not connect to city water. Our next-door neighbor does. We do not and we purchased the house last year and even with a fairly sophisticated filtration system, we've had significant problems with the quality of our well water thus far and are actually

exploring options to connect into city water down by our neighbor's house, although it's quite expensive. So we're trying to navigate that right now because the water quality has been so difficult.

Chair Newberry said thank you. Would anyone else like to comment, Sir?

Mr. Donald Bell, 23 Magazine Street, Bedford: The question I have is about public water. Becky, is it true that they could put a community well that could be managed by Pennichuck or they could privately manage it as opposed to hooking up to city water? I know like some of the projects that have gone on in the past, like Hawk Drive, that was originally for Powder Hill and then which Pennichuck did manage that at the beginning and then they rolled it up. So could they possibly do their own well? Ms. Hebert replied the regulation specifically speaks to the extension of the water utility. Mr. Bell said okay, so it's morphed. So that being said, I live at 23 Magazine Street. I look right at the Public Works shed. I am so happy that you're all here concerned about the environment and the wetlands. I am very happy. So that being said, we do have water. Every spring I get a little postcard that says to me I cannot water on even days because my address is odd. So I said, why? So I called Pennichuck and Pennichuck says to me, I spoke specifically to the engineer, we do not have the capacity. Not that they don't have enough water going there. They do not have the infrastructure. To which I said well then why don't you increase it? And they said, well, we're not Manchester. We don't have it publicly funded. We're a private company. And the other problem is there isn't three phase power up there. So at this point in time, if we add more—15 houses, not a lot of houses in the scheme of a water system—so now it goes on and on and on. Who's going to be responsible for increasing the capacity? The infrastructure isn't there. Would that be the Town? Would that be the person at the end? Because the Town itself put that water system in because they contaminated our wells, to which is another horror story which goes on day after day after day. And so what do we do? Who pays for it? In the interim, we're going to do another Public Works fiasco. They're going to just get in there and go sure, we can do that even though they don't have the capacity. Because if it could be cut to the bone and done poorly, you can guarantee that the town of Bedford will do it that way. Salt being the concern, so where does Riddle Brook start? Does it start down at the end near Mr. Potter's proposed development? Or does it start at the Public Works yard and above where the salt is contaminating the Riddle Brook, the wetland setbacks. Mr. Greazzo, you asked the question of where are you going to put your salt? Do you know where the Town of Bedford puts it in? Right into Riddle Brook every time it snows. And I can show you the public yard never, ever has any ice or snow on it because there's salt all in it and into Riddle Brook it goes. So, everything that you think you're doing, from upstream it is going right into that area that you're trying to conserve. So if you're really concerned, you should be joining with me and saying to the Public Works, you should fix your problem. Because there are many...

Chair Newberry said Sir, we're not here to discuss Public Works. If you have anything else regarding this application, please share that.

Mr. Bell said but we're talking about the conservation. I'm seeing this more as not in my backyard. Not as a concern for a real concern for the wetlands because the dump is dumping there. The old dump has got all their things going into that.

Chair Newberry said we're here to talk about this proposed development. We're not here to talk about what the Town salt yard did.

Mr. Bell replied well, what I'm saying is if we are concerned about all of that, then we should be doing something. And I think what they're proposing is a fair development.

Chair Newberry said the concern is on the impact of the water quality, agreed.

Mr. Bell asked do I think it's going to impact the water quality? Chair Newberry said no, I said the concern is what the water quality is. Do you have any other issues related to these comments?

Mr. Bell replied well, like I said, I'm in favor of this development. I think that they've done a good job. I think that they could do some of the things that the Conservation Commission says with some of their restrictions. However, the problem becomes what are the consequences if they do cut? That's where it all stands is if they don't have consequences for the cutting, then there's the problem.

Chair Newberry said the Board and the applicant have your concerns. Thank you. Sir.

Mr. Nick Balistreri, 55 Magazine Street, Bedford: Hey there, Nick Balistreri, 55 Magazine Street. I want to echo that incredibly well thought out letter. I thought it was just fantastic. Thank you for sharing that with us. When I think in terms of decisions that we make that have lasting impacts for generations, being considerate stewards not only of our neighbors but our environment, I think you captured the essence of it, of the gravity of quick decision making in this one, not being careful and considerate. And so again, I just wanted to say thank you and I echo those comments. Chair Newberry said thank you.

Ms. Kathleen Bemiss, 15 Cooper Lane, Bedford: Hi, Kathleen Bemiss, 15 Cooper Lane, previously of 37 Magazine Street. I had the privilege of sitting on the original Magazine Street and Prime Wetlands Committee, as well as on the Conservation Commission for years, so I do echo my fellow neighbors and residents. So I will not repeat what they said about the wildlife and not so much about the water, but I do want you all to understand that the contamination of those wells on Magazine Street and Jackson continues because the wells were not decommissioned. So the aquifer remains open. So any pollutant that was in there continues to travel along the aquifer and affect wells and the water farther down the line.

One thing that hasn't necessarily been brought up, though, is we're really concerned about this development. But what about the lots? Are we all going to have to come for 12 more hearings on each one of those lots when they want to disturb the wetlands on their property? I think that it may be prudent for some deed restrictions to go in place on the individual lots, saying what can be cut, how close to the wetlands can we put something, and not to allow ADUs. That would supersede the state guideline that allows ADUs, but it would protect the development in that area to not be egregious and overburdening on the environment.

The other one thing that I would like to mention is the road safety. I am not a road person, but if we already have to decrease the speed limit on a road that has 14 houses or 15 houses, maybe that road's not safe to begin with. Thank you.

Chair Newberry said thank you.

Mr. Steve Krasinski, 51 Magazine Street, Bedford: Steve Krasinski, 51 Magazine Street. Again, I want to compliment the Conservation Committee. I was at multiple meetings, and I also did the site walk. So I did my due diligence for the process. Two issues upon the site walk: the first is it is up on a hill; the development is up on a hill, and Magazine is at the bottom of the hill, and we currently do have wetlands in our backyard all along. And so what is the disturbance when you clear the top of the hill? Where does that run off go? Our concern is does that wetland now become pushed into our basements and our backyards? That is a major concern because as we said here as individual—and you're going to clear for roads and lots, but then individual homeowners, there's nothing to say they can't cut their trees down and excavate their stumps and so forth, and what does that do to run off? So that that is a concern physically, of the wet water on the down low of properties. Second is the conservation with the animals. We are fortunate enough to see the wildlife firsthand, and I see one of our neighbors who's documented to the state of endangered animals and photographed them and have all been submitted to the state. But we also see that firsthand, so we've seen endangered animals. We didn't even know they were endangered until we do, we learned through education of our neighborhood, and so we see that. And so this would absolutely have a major impact on the ecosystems and wildlife. And if you do a little research, why were these endangered? Why are they listed as endangered? Why are wetlands designated? There are all reasons to protect and the effect they have. And so I don't want to dismiss the disturbance and the consequence of this development, individual homes. So thank you very much for your due diligence in this process. We very much appreciate it.

Chair Newberry said thank you. Is there anyone else who would like to comment?

Mr. John Strampfer, 37 Spring Hill Road, Bedford: Hi, my name is John Strampfer. I live at 37 Spring Hill Road. My family and I have been abutters for 32 years. Thank you for taking our comments. I agree with the comments of my neighbors and fellow abutters. I wanted to add a few things. The well water versus the Town water is just one of many concerns. NH DES wrote a letter to the applicant with a long list of those concerns. Right at the top is avoidance and minimization. NH DES asks the applicant to discuss whether alternative designs, such as different subdivision layouts, could be used to avoid impacts to jurisdictional areas with their functions and values. Now obviously, the applicant is going to show alternative designs that are worse than the original proposed design to make that original design look less destructive by comparison. When in reality, there are a whole host of other configurations that could be done that would not result in the devastating impact that will occur if this proposed development is approved. A simple road could be put in with a large cul-de-sac at the end and there would still be a good number of lots, but it would not be nearly as destructive as this gigantic loop. There are cul-de-sacs all over this town and then there would not be as many wetland crossings, a lot less trees cut down, a lot less loss of privacy to the abutters and a lot of these concerns would be addressed just by reducing the number of lots. And he could perhaps even bring in well water without a waiver if he had less lots. Avoidance and minimization refers to more than the replacement of the road itself. It refers to the

totality of the subdivision as a whole. This proposed development is the opposite of avoidance and minimization. I went on the site walk and I could clearly see multiple houses from the proposed loop road, including my own house, but especially 31 Spring Hill Road and 10 Jackson Square and 2 Jackson Square. And that was before any of the trees were even cut down. Our privacy will be greatly reduced, and the rural character of the neighborhood will be destroyed. Joanne Smith, the Vice Chair of the Conservation Commission, brought up the accessory dwelling units, the ADUs. I agree with her statements that as destructive as this proposed development looks on paper with the 14 lots in addition to the white farmhouse, the reality could be a lot worse if any or all of those new lot owners build ADUs. That would greatly intensify the adverse impact. So that will be more trees cut down, and more damage to the wetlands downhill, more animal habitat destroyed, more cars and traffic, more headlight intrusion from the new road, more noise, more light pollution from dwellings, more drainage concerns, and even less rural character. Long story short, all of these drawings on the screen are the furthest thing from compromise I've ever encountered. So in my opinion, these loops all have to go and something simpler should be done. Thank you.

Chair Newberry said thank you.

Ms. Sharon Yergeau, 34 Harvard Lane, Bedford: Kind of to John's point, I was going to ask this anyway, but I notice that this is referred to as the preferred site plan and I just would like to know, are the other options available on the public record that the public can see also? I didn't think that was a hard question, but maybe it is. Ms. Hebert replied the only options that are available to view at the Planning Department are the alternative layouts that were described today by the applicant with the orange coloring of the lots. We have not seen alternatives beyond those concepts that were described today.

Ms. Yergeau said okay, so it's something new. You've seen something new today and otherwise it's just this plan that we're seeing up on the screen? Ms. Hebert replied the alternative layouts that were described at the beginning of the meeting showed alternative roadway alignments. Ms. Yergeau said okay, thank you.

Mr. Kevin Morris, 47 Magazine Street, Bedford: Hi, everyone. I agree with all my neighbors here. The one additional item I would add: a previous comment was made around fill. There would be no fill shipped in with the development. That makes me question given the fact that the intention is to build the road and the curbs and then move on and then sell off the properties, there will be no cutting and no actual development until the properties are sold. With that, if there won't be any fill added, given the concerns around the environmental concerns, will there be any sort of restrictions for the people who do buy these properties with adding fill from the outside and impacting the ecology that is in this area? I guess that's a general question, but something to think about. Thank you.

Chair Newberry said thank you. Would anyone else like to comment?

Mr. Brian Desfosses, Bedford Public Works Director: Just a couple of quick things. Thirty miles an hour was the original design speed. They've asked the Highway Safety Committee to go to 25 miles an hour. I just want to be clear about that. I think 35 miles an hour was cited earlier, so it was a five mile an hour reduction. The Department of Public Works feels strongly that public

water should be brought in. Also, I guess the last statement I would make is that actually I am asked quite often about when neighborhoods are going to have water brought in. It is a very popular question to Public Works. I think now is the time before the infrastructure is actually built to bring public water in. It's not something that I will be able to do after the fact. Additionally, Pennichuck is not able to extend their water main themselves, so it effectively has to be built and then turned over to Pennichuck. So effectively, if it is not done as part of this process, it will not be done.

Last point is one of the other most popular questions I get is I have so much water in my yard. How do I get rid of all this water? Can I fill in all of these areas, etcetera? I would like something a little bit stronger to be placed on these sensitive areas such that there are no wetland fills or areas that are allowed to be filled to drain wetlands. I realize that this is not really in the Public Works purview, however, I am often called onsite and told that all of my road water is flooding out people's houses, which is not the case, but they still like to say that. And I just want to make sure that people are put on notice because oftentimes people that are not familiar with the town or come from other states come here and they will often start playing around with their yards. And I think it's important for us to cite that these are sensitive areas and should not be filled or touched in certain cases. Thank you very much.

Chair Newberry said thank you.

Ms. Emily Morris, 47 Magazine Street, Bedford: Hi, kind of going off again, water, well, I just really want it to be a factual decision on well water versus Town water. Mr. Potter, that was his perspective. That's great. I'm on Town water. I love it. People in the neighborhood who are on well come to our house to play in the sprinklers with their kids. So while that's my opinion and it's not going to be the decision, I don't want, oh well, I prefer wells to also be the decision. The water pressure for those that I do know on wells, and again this is just who I know, there is no water pressure with that well. So again, I just really was concerned with this is my perspective, wells are great. It really should be quality—what number as you said 12 I believe, meeting standards to make the decision and not just people's perspective. Some people may love well, that's great. I love Town. I would never choose to do that. That's great, but that's my perspective. So my concern and my statement is just to make sure we are making that specific decision based on standards set by the state and the quality. There are a lot of kids in this neighborhood. We love it. It's so much fun and we want to keep them safe and being able to drink out of the sprinkler because I'm on Town water is awesome. So again, that's my opinion. Potter might have, or whoever, sorry Potter—that's fine, too. I guess my concern is I want factual decisions made for that, not just preferences. Sorry. Thank you.

Chair Newberry said thank you. Anyone else who hasn't spoken?

Mr. Stephen Brodsky, 15 Spring Hill Road, Bedford: I'm on the bottom right corner. We're at the top of the hill there before it goes down to the area where they're wanting to develop behind our property. If you haven't been out there, you probably have, but you know that it's a pretty significant incline or decline down to Riddle Brook. And so I'm just curious if there was any consideration with all of this land being cleared and the road being put in, with the water flow going into Riddle Brook? I don't know if the Conservation Committee looked at that, but I walk that property a lot and Riddle Brook can get going and can get pretty high. So if they clear out this

area and then homeowners clear out even more trees, and now you have all the water running down and Riddle Brook not being absorbed by the land. Is there any consideration into that? Mr. Bandazian replied I think that would be State Alteration of Terrain and Wetlands. We would rely on them. Mr. Brodsky said okay, I don't know if the Conservation Committee considered that, do you know? Chair Newberry replied no, runoff gets looked at and... Ms. Hebert explained the Town of Bedford also has a stormwater permit that's administered by the Public Works Department. So we have the Department of Environmental Services, alteration of terrain permit, and a local stormwater permit that oversees how stormwater is handled, detained, treated and managed. Mr. Brodsky said okay and is that being considered with the carve out that was proposed here with the lots? Because again, if the lots are sold and someone mentioned it and made me think of that, well, why don't I clear out all the trees at my property. I used to live on Beaver Lane, and I saw some properties they sure did that. I'm just curious if there's any consideration to how to handle that, and if there would be a concern with that whole area being cleared out and all of that drainage now going into Riddle Brook and now affecting all the downstream houses and properties. I know at the end of Spring Hill Road there's a pond that's attached to Riddle Brook, and that would likely if there was more water going in there, that would rise and all of the properties downstream from the Riddle Brook. That's just something to consider. I don't know if that can be handled in any way. I know they've been talking about adding some conditions to the lots. It's just something to consider.

I'll also mention, again, to be good stewards of the environment and the animals that we share this world with. We see a rich diversity of different wildlife in our backyard. We have tons of wild turkeys and deer. My wife actually just sent me a text message with a new bird that she discovered on the Merlin APP. We get dozens of birds that fly through there that like the land, the topography, and then the water source down at Riddle Brook. So it's just considerations that have been said here, I just wanted to echo that with firsthand experience.

Chair Newberry said thank you. Is there anyone who has something that we haven't heard yet? So I think I've heard a couple of things. Sir? Okay.

Mr. Mike Strafford, 37 Spring Hill Road, Bedford: Just a very quick point. We moved in 32 years ago and our well is 500 feet deep. No one's mentioned that, and I understand that can vary from property to property. Someone next door, their well may not be that deep, but it gives us problems. The water is very hard. And if I had life to live over again and I had a choice of getting water from Pennichuck, I would jump at it. And I would say don't give them a waiver. Get municipal water. Thank you.

Chair Newberry said thank you. Sir?

Mr. Peter Sullivan, 41 Magazine Street, Bedford: I'd just like to call attention to an e-mail that I sent, I think it was June 10th, to be included with the packet. Hopefully you got that. It gives information on the Blandings turtles. I'm sure you're aware of it, but there is a breeding population confirmed by the state biologist of those endangered turtles in this Magazine Street wetlands. And there are over 60 different types of birds that I've personally seen in that area, including a lot of them that kind of only live with undisturbed big, wooded areas. So I just want to give you that information. Thank you for your consideration.

Chair Newberry said thank you. Sir?

Mr. Bill Weiss, 48 Magazine Street, Bedford: Just a couple of quick points, reiterations really. I think the best point about well versus city water, I think Mr. Chairman, you made the point best. It's the requirement so they should meet it. If this is the proposed design that people move forward with, everyone has their preference, but I think go for what's required. The proposed alterations that we saw, versions 1, 2, and then the one that we're currently settled on now: the gentleman in the back already said this, but I would like to see something that was actually more thoughtfully designed where we're not impacting all of these sensitive areas. So if we could actually see something that wasn't, oh, this one's worse, right? Good thing we didn't choose that. If we had something that was actually a little more thoughtfully designed, people mentioned things like cluster housing. I would love to see that to be able to weigh in on it. It might not be as economically feasible for the applicant but given the sensitivity of this lot in general as a whole, I would love to see something that was more thoughtful and preserve kind of what we have. Because once you build, it's going to be gone. And then if we don't, I would love to see the restrictions. I know that there was the initial, we'll put in the restriction on one or two lots. But I think it needs to be more broad than that. It's been talked about by others, but I think baring scaling back significantly, I would love to see more restrictions on what eventually gets proposed or okayed so that the people that come in and buy aren't able to just go through and clear cut or do whatever they're going to do. Because once they're sold, people are going to do with them whatever they want, within some limits. That's all. Thank you.

Chair Newberry said thank you. I think I've heard a lot of good input. Do you have something new? Okay, briefly please.

Mr. Paul Roy, 2 Jackson Square, Bedford: Now all these rules and regulations that the Planning Board govern were voted on by the townspeople. Is that correct? Chair Newberry replied for the most part, yes, the zoning is. Land Control Development is managed by the Planning Board. Mr. Roy said so when they're coming in for a variance, they're looking to sidestep that regulation, pretty much. So when you're getting multiple requests for multiple variances, that should be a red flag right off the bat that there's a problem with this. That's all I have to say.

Chair Newberry said thank you.

Mr. Donald Bell, 23 Magazine Street, Bedford: So a lot of these questions are already answered in the plans. All of this water has to be managed. They can't just send it any place they want. That's why they have these engineered plans. If you are concerned, grab a set of plans, hire an engineer if you're afraid that this stuff's going to come there. I bought a lot in 1981, and it was pristine. Times have changed. These guys bought a lot. They want to develop it. They're entitled to have a house someplace. If you want them to rearrange it and minimize the impact on the wetlands, tell them reduce, maybe, one or two lots, and/or if you're that concerned about it, buy it.

Chair Newberry said thank you. So as I started to say, I think I've heard a number of concerns. I appreciate everyone taking the time to come in and share your thoughts and observations. I think I've heard two real big issues. One is the water and the other is environmental impact. And both of those issues are being worked by technical engineering people who will come up with the best

decisions that they can and recommendations. I think the applicant certainly heard the concerns and I would expect that when you come back with us you would be prepared to speak to things like drainage, just to make it clear that the drainage is engineered and is planned so that it doesn't create problems. I think that I also heard that there are concerns about, well, I'll just say that each lot has to meet certain setback requirements, but if there are things that the applicant might be able to consider, particularly around the lot lines, in the way of restricting them, I think that would be beneficial to everyone. I don't think that's something that's the Board's direct purview, but I think anything that you might be able to do to help at least preserve things around the lot lines on these lots would certainly be appreciated. Anything else the Board heard that we need to give the applicant as feedback?

Mr. Nichols said I have a general comment. This application, I think, is the most incomplete application that I've seen as far as responding thoughtfully to concerns from all the various stakeholders: the town, DES, neighbors. I think a lot of this is not necessarily insurmountable, but from what I've seen, just not thoughtful and prepared responses for the concerns. So I'd just really encourage you to scour the minutes and the feedback and next time come back with something that's more thoughtful.

Mr. Nelson said Mr. Chairman, I would maybe slightly modify that just in the sense that it feels like there's several areas that still were either in flux where you were kind of working through and figuring out. I think as you come back, to have clarity of the specific configuration that you're proposing. All of the open items that you have, to be able to show the resolution or the resolution path, and then I think as Mr. Chairman said, to include some specificity around the issues that you've heard from you're abutters and from the community. I think the more that you can have very good, tight information on that, it will help as we have kind of this public dialogue and ultimately do come to some vote or decision on how to proceed. So I think a lot of that might just be timing in the sense that we're trying to obviously move things forward at a good pace. I'm all for that, but as those things are still open, it causes us some concern in the sense of not fully understanding what those will play out and how those will play out, and then how those will ultimately the public being able to see in the status and understand that information. So I would slightly modify that assessment but say that the end result is that it's not at a point where there's a comfort level to be able to address some of these big picture items that are open and need to be addressed.

Mr. Nichols said I'll double down on my assessment.

Chair Newberry asked are there any other comments from the Board?

Mr. Bandazian said I would just say that I've heard two concerns about runoff. One is what enters the stormwater system, that's the Town's responsibility. The Town will own that ultimately and have liability for that. Riddle Brook is an impaired waterway. It's impaired up at Birkdale, so way north of this development, but it is one where the Town potentially has liability. But the other concern that's been expressed here is water that runs off from one lot to another and that is not water that enters the storm water system. To some extent the state will address that, but I think that's a concern that's been voiced here. We've certainly seen that happen in other parts of Town as they've become developed. The lots lower and the gradient have gotten very wet, and that's been

a problem and the town gets blamed for allowing a road at a higher elevation. So those are two concerns that were expressed tonight.

Mr. Clough said I'd just like to say I've been in the environmental business for 35 years and I did walk the site with the applicant. They went to great lengths to minimize the wetland crossings, and maybe I might agree with a 15-inch culvert or something like that, but I'd like to push it back that they weren't prepared because I think this is a pretty comprehensive design and there's a long way to go here. I guess my other concern is Ms. Ricciardi's comment on salt. There's nothing said about salt in the staff report, and I'm just curious about that because she's got my attention as far as groundwater goes because salt is a conservative trace element. And she's right, it does not go away. So I was curious about that.

Ms. Hebert replied well, it will be a Town road maintained by our Public Works Department, so it will be maintained consistently with other roads in Bedford. And I believe there is a low salt application that Public Works uses in some areas of Town, but I would let our Public Works Director elaborate on that.

Mr. Desfosses replied you're correct, Becky, that in some areas we use less salt, but we are also taking steps to try to go to a more granular material that's actually a coarse sand, effectively, that we've been using a lot with much success actually last winter. If I can use less salt in Town, I'm trying very hard to do that. It's also a lot less expensive, so it's great for the taxpayers. The coarse sand actually works in all temperatures, stays on the road, helps actually fill in the shoulder gravel on the sides, and I don't have to worry about the fact that once you use salt I can't extract it as you indicated. I don't have that same problem with the coarse sand. So, we've been trying to use that as a Town, and I think we've been very successful actually in the last year.

Mr. Clough said okay, I know we spent a lot of money covering the salt in the Public Works. Is that still a problem? I mean, is salt still, runoff, still an issue up there? Because we are talking about Riddle Brook here, right? Ms. Hebert replied sure. Again, I would defer to the Public Works Director on the maintenance shed and the highway safety facility, but we did cover the salt pile. So it's now covered, which is a better environmental situation. I'm not sure how the facility is maintained.

Mr. Desfosses replied I feel like we're keeping a clean house. My friend here next to me would disagree with that. I've offered to meet with him on multiple occasions. We haven't yet been able to meet, but when he's ready, we will have a meeting. But we're doing our best. We did cover the sandpile and again, we're doing our best to try to start working with alternatives. I'll leave it at that. Thank you. Mr. Clough said okay.

Chair Newberry asked anything else from the Board?

Ms. Denise Ricciardi, 29 Magazine Street, Bedford: One quick thing. This is only for clarification. Steve, I was under the impression your question was not about how the salt is being used, but about the fact that Riddle Brook and our wells are contaminated. I think what you were getting at is, would new wells then be contaminated? Am I correct? Mr. Clough replied and is there a plume going on to this? Ms. Ricciardi said okay, thanks. I thought that's what you meant.

Ms. Hebert replied no, I believe the water line extension is beneficial because of the history of contamination in the area, both with the salt and the PFAS. Mr. Clough said okay, great. My ears are open. Ms. Hebert continued but I'm not a geologist.

Chair Newberry said so if the Board doesn't have any further comments at this point, is there anything from the applicant's perspective that we haven't covered? Mr. Chadwick replied no. We appreciate the Board's time tonight. We'll continue to work with the state agencies and staff. Actually there is one. There was a comment made by one of the residents. They stated that there'd be no fill brought onto the site. I never said that. If fill is needed for the road to be hauled onto the site, it will. I never, and you'd have to show me exactly where in the minutes that I said that, but I don't believe I did state that there would be no fill brought onsite. Thank you.

Chair Newberry said I think you had also asked earlier on about the Board considering the road construction standard waivers. I think those have been discussed with DPW and DPW supports them as they currently stand. I think since there may be some changes as a result of input from NH DES, I don't think the Board has a major concern with those, so I think they will be supported, But I think rather than try to deal with them tonight, it would be cleaner if we wait until we know everything that we can reasonably know in regard to the development, and then if those need to be changed a little bit we can change them as a part of considering the application further. Mr. Chadwick replied I appreciate it. Thank you.

Chair Newberry asked is there anything else from the Board? Councilor Greazzo?

MOTION: Councilor Greazzo moved the Planning Board table this item to the next Planning Board meeting on August 17th, 2026. Mr. Clough seconded the motion. Vote taken – 7-0 – Motion Carried.

III. New Business:

1. **9 Sunset Lane LLC (Owner) & SB Capital Partners LLC (Applicant)** – Request for approval of a 35-unit garden style apartment building with 30 workforce housing units, at 9 Sunset Lane, Lot 24-98-10, Zoned PZ.

Atty. Jon Levenstein, Mr. Jason Lopez of Keach-Nordstrom Associates, Mr. Ben Hearth from Market Square Architects, Chuck Eisenberg, Financing Consultant, and Scott Thornton, Traffic Consultant presented: Atty Levenstein said good evening ladies and gentlemen of the Board. My name is Jon Levenstein. I'm an attorney in Bedford and I'm representing the applicant today. Along with me is Jason Lopez from Keach-Nordstrom. He's the engineer on the project; Ben Hearth from Market Square Architects, he is the architect on the project. We have Chuck Eisenberg, who's a financing consultant who's going to speak on the project. Scott Thornton is our traffic consultant, and we also have two representatives of the owners, Ryan Bielagus and Patrick Scanlon, here today. Now I'm going to let Jason tell you all about it.

Mr. Lopez said good evening. Jason Lopez, Keith-Nordstrom Associates. The project is 9 Sunset Lane. Sunset Lane is located off South River Road just south of the Neurospine Institute, a little

north of the Consignment Gallery. The property sits directly behind TRM. The property is currently a single-family home. It's located in the performance district. The property to the south is a commercial property. The property to the west is single family residence, and then you have the Everett Turnpike. The property to the north is commercial, that was a previously approved extended stay hotel. And then on the east, you have TRM. Sunset is a dead-end road; four lots coming off Sunset. The Sunset and South River Road intersection in that area is scheduled for some improvements from DOT. Along Sunset, we've been working with DPW and doing an improvement of a sidewalk in that right-of-way. The existing lot is 1.1 acres and it's pretty flat and it's got that existing single-family dwelling on that. That gives you a little bit of the lay of the existing conditions, the lot, the area, what's around it.

So the proposal is to raze the existing house and construct a 35-unit workforce housing apartment building. With that, we're looking at 14 one-bedroom units, 14 two-bedroom units, 7 three-bedroom units. And then there's also a common community room, mail room, and it'll have elevators inside. The proposal is looking to set aside 30 units for workforce housing, 5 will be market rate. That's an 85% ratio where 10% is required. With respect to building height, this is 4-story building. Bedford Green, just down off Hawthorne, is a four-story apartment building. Hampton Inn off South River Road, that's a four-story hotel. Four Points hotel up on the hill there across the highway from Lowes, that is a four-story hotel. The Board just recently approved on 264 South River Road, a 4-story apartment affordable housing project just down the street. The abutting property to the north, 270 South River Road, had a previously approved extended stay hotel and that was going to be, I believe, four story. The TRM building right next door is 32 foot tall. We're looking at soffit heights of around 41 feet, ridge height 59 feet. So it is a four-story building, but it's not uncommon for that area of Town.

In terms of utilities we're looking to tie in, there's an existing 6-inch sewer stub that serves the property. When they did improvements to about 5-6 years ago they did some improvements to Sunset, they put the sewer in. So we got a six-inch stub to tie into. Water connection is available, and we'll provide an onsite fire hydrant. I should get to the proposed plan here as I'm talking about that. So we'll have a fire hydrant onsite, and the building will be sprinkled. We have availability for a gas line connection, and it seems that we'll be heading that direction for gas. The Sunset Lane has overhead power, so we'll bring in a drop poll, have underground to the building, underground power and communications. Now, something that we added into the plan set, I didn't see in the staff reports. I also want to make sure staff is aware of this. In the last submission, a last-minute change was they're going to start looking at solar-mounted roof panels and investigate that for part of the proposal.

We have snow storage areas shown around the property. For the parking requirements, we've got 35 units, so the requirement is 1 per unit, so 35 spaces. We have 46 spaces onsite including the 6 ADA spaces. Lease agreements will be developed and have parking restrictions in the lease agreements. We have worked with the Fire Department. They're looking for access along about 1/3 of the back of the building. So we're going to have a structurally designed grassed area that they can drive their ladder truck on. They'll be able to access back of the building and obviously a paved driveway in the front. They can access all sides of the building.

The site will have the one curb cut. On that curb cut, we're providing an easement for DOT to turn their trucks around because Sunset, like I said, is a dead-end road. Right now, DPW doesn't have any way to turn a vehicle around, so we'll provide that easement at that driveway curb cut.

We'll have a dumpster in the back of the property. It'll be screened. I'll go to drainage seeing as I just went by that one. We're going to have a closed drainage system. The parking lot is all curbed and it's going to go into a subsurface chamber system. Then it'll receive treatment through infiltration. So the entire stormwater volume will be infiltrated. This site is kind of the low spot on Sunset, so the existing yard will pond and infiltrates today. So we had to be able to handle that entire area.

The improvements on the Sunset will be a sidewalk. We are expecting school aged children to be at the project, so we were requested to provide a sidewalk to South River Road. When they do the improvements to South River Road, adjustments will be made to that intersection, and they'll be able to tie this sidewalk into the new sidewalk. This will also provide—it's an edge of pavement 4-foot grass panel, 5-foot sidewalk, and we're going to do a stone drip edge along the infiltration trench along the side of that. We'll work those details out with DPW. So that will provide some safe passage. And the applicant has agreed to winter maintenance until South River Road is constructed and the Town starts maintaining sidewalks on South River Road. At that time the Town will take over maintenance and snow removal on the sidewalk in this area.

We have the lighting plan. All LED lighting. We have building mounted, downcast wall packs and then light posts around all LED Dark Sky compliant.

We've developed the landscape plan. I can get into that in more detail if there's questions.

We do have 3 waivers on the project. One is for the dumpster within 30 feet of the property line. We are 10 feet off the property line. We located the dumpster in the position it is furthest away from the residential abutting house. It's on the property line closest to the commercial use. This commercial use when I worked on that site plan—this is back where we designed the generator and same thing, we got a waiver on the dumpster location within 30 feet of the property line on that project. So we've kind of stuck all that in a similar area. The other waiver is probably the big one. It's density. Density requirement is 12 units per acre. On this lot 13 units would be permitted. We are requesting 35 units. So we talked about that in the conceptual hearing, and we have someone here that can talk more about the reason why it's 35: the cost and to be able to make this a project that's feasible in construction cost. So we can address that.

Landscaping: we have 3 waivers there. Basically, we're providing 10 feet landscape around the perimeter of the property and on the interior where we can, but there are multiple in the PZ district. There are multiple layers. Street trees along the street frontage. You've got planting requirements along the edge of parking lots. So all we can get here is the 10 feet around, and that allows us to keep 20-foot grass area in the back behind the building for some grass area for residents' use. We also have a recreational area in the back, some grassed area in the back. We've got a patio area out of the back that comes out of the community room: 3 fixed grills, 3 picnic tables, and then all that grassed area behind the building and up to the north side of the site.

That's a real quick run through of the site. I can address questions, but we've also got the architect here and the traffic consultant. If there are questions for the site plan aspect, we can do that now or after everyone speaks. I'll leave that up to you.

Chair Newberry said why don't you go ahead and do the elevations and then we can walk back through it so that we have the whole picture.

Mr. Ben Hearth of Market Square Architects said thanks for having us tonight. So as Jason said, this is a four-story building. The footprint is about 8800 square feet, for a total area of around 35,000 square feet. It's a fairly straightforward design and plan. We're just trying to stack units, get the most efficient layout possible. So, you've got a lobby with common area entering here off of the main parking area, and then that connects across the corridor to a community room that then opens on to the grassy fire lane/outdoor space that Jason was discussing. A couple of exit stairs and an elevator and mailroom completes the common areas, and then everything else here is a combination of one-, two-, and three-bedroom units that stack through the building. So this is ground floor plan. We're looking at the second-floor plan here. You're seeing a little bit of a canopy covered entryway over the ground floor, and then as we move up through the building again, just stacking. So you've got a little bit of back of house space for electrical and elevator, and a couple of exit stairs for safe egress from the building, and then as I've said, the rest of these spaces are all residential units one-, two-, and three-bedroom.

This is the roof plan. I'm just showing here series of gables which we'll see a little better here in elevation.

So these are the building elevations. We're looking at the main entrance here. So glass doors, large windows on the units, a covered entry area all complemented with gable roofs, taking cues from the local architecture and what's typical here in New England.

This is the facade that faces the main parking area and then here is the south elevation, we're looking at the facade that faces Sunset Lane. So again, gabled forms, nice sized windows for the residents, etcetera. We're not seeing here the solar array that was discussed earlier. That hasn't been shown on the roof plan yet.

And then the other sides of the buildings are quite similar. So again, this is the side that faces the adjacent commercial space TRM. Very similar to the front façade, and here we're seeing a small, covered entry with glazed door that opens out onto the common area outside. And then the north facing facade here.

We did do a few renderings of the project, just to give a sense: clapboard siding, likely to be vinyl. Again, covered entries, asphalt shingle roofing, vinyl windows with black frames, and again, gabled roofs. And we did a few images. We just kind of took some Google Street View shots and photo montage the project just for everyone's reference. That was a request at the last meeting, So this is, I'm looking right across TRM and seeing the roof of the building poking out above. This image here is from a little further north, and this is where the building is largely obscured by existing trees on the adjacent lot. And this was the view where we thought the project was probably most visible from South River. That's why we selected it. Again, a little north of Sunset Lane. I'll

zoom in a little bit here so you can get a sense. We tried to give a little transparency to these trees in this surrendering just so everyone could see how the building form sits in the environment here.

Councilor Greazzo asked those are existing trees? Mr. Hearth replied yes, I believe those are on an adjacent lot, not on our parcel. And then this one we actually shared the last time we were here. This is just a hair south of the intersection of South River and Sunset Lane, and you're seeing TRM over here and this is the proposed project, kind of tucked in behind there. I think I'll leave it there if there any questions.

Chair Newberry asked in those elevations, are the colors fairly accurate? Is the dark darker, or? Mr. Hearth replied at the last meeting, we were asked to maybe bring some samples. So I brought—these are all proposed colors. It's nothing that we've finalized. So we've got a blue, a white and a gray. The blue is a little on the darker side. White and gray are a little lighter. Chair Newberry said so a little lighter than appears in your rendering. Mr. Hearth replied the grey is a little lighter than appears in the rendering, yes. Let's go back to the PDF. So yeah, as we were starting to go through samples, we had like 12 different pieces of gray. This is the one I landed on. I thought backing off a little bit, slightly lighter gray than what we're showing in the rendering. Chair Newberry asked so in the ground view, then, the white would be on the end and then the dark one would be in the middle, and the lighter grey is the small sections? Mr. Hearth replied yes, so this one here is this mid-tone here, and then the white in the center and on the ends, and then this is the darker one would be this color. Chair Newberry said thank you. Comments or questions from the Board?

Councilor Greazzo said I'll make a comment, Mr. Chairman. I just need to disclose that I've secured Keach-Nordstrom to do some work for me. It's not a conflict here, but I just have to say it out loud. Chair Newberry replied excellent.

Ms. Johnson said I have a question. I believe in this rendering it shows that grassy strip that's, I think, engineered. I think the last time you were here, that whole spot was going to be engineered grass sea area, but that seems to have changed in this. Mr. Lopez replied it's reduced. We've worked with fire on that and it's going to come about off of Sunset; it's going to go about 1/3 of the way back on the building. It's going to end before the patio area. So everything north of that patio will not be a structural base. They feel they can get in there and get the aerial up to the back of the building or even if necessary, access the building through TRM's parking lot if they had to, and then they can get along the front of the building. So we reduced the amount of area that's going to have that structural grid underneath. Chair Newberry asked does that show on your landscape plan? You could bring the landscape plan up and maybe just give us a walkthrough, particularly along the lot lines. I know you've got some screening there, but just so it's clear. Mr. Lopez replied so that fire department, working with them on that road, that structural base is going to be in this area here. And we don't have any tall, large trees in the area for their aerial ladder to be able to swing. When we get north of that, I believe it was arborvitaes, but yes, the whole area up from the patio area up, that is no longer structural base. They backed off the requirement of having to drive completely around the building. Because we don't have to do that, now we can get the picnic table areas out back, some fixed charcoal grill area for the public area. Ms. Johnson said okay, and then is that a new curb cut that needs to be put in? I can't remember if that was in the? Mr. Lopez replied no, that's a new curb cut. But originally our original plan had almost like a U shape double curb

cut. DPW was not on Board with two curb cuts given the frontage length. So, we've got this yes, technically it's emergency access curb cut, but it's not for use by the residents. It's just for the fire department. Ms. Johnson asked is that signed or I guess I don't know? Ms. Hebert replied the reinforced area will actually be grassed. Ms. Johnson said yeah, I understand that, but I guess there's no deterrent from anybody else driving on there other than it looks grassy, right? Mr. Lopez replied I wouldn't want to put a gate across that because in my opinion it would kind of look horrible out there. But signage is easy if signage is something that the Board's interested in. Ms. Johnson said as long as DPW's happy, I'm happy. Ms. Hebert said I don't think it'll look inviting to the average person.

Ms. Johnson said and then I think you moved the activity area north, also. I was just wondering about the lighting plan for the activity area and the area behind as well. It doesn't look like there's a lot of light in either of those spaces. Mr. Lopez replied no. Ms. Johnson said I guess I would just, especially since there are picnic tables and other places to congregate, I would just be thoughtful about that. Mr. Lopez said increasing lighting? If that's something that the Board as a whole wants, we can certainly do that.

Chair Newberry said so the activity area will be just grass or will it have any structures? Mr. Lopez replied grass. No, we didn't have any plans for structures.

Ms. Johnson said and if you could just go back to the rendering from the street where you were talking about where we could see it mostly from the street. Mr. Lopez asked from South River down, this one? Ms. Johnson said yeah, can you just explain what exists currently and what is proposed landscaping? Mr. Lopez replied well first, first of all the adjacent site plan for that extended stay hotel, what I did is I did take a look on that site plan to see where their limited disturbance was. TRM's property kind of tucks this little finger behind the church that's out there. There's a wooded area adjacent to the TRM property, which was shown to be retained on that previously approved site plan. So that's actually on the property of the church. Then you have TRM's parking lot that's in there, and that's all wide open because when we did that site plan, we got 10-foot landscape reduction to 10-foot landscape buffer there. So then it'll go into the 10-foot landscape buffer on our property and then be open. So the substantial trees there are all on that church property that we don't know if that extended stay hotel will come back, but that was to be preserved on that plan. Mr. Hearsh said and this rendering doesn't have any of the proposed landscape in it, so we can expect that there would be even more screening there. Ms. Johnson said okay, thank you.

Chair Newberry said that screening is going to have a limited height. Mr. Lopez replied for a while, yes. Chair Newberry asked what's the maximum height for that proposed screening, and was that the northeast corner of the building? Mr. Hearsh replied yeah, I mean, it's trees. I'm not sure what height they grow to. Did you say they were Arborvitae? Chair Newberry said it'll probably screen what, the lower two stories at maturity? Mr. Lopez replied the landscape plan does not—I don't know the trees very well. It looks like some, yeah, Arborvitae. It doesn't state what the average full growth height is in this table. But I would suspect, yeah, you're probably talking up into the second story. Chair Newberry said the west boundary will be treated similarly? Mr. Lopez replied correct. There's more over there because we get a lot more plantings down towards Sunset because we don't have the same concern of the swing for the aerial. Chair Newberry asked it will effectively

be a hedge along the west boundary? Mr. Lopez replied yeah. Ms. Hebert said I think the Arborvitae selected grow 20 to 30 feet tall, somewhere in that range. Chair Newberry said so at maturity there'll be a fairly significant screen. Mr. Lopez replied yeah, there's unfortunately not a lot of detail on the landscape plan for that and I'd just be taking a wild guess.

Chair Newberry asked and this has sprinklers? Mr. Lopez replied oh, yes. Chair Newberry asked are there any other comments from the Board?

Mr. Lopez said and we do have the traffic engineer here, too, if there's a question on traffic.

Chair Newberry asked could you go to the sidewalk plan? I had two comments on that one. At the end out at South River, I was thinking of maybe a condition that would have you work with DPW to see if you can get a little bit of a—for want of a better word a—pad out there since that's going to be where the bus stop is? And whether you can, within the Town right-of-way, working with DPW, design something that would be a little better than just a sidewalk with a twist in it since there's going to be people standing out there waiting for the bus. Mr. Lopez replied understood. If I can explain a little bit of what we're looking at here, Sunset Lane right-of-way, our sidewalk extends over the edge of right-of-way. There's an easement that was back when it was the old Napa site plan. There was a 4.38, which is an odd number, but a 4.38 wide easement that runs parallel to Sunset. So, we extend into that a little bit. So we're only talking a four-foot panel between edge of pavement and the edge of the sidewalk. So in the right-of-way, it would need to be between edge of pavement and the sidewalk. Anything else would be outside of the right-of-way, and we're really only talking about 3 feet. Chair Newberry said oh, so you can't go to the south at all? Mr. Lopez replied oh, come down south here? Chair Newberry said yeah. Mr. Lopez replied oh, yeah, there is an easement along the front of that property along South River, too. Chair Newberry said I don't want to design it, but I just would like it to be looked at given that that's going to be a bus stop and some number of kids are going to be... Mr. Lopez replied I'll talk to Brian and see what we can come up with there. Chair Newberry said yeah, I think that would be good for—there'll be kids there. Mr. Lopez said I'd be curious, too, looking at that and the improvements that DOT is going to do, and how that right-of-way will change. Chair Newberry said it may not be doable, but if something can be done there to recognize the fact that people are going to be standing around out there waiting for the bus. Mr. Lopez replied yeah, I understood the intent. I just want to make sure we're not going to get backed into a corner to do something that's going to be difficult to do. Councilor Greazzo said or removed.

Chair Newberry said so, going back to the west a little bit, the other comment I had was where the walkway crosses that driveway on the south... Mr. Lopez asked right here? Chair Newberry said yeah, that's the driveway to the car shop, and then there's some offices in the back there also. Mr. Lopez replied the offices; that's a separate property further out back—that's directly across the street. Chair Newberry said right, but I think they access through that same curb cut, right? Mr. Lopez replied no, the curb cut for that old Napa building, the car place, that only serves that property. The abutting lot actually goes out, is it Cedarwood? It goes out to Cedarwood. There was an old gravel. The end of this that you can just catch—that's the end of their pavement. I think there's a fence across there right now preventing access. Chair Newberry said so the volume there isn't as much as I was thinking it would be, but I would also suggest on the east side a sign warning about pedestrians; caution pedestrians or whatever. Whatever makes sense there given that there

will be kids who may or may not be escorted crossing there. Just something that would warn traffic coming out of that driveway that there may be kids and pedestrians there. Mr. Lopez replied okay, and the other thing VHB requested is crosswalk striping. Chair Newberry said oh, okay, you can stripe it too? Well that's even better, yeah, but I think a sign would be a good thing there.

Ms. Johnson said so they're going to be striping from the property to the sidewalk also? I know there's not a ton of traffic over there. Mr. Lopez replied yeah. VHB requested crosswalk striping. Ms. Johnson said okay. Mr. Lopez said yes, we will do both. Chair Newberry said so it just hasn't been updated on the plan. Mr. Lopez replied no those comments were received as the final review comments. There's a handful. Drainage and grading wise, they wanted more spot shots. They were all fairly very minor comments.

Chair Newberry asked any other comments from the Board while he's looking at that? Mr. Lopez replied VHB was looking for the turning movement plan to be updated to be the actual truck that the Fire Department has, crosswalk striping, discussion with the Board about HVAC equipment. It's going to be in a well up on the roof. It's all roof mounted HVAC equipment. Add spot grades, a couple comments on that. The site is so flat, we've got to provide more spot grades for existing condition on the drainage for their review. Also proposed to make sure water is flowing where we are intending on the proposed condition. Oh, and we did onsite testing for the infiltration rate for the redesign of that chamber system. So they just want to see the calculations for that infiltration testing we did.

Chair Newberry said okay. Other comments so far from the Board?

Mr. Nelson said Mr. Chairman, just a question for the Planning Director. Is your sense that this project has kind of taken the feedback and the information you provided incorporated into what we're seeing now in front of us? Ms. Hebert replied yes, we met with Jason and I feel like most of the comments from the conceptual review have been addressed. The layout changed to eliminate the double driveways, and they were really able to maximize the amount of green space on the site, especially with the change to the fire access lane, which was a compromise with the Fire Department. It is a very tight site, but I think they've done their best to address the Board's concerns regarding access, parking, the sidewalk to South River Road, and to provide landscaping even though there's not a lot of space on the property there. If you look at the landscaping plan, they've tried to incorporate as much as possible. One of the staff recommendations is that the landscaping be irrigated just to make sure that it's given a good chance at setting root and becoming established. I'm not sure if the applicant had a chance to see that comment. Mr. Nelson said yeah, Mr. Chairman, that was my sense. I just was curious to get the feedback from the Planning Director. But I think a lot of good discussion and feedback has been provided by Board members that seems to be incorporated.

Ms. Hebert said I will add that the applicant has some well written waiver letters that may be worth reviewing with the Board because the waivers are unique to each and every project, and this site is a tight site, and the density waiver is not insignificant. But they do present an argument as to why they believe the waivers should be granted.

Atty. Levenstein said Becky, one of the things supporting our waiver is the financing aspects of the project. So before we actually address the waivers, let me have Chuck come and explain that.

Mr. Chuck Eisenberg, Financing Consultant: Mr. Eisner said this is primarily an affordable housing project. It's 30 units that are less than 60% of area median income and then 5 units that are market. I think the language you would use is workforce housing. That puts significant constraints on the ability to pay for this project. The rents are controlled except for the five market rate units. The finance sources that are available come primarily from New Hampshire Housing Finance, because conventional sources of permanent financing don't do these kind of projects. The numbers don't work for them. So we are very, very tight and one of the things that we, the main sources of financing for this project, maybe 2/3 of it is low-income housing tax credits. In this case 9% low-income housing tax credits. We need to max out on those. If you cut this project down significantly in size, we would get significantly less tax credits. We would be in a position where the mortgage would be very small and the per unit costs would be exorbitant. In fact in other states, there are limitations specifically from the finance agencies that say they won't accept an application for less than a certain number of units. Thirty-five was a number that we felt fit on the site. We wanted to make five of those units market rate. We think that's good for the project, good for the people who are living there. And generally I always try to do some kind of mixed income. It's just that you get a better project. It's better for the people who are there. It's better for the neighbors.

We were on the 21st proforma, something like that. So we've run these at all kinds of sizes. We've run them at 20 units, and we've run them at 25, and this is as small as we could get and be feasible. And if you want to spend the time, we can walk you through all of them, but we didn't just take a guess. We did full blown proformas at these different numbers, and this is what works. It's a tough environment. You need the economies of scale and the extra tax credit because we're using interest rates that are double what they were four years ago. And everything seems to be going; the costs are way up. It's much harder to do these, and I don't even know if this was three or four years ago, how small we could make it. We probably could do 30 units then, but not a lot less than that. It's not a condominium. Condominiums are—the numbers just work differently. You can make small condominiums and they can work. It doesn't work that way for rental housing and particularly for affordable housing. And again, thirty of these units are going to be for people who are making 60% or less of the median income.

Chair Newberry asked questions from the Board on this aspect of the justification?

Mr. Bandazian said I understand the financing part of it. I'm happy to see some workforce housing. What I struggle with is how is this different from every other one-acre lot on South River Road? Do we have to allow 30 workforce housing units on every acre if we go down this road, or four quarter acre lots that get merged? What's unique about this lot? Mr. Eisenberg replied well, the first thing that's unique about it is that the sponsors controlled it going in. What's unique about this lot is that it is a vacant lot. Mr. Bandazian said well, it's got a house on it, doesn't it? Mr. Eisenberg replied it has a small single-family house, but effectively the land is vacant. The site is near services. It's in Bedford. I don't know how to respond to the rest of your question because I don't know what the other sites are along the road.

Mr. Ryan Bielagus, owner: Mr. Bielagus said I've been in this Town as a real estate developer for a number of years. There's just not a lot of land in the area you guys want. I'm the owner of the site currently and also principal and SB Capital Partners with my partner, Patrick, that'll be developing the site. There just aren't a lot of land sources in the performance area where you guys or the Town seems to want to put affordable housing and then this process can take a long time. So I mean, we have to be prepared that if we don't get our approvals, for example, we would be in the next round of financing, and you just can't tie up a piece of property. I mean, we've invested probably \$200,000 to \$300,000 to date in this project just in the consultants and architecture. So you've got to be able to control it for a long period of time. You can't just put an option on it and see what happens. So I just don't see in the area with water, sewer with the topography that you want, and someone being able to control this process or control a site long enough to get affordable housing done there. Certainly if it were a market rate project, and you guys started letting everybody build 35 units on an acre, there'd be a rush to the door. But even if you did, I don't see a lot of little sites or sites that would meet the criteria to build an apartment. Mr. Eisenberg said there, there are only going to be so many. The real control is at the state and federal level. There's X amount of tax credit money that the state of New Hampshire has been allocated. They spread it around. There's not going to be more than one. There's probably going to be, once they get through after this project, it's going to be several years before they'll even consider another affordable housing project because they've got to put into other communities. This is a very, very scarce resource. It was a scarce resource even before the current government in Washington, and it's become much more scarce. Mr. Bielagus said and I think that in our application to the New Hampshire Housing Finance Authority, the argument we're trying to make to get the credits is there's a bunch of employers in Bedford. There are a bunch of people that need workforce housing. There's only so much that you can do.

Atty. Levenstein said yea and it's also the requirements that you have to have for the workforce housing and where you're allowed to have it in town have been changed a lot over the past 10 years, I would say. And really you're limited to the performance zone. You have to have water. You have to have sewer. If you can find a lot of lots like that of one acre on South River Road in the performance zone, I'd be very surprised. There really aren't very many that are available.

Mr. Lopez said I want kind of a different look at this. We were before the Board October of 2025 and we brought before the Board a conceptual plan for, this is a 1.1-acre lot, 12 units per acre, so 13 units is permissible by right. So we came forward with a townhome project where we had the 12 units and unfortunately the waiver request I have up on the screen here is not the current one. What we did is we had that layout, and when you look at the layout of what area would be required for the 12-unit townhome project, when you take the size of the townhomes, drive under garage, first floor, second floor, three story building townhomes, 12 of them, the width when you look at the width of the building, width of the driveway, width of the access way, we were down almost the same square foot coverage of the lot. So we've got a 1.1-acre lot that we could design to a 13-unit project and have a certain area of impact. We can take that same area of impact and create a project with 35 units. The difference is going to market with a 12-unit, 13-unit project, you have one affordable housing unit. If we go to market with a 35-unit project, we can get the numbers to work for 30 affordable housing units. And that's part of the waiver explanation is in terms of impervious area, environmental impact, we're on water and sewer so we don't have the issues with wells and septic, we're looking at a very similar impact to the land, it's just we're going vertical.

So this lot—we found a way to make it capable of handling 35 units while also increasing 29 additional affordable housing units. So does that make it really unique? I guess that's an opinion, but we found a way to bring 20 more units to the market through that same size lot.

Atty. Levenstein said and I believe that the last master plan that is one of the recommendations or one of the things that was mentioned in the plan, was to put in more different types of housing and to put in more affordable housing.

Chair Newberry said I do think this particular property is a little bit unique also in its location and it's like on the edge of a neighborhood. It's not in a neighborhood, and I think that makes it a little easier, at least from my perspective, to support this density waiver and a structure the size of it, which is one of the reasons why I was interested to see what it looked like from South River Road and that it's not going to be something that we all regret. I think that any proposed development like this needs to be looked at in terms of whatever its particular location is, and I think with this one it's not an unreasonable use, and certainly I don't think there's any argument that workforce housing is something that's needed, not just in Bedford, but in New Hampshire.

Mr. Lopez said in terms of neighborhood, we do have one residential structure. The individual is here this evening, whether or not they want to speak. But we've tried to work, and to increase landscape buffer, and they've stated they're not interested in working additional land or easements or anything like that. So we are surrounded all by commercial, and we are off of—one of the criteria is being off Route 3 and we are one lot back off of Route 3. So we're not stuck in that residential high single-family home residential area. And we are off the roadway as the guidelines suggest.

Chair Newberry said other comments from the Board? So, if the Board decides to support this waiver, one, I think we want to make sure that we cite the applicant's justification for what the Board sees as supporting the waiver. It's getting late, but I would like to get 2 minutes on traffic just so that we complete all of that.

Mr. Scott Thornton of Vanasse & Associates: Mr. Thornton said thank you, Mr. Chair. We prepared a traffic study. In terms of project impacts relative to what you would typically require for development in terms of the traffic impact. A traffic study is typically warranted for 100 peak hour trips. We have about 13. We looked at the weekday morning, the weekday evening and the Saturday midday peak hours. So this project is a relatively small generator. In terms of traffic increases, we're looking at between .3 and .7% on a peak hour basis. And then with the proposed change, the DOT project where there'll be some changes to access for the project, those increases change a little bit to go to .5 to 1.3% because traffic will be restricted to right out, be allowed to make a left turn in right turn in, but all exiting traffic would have to turn right. The project meets all requirements for site distance, exceeds requirements for sight distances. We looked at level of service for the intersection of Sunset Lane with Route 3. We found in general, whether we're looking at conditions with the DOT project or without the DOT project, the project results in a delay increase of between 1.2 and 2 1/2 seconds, so really minor effects due to the project. The project was also peer reviewed by VHB. We issued a response to comments letter. They really had minor comments related to backup for calculations, and there were a couple background projects that they wanted to see added. We had 20 background projects that we got from the Planning

Department, and then there were a couple others that we didn't get. So we included those. It didn't really change the results of the analysis. That's your thumbnail sketch on traffic.

Chair Newberry said thank you. Comments or questions from the Board on traffic? Is there anything else the Board wants to ask or comment on regard to this application? Is there anyone in the audience who would like to comment on this application? Seeing none, we've got one big waiver here and we've got 3 landscape waivers; the dumpster waiver and the big one, the density waiver. How would the Board like to proceed? Is there a motion on any of the waiver requests?

MOTION: Ms. Johnson moved the Planning Board allow the waiver for the Zoning Ordinance Article 275-21 B (4)(c)(1)(a), to allow a density of 35 units where 13 units would be permitted based on the density calculation, based on the discussion tonight, the waiver information that was available in our packet dated today, July 13, 2026. In addition, the discussion of the uniqueness of the site that was discussed. Mr. Nelson seconded the motion.

DISCUSSION: Councilor Greazzo said as the applicant mentioned, there is a project not too far from here that has, I guess, been granted the same waiver for capacity. So it's kind of hard to argue against that, and they're up against Route 3. So this is buffered from Route 3 by 1 lot and offers actually a lot more affordable housing than the other project that claimed to be the workforce housing project. So, on those two conditions, it makes it hard for me to say no.

Mr. Bandazian said I think that what I was going to add is that there is limited funding available for workforce housing. I think that raised my concern about proliferation so that it gets addressed on the record, but I'm not really overly concerned with the proliferation of workforce housing on one acre lots at this point.

Chair Newberry said every one, I think, will be unique and will need to be looked at by the Board for its appropriateness, or lack of. Other comments? Discussion? Hearing none...

Vote taken – 7-0 – Motion Carried.

Chair Newberry said motion carries. You are granted your density waiver. Is there a motion on the remaining waivers?

MOTION: Ms. Johnson moved the Planning Board allow waivers 2-5, which includes Zoning Ordinance Article 275-63 E (3) to eliminate the front landscape strip, Article 275-63(e)(4) to reduce the width of the side and rear landscape strips, Article 275-63(e)(5) to eliminate the exterior landscape strip, and waiver number 5 which was for the Land Development Control Regulations Section 327.2.1 to allow the placement of a solid waste storage area and dumpster 10 feet from the property line where a setback of 30 is required. Mr. Nelson seconded the motion.

DISCUSSION: Chair Newberry said I would just comment that I think the applicant did a good job in terms of landscaping and screening the site given the constraints of it and

moved the dumpster back to where it's minimally intrusive to both the site and adjacent sites. Any other comment? Ms. Johnson said I think my comment is that I think the applicant was very well prepared for all of the questions that we've asked. I think that you came very prepared and I was very impressed. Chair Newberry asked any other comments? Hearing none...

Vote taken – 7-0 – Motion Carried.

Chair Newberry said motion carries. Your waivers are granted. That brings us to the staff memo has a recommendation for approval, if that's the Board's pleasure. Is there a motion?

MOTION: Ms. Johnson moved the Planning Board grant final approval of the Site Plan Application for the 35-unit multifamily workforce residential development, at 9 Sunset Lane, Lot 24-98-10, in accordance with the engineering plans prepared by Keach Nordstrom Associates, Inc. last revised June 6, 2026, and the architectural plans prepared by Market Square Architects, dated February 14, 2026, in accordance with the following findings of fact:

- **The plans are in compliance with the purpose and intent of the Bedford Land Development Control Regulations and Bedford Zoning Ordinance.**
- **The Board also includes all facts found in the meeting minutes for this application and incorporates all meeting minutes into this decision.**

This approval is granted with the following precedent conditions to be fulfilled within one year and prior to plan signature and all other conditions 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. All waivers approved by the Planning Board shall be noted on the plan.
3. The following permits shall be acquired, and permit approval numbers shall be noted on the final plan:
 - a. NHDES Sewer Discharge Permit
 - b. NHDOT Driveway Permit
 - c. DPW Stormwater and Land Disturbance Permit
4. The Applicant shall submit any outstanding engineering review fees, to the Planning Department.
5. A letter from Manchester Water Works stating that they will be able to serve this project shall be submitted to the Planning Department.

6. The applicant shall provide FAA approval because of the building height and location within the flight path for Manchester Airport.
7. The applicant shall provide an access easement to the Town of Bedford at the site entrance to allow for the DPW plow trucks to turnaround, the easement shall be in a form acceptable to the Public Works Director.
8. The applicant shall enter into a winter maintenance agreement with the Town for the proposed sidewalk along Sunset Lane, the agreement shall be in a form acceptable to the Public Works Director.
9. The applicant shall provide a deed restriction, easement or other suitable legal documents to restrict 30 of the units as workforce housing rental units and to demonstrate compliance with the affordability requirements of Article 275-21B(4) for a minimum period of 30 years. The document shall include a reporting procedure acceptable to the Planning Director to ensure ongoing compliance with the income restrictions. All documents shall be reviewed and approved by the Town's legal counsel.
10. The landscape plan shall include irrigation for all plantings.
11. Prior to the commencement of work, the applicant shall:
 - a. Provide escrow payment for the third-party engineering inspections;
 - b. Attend a pre-construction meeting with the Planning Department, Department of Public Works, Fire Department and the Building Department; and
 - c. Provide a performance guarantee in an amount approved by the Town for onsite maintenance of erosion and sedimentation controls and site stabilization.
12. Prior to the issuance of a Certificate of Occupancy, the sewer accessibility fee shall be paid.
13. Prior to the issuance of a Certificate of Occupancy, a certificate of compliance from a NH Licensed Professional Landscape Architect shall be provided, certifying that all plantings and associated elements of the landscape design have been installed per the approved landscape plan.
14. Prior to the issuance of a Certificate of Occupancy, all improvements depicted on the plan shall be completed, including any required offsite improvements.
15. Prior to the issuance of a Certificate of Occupancy, the school and recreation impact fees shall be paid.

Mr. Nelson seconded the motion.

DISCUSSION: Chair Newberry asked would you consider a friendly amendment? Ms. Johnson said sure. Chair Newberry suggested they add a number 16 to create a pad at the bus stop on the end of Sunset Lane, working with the Planning Director for design and approval. Ms. Johnson said yes, do we want if feasible? Chair Newberry agreed saying if feasible, yes. I would also like to add condition 17, to add a caution sign at the driveway exit on the south side of Sunset, worded as appropriate. Ms. Johnson said I am amenable to those additions. Mr. Nelson agreed and said that's acceptable.

AMENDED MOTION: Conditions 16 and 17 to be added and worded as appropriate by the Planning Department:

16. The applicant shall create a pad at the bus stop at the end of Sunset Lane, if feasible.
17. A caution sign shall be placed at the driveway exit on the south side of Sunset, worded as appropriate.

Ms. Johnson and Mr. Nelson both accepted the amendment. Vote taken – 7-0 – Motion Carried.

Chair Newberry said motion carries, and you're on to your next challenge, gentlemen.

IV. Concept Proposals and Other Business: None**V. Approval of Minutes of Previous Meetings: June 15, 2026.**

The Board then reviewed the minutes from the June 15, 2026 meeting. No corrections or omissions were noted.

MOTION by Mr. Bandazian to approve the minutes of June 15th, 2026. Ms. Johnson seconded the motion. Vote taken – 5-0. Mr. Nelson and Councilor Greazo abstained from the vote. Motion carried.

VI. Communications to Board

Ms. Hebert said your next meeting is August 17th. In September, we'll be holding your annual fall workshop where we start to discuss zoning amendments. So start thinking about potential amendments or things that you'd like to discuss at the workshop and if you have any ideas, feel free to e-mail me or Coleen and we can start researching and preparing for that meeting.

VII. Reports of Commissions

In the interest of time, Chair Newberry deferred this item to the next meeting.

VIII. Adjournment

With no further business before the Board, a motion was made to adjourn.

MOTION by Mr. Bandazian to adjourn at 9:35 p.m. Ms. Johnson seconded the motion. Vote taken – all in favor. Motion carried.

The next meeting of the Planning Board will be held August 17, 2026 at 6:30 p.m.

Respectfully submitted by
Sue Forcier