

**TOWN OF BEDFORD**  
**May 10, 2021**  
**PLANNING BOARD**  
**MINUTES**

A remote Zoom platform meeting of the Bedford Planning Board was held on Monday, May 10, 2021. Members who were present remotely: Mac McMahan (Chairman), Bill Duschatko (Vice Chairman-Town Council Ex-officio), Priscilla Malcolm (Secretary), Steve Clough, Charlie Fairman, John Quintal (Alternate), Matthew Nichols (Alternate), Becky Hebert (Planning Director), and Jillian Harris (Assistant Planning Director)

*Due to the Coronavirus crisis and in accordance with Governor Sununu's Emergency Order #12 pursuant to Executive Order 2020-04, the Planning Board is using the Zoom platform to conduct this meeting electronically. Please note that there is no physical location for this meeting and the BCTV building is closed to the public.*

*The Town of Bedford is providing public access to the meeting live on BCTV, streaming at [www.Bedfordnh.org/393/BCTV](http://www.Bedfordnh.org/393/BCTV), and by calling into the meeting. Please email [planning@bedfordnh.org](mailto:planning@bedfordnh.org) or call 603-472-5243 to receive the Zoom call-in information.*

*Planning staff will also be accepting questions and comments by email at [planning@bedfordnh.org](mailto:planning@bedfordnh.org). Please notify staff by email if there are technological issues during the meeting.*

**I. Call to Order and Roll Call:**

Mr. Newberry called the remote meeting to order at 7:00 p.m. and introduced new Alternate Planning Board member Matthew Nichols. Regular member Matt Sullivan and Town Council Alternate Kelleigh Murphy were absent. Mr. Quintal was appointed to vote in place of Mr. Sullivan.

**II. Old Business & Continued Hearings: None**

**III. New Business:**

**1. Election of Officers for 2021-2022.**

- 2. Robert Gendron (Owner & Applicant)** – Request for approval of a time extension to meet conditions of approval for a phased subdivision to create two new lots at 99 McAllister Road, Lot 2-12, Zoned R&A.

3. **Bedford Academy (Applicant) and Krisnath Realty Association, LLC (Owner)** – Request for final site plan approval to convert an existing office use to a private school located at 21 Eastman Avenue, Lot 46-17, Zoned PZ.

#### **IV. Concept Proposals and Other Business:**

4. **Carnevale Spa Associates LLC, & Bedford Carnevale, LLC (Owners & Applicant)** – Request for a conceptual discussion of a site plan for a proposed elderly housing development with up to 11 residential units, located at 12 Olde Bedford Way, Lot 13-40 & 18 Olde Bedford Way, Lot 10-50-5, Zoned Commercial and R&A.

Ms. Harris stated the new applications have been reviewed by staff, and it is staff's determination that the applications are complete. The abutters have been notified, and it is the opinion of staff that the applications do not pose a regional impact. Staff would recommend that the Board accept the applications as complete.

**MOTION by Mr. McMahan to accept the agenda as read. Ms. Malcolm duly seconded the motion. On a unanimous roll call vote, the motion carried.**

#### **1. Election of Officers for 2021-2022.**

Ms. Hebert stated the Planning Board reorganizes annually at their May meeting, and the Planning Board has three officers, which include a Chair, Vice Chair and Secretary. The Planning Board also appoints committee liaisons, which include one member to the Conservation Commission and another to the Historic District Commission. Also, there is a liaison to the Town's TIFF Advisory Committee. Tonight, the Board would also be making a recommendation to the Town Council for the reappointment of commissioners to the Southern NH Planning Commission, but the Southern NH Planning commissioners are not board officers or committee liaisons, and the Town Council would be making that final recommendation and appointment.

Ms. Hebert stated Jon Levenstein formally held the Chair position, Kelleigh Murphy formally held the Vice Chair position and Hal Newberry is our Secretary. The Conservation Commission liaison is Steve Clough and the Historic District Commission liaison is Charlie Fairman. The TIFF Advisory Committee liaison was Jon Levenstein. You can do this either by posing a slate of officers to fill these roles and the Board can act in one motion or you can take up each position individually.

Mr. McMahan nominated Bill Duschatko as Chair of the Planning Board. Mr. Duschatko stated as Town Council ex-officio I cannot be Chair.

Ms. Malcolm nominated Hal Newberry as Chair of the Planning Board. Mr. Newberry stated I appreciate the nomination but I would prefer to decline, with respect.

**Town Councilor Duschatko nominated Mac McMahan as Chair of the Planning Board for the 2021-2022 term. Mr. Clough duly seconded the nomination.**

Ms. Malcolm asked Mr. Newberry, would you accept the nomination as Vice Chair? Mr. Newberry replied I will accept that although I would really like to see someone else on the Board take the Vice Chair. I would be willing to serve as Vice Chair or as Secretary. Town Councilor Duschatko stated I would be willing to serve as Vice Chair if Mr. McMahan's nomination wanted to carry over to Vice Chair, then I would be willing to take that.

**Mr. Newberry nominated Town Councilor Duschatko as Vice Chair of the Planning Board for the 2021-2022 term. Mr. McMahan duly seconded the nomination.**

Mr. Newberry stated I would encourage the Board to spread the experience around to other appointments so that we can have a Board with a broad depth of experience. I think that was one of the things I had mentioned the last time when Councilor Murphy stepped in as Vice Chair.

**Mr. McMahan nominated Priscilla Malcolm as Secretary of the Planning Board for the 2021-2022 term. Mr. Clough duly seconded the nomination**

**MOTION by Mr. Quintal to accept the nominations for Chair, Vice Chair and Secretary of the Planning Board for the 2021-2022 term as previously stated. Town Councilor Duschatko duly seconded the motion. On a unanimous roll call vote, the motion carried.**

**Vice Chairman Duschatko nominated Mr. Clough as Planning Board liaison to the Conservation Commission. Chairman McMahan duly seconded the nomination.**

Mr. Fairman stated I have now been the Planning Board liaison to the Historic District Commission for several years. I would be very happy to hand that off to someone else if they would like to pick that up. They meet about once a month, although there are many months during the year where they don't meet. They probably meet eight to ten times a year to review applications on various homes within the Historic District. Mr. Newberry asked Mr. Quintal, would you be willing to take on as Planning Board liaison to the Historic District Commission? Mr. Quintal stated I would accept that position.

**Mr. Fairman nominated Mr. Quintal as Planning Board liaison to the Historic District Commission for the 2021-2022 term. Mr. Clough duly seconded the nomination.**

**MOTION by Chairman McMahan to accept the nominations of Planning Board liaisons to the Conservation Commission and Historic District Commission for the 2021-2022 term as previously stated. Ms. Malcolm duly seconded the motion. On a unanimous roll call vote, the motion carried.**

Ms. Hebert stated the Planning Board would now need to make a recommendation to the Town Council on the reappointment of your Southern NH Planning Commission commissioner

representatives. This year Bill Duschatko, Brian Ward and Charlie Fairman are the commissioners whose terms are set to expire at the end of June. The Town Council will be looking for a recommendation from the Board on the reappointment of these three members. I heard from Mr. Fairman and Vice Chairman Duschatko that they would like to be reappointed. I have not yet heard back from Brian Ward, and I am suggesting that the Board make the recommendation that all three members be reappointed if they are interested in serving another 4-year term.

**MOTION by Ms. Malcolm that the Planning Board recommend to the Bedford Town Council that Bill Duschatko, Charlie Fairman and Brian Ward be reappointed to the Southern NH Planning Commission as Bedford commissioners for 4-year terms. Mr. Quintal duly seconded the motion. On a unanimous roll call vote, the motion carried.**

**2. Robert Gendron (Owner & Applicant) – Request for approval of a time extension to meet conditions of approval for a phased subdivision to create two new lots at 99 McAllister Road, Lot 2-12, Zoned R&A.**

Robert Gendron, 99 McAllister Road, stated I am asking for an extension of my subdivision. I have been working on getting the property in compliance, taking down the barn, as the staff report says. I have taken down the barn, I have eliminated the mobile home that was on the property line, and I am currently working on emptying out the house. The house is just about done; all I have left is pretty much to do the basement and then either tear the house down, or maybe if the Fire Department is interested, they could maybe burn it down. So I am asking the Planning Board for an extension of my subdivision approval.

Chairman McMahan asked for any questions or comments from Board members.

Mr. Quintal asked how long is the extension for? Ms. Harris replied it will be for one year.

Mr. Quintal asked is one year enough time to complete the project? Mr. Gendron replied yes, the house is just about empty. I still have to do the basement and then just to get a permit to have the house torn down. I believe I am in pretty good shape at this point. I have a lot behind me now and there is just a little bit more to do.

Chairman McMahan asked if there was anyone from the public online, on the phone or have we received any emails with regard to this application for an extension. Ms. Harris stated I have not received any emails on this item.

**MOTION by Mr. Newberry that the Planning Board grant a second one-year time extension to the Planning Board approval to subdivide 99 McAllister Road, Lot 2-12, Zoned R&A, into two residential lots, creating the new Lot 2-12-7, in accordance with the plans by Sandford Surveying & Engineering, last revised March 21, 2019, with the following conditions to be fulfilled within one year and prior to plan signature:**

- 1. All conditions of the April 8, 2019 subdivision approval shall remain in effect.**
- 2. The applicant shall obtain approval of a Stormwater Management and Land Disturbance Permit for the subdivision from the Department of Public Works.**

**Ms. Malcolm duly seconded the motion.**

Mr. Fairman asked I wonder if it would be good to have the date in the motion where it has been a while since the initial approval. This is the second extension, so what about putting in the motion the date. I would like to amend the motion that the date of May 18, 2022 be added. I will let Ms. Hebert or Ms. Harris correct me if I am wrong. It should read “A second 1-year extension to May 18, 2022,” so it is clear what date we are going to. Ms. Harris responded the date would be April 8, 2022. Mr. Fairman responded okay.

**Mr. Newberry and Ms. Malcolm accepted an amendment to the motion as follows:  
A second 1-year extension to April 8, 2022.**

Chairman McMahan stated I'd like to ask the applicant if this is something that is feasible for him. Mr. Gendron replied yes, that will be fine.

**Chairman McMahan called for a vote on the motion as amended. On a unanimous roll call vote, the amended motion carried.**

- 3. Bedford Academy (Applicant) and Krisnath Realty Association, LLC (Owner) – Request for final site plan approval to convert an existing office use to a private school located at 21 Eastman Avenue, Lot 46-17, Zoned PZ.**

Freddie Molina of Bedford Academy was present to address this request for final site plan approval. Thank you for the opportunity to review my project overview as well as the application.

Mr. Molina stated Bedford Academy is seeking Planning Board approval for the change of use to operate a private school serving children between the ages of 3 to 10 years old. The site identified and chosen currently does have a tenant that has a lease through 2022 with no option to renew, and because of that Bedford Academy will have two opening phases. Bedford Academy's first opening phase is planned for the fall of 2021 with four classrooms adjacent to the current tenant, a podiatrist, which occupies 1,800 square feet of the 6,000 square foot building. Bedford Academy's second phase is planned for the fall of 2022 with the addition of four classrooms after the tenant vacates the building. At capacity Bedford Academy will have an enrollment of up to 78 students with 11 full-time employees.

Mr. Molina stated posted now is a slide showing the site plan, which is located at 21 Eastman Avenue in Bedford, NH. The site plan includes an existing building with separate entrances on the east and west sides of the building and this is critical because it will allow the podiatrist, as

well as Bedford Academy, to operate simultaneously for a limited time, about a year. The site also includes 24 parking spaces and a portion of McQuesten Brook that runs along the west side of the property. The only two main additions to the site are a fenced playground as well as a connecting walkway to and from the playground and the building. Other than that, there are no changes to the building on the outside.

Mr. Molina stated one of the main concerns that we have had with this site is traffic flow. As we all know from schools, schools can generate quite a bit of traffic during peak times, so a lot of analysis was done to address that. School employees will be required to arrive before 7:30am and park in parking spaces 1 – 11, shown on the diagram. Why that is important, and to give some perspective here, is that classes would begin at 8:00am for all students so this would give teachers time to come in before, prepare, but also more importantly, spaces 1 – 11 will be occupied throughout the day by school employees and allow for a smooth drop-off and pick-up zone where there are no vehicles coming in and out of those 11 identified spaces. Bedford Academy will offer employee assisted curbside drop-off and pick-up indicated by boxes 1 – 8. The boxes on the plan represent the length of a large vehicle, I think it was 18 feet in length, and eight vehicles can be accommodated on the drop-off zone and the drop-off times would be between 7:30am and 8:00am, and then the pick-up times for students would be between 2:30pm all the way to 6:00pm, however, classes would finish at the end of the day at staggered times between 2:30pm to 3:00pm, and at 3:00pm aftercare would begin and parents can pick up their child between 3:00pm and 6:00pm as well. Parents who prefer to pick up their child or walk their child into the building can do so by utilizing the east entrance and parking spaces 12 – 24, which are shown here on the east side of the parking lot. Looking at what also came out of the VHB study was that there was concern of cars queuing up on Eastman Avenue, so one thing we have added to the student handbook is that once the drop-off and pick-up lane is full, parents will be asked to park in spaces 12 – 24 and a school employee will bring their child to their vehicle. One thing that is important to note in the site plan is that the east entrance is two lanes wide, allowing for bi-directional traffic and allowing cars to enter the east entrance and park bypassing the drop-off lane as it would eliminate the need of unnecessary cars going through the drop-off area/lane and minimizing the risk of any cars queuing up onto Eastman Avenue.

Mr. Molina stated another concern that was brought up by VHB was the traffic impacts on Eastman and River Road. Steve Pernaw is also available online here in the meeting to answer any additional questions, but the conclusion of the report was that we need to ultimately agree with was that all applicable turning movements will continue to operate below the capacity through 2032 with the academy in full operation.

Mr. Molina stated I also would like to cover the waiver request. The site includes 24 parking spaces, however, Section 322.2.1 of the Bedford Land Development Control Regulations for the required number of parking spaces yields a requirement of 31 parking spaces. We are asking for this waiver because while that requirement is based off of a K – 12 school, where some students would be old enough to drive themselves to school, park and stay for the duration of the day, Bedford Academy would actually only go to 5<sup>th</sup> grade, 10-year-olds who all would be dropped off each day. Additionally, there are six compact parking spaces on the property, but we conservatively left them off, which there are two here on the western side of the parking lot, two here on the southeast corner, and then there are an additional two here as shown on the plan. We

intend to put parking signs that indicate subcompact parking only, but we do have some additional parking onsite.

Mr. Molina stated with that, I would like to turn it over to the Board and staff for comments.

Mr. Quintal stated you have a tenant in there for year one; during year one is there going to be 11 spots for employees still? Mr. Molina replied we only intend to have six employees in the first year and we will ask them to park in spots 7 – 11 and then the remaining will just be some open spaces. Mr. Quintal asked and how many employees does the podiatrist have and how many parking spots does the podiatrist use for his patients? Mr. Molina replied currently the podiatrist has three employees, himself, a receptionist and a nurse. They operate a relatively small practice that has one or two customers at a time. I would say they occupy less than five spaces at a time currently.

Vice Chairman Duschatko stated I am a little confused. You are showing a drop-off area with up to seven cars and then the parent gets out of the car with the child and then walk into the east entrance? Mr. Molina replied thank you for bringing that up; I left that part out. The drop-off area will be employee assisted, meaning there will be teachers who will open the car doors for each child and then escort them into the building. Up to three cars at a time can do that simultaneously. It will almost be like valet type of curbside drop-off and pick-up. Vice Chairman Duschatko asked doesn't that build into the queue and make people arrive at the same time? Isn't that going to make it queue out to Eastman Avenue? Mr. Molina responded there is a 30-minute timeframe to drop off students, which is between 7:30am to 8:00am, with classes beginning at 8:00am, so there will be a traffic flow coming in, however, the analysis we have done is that we should be able to do three cars dropping off children every minute and ten seconds is what we have compared to other comparable schools. So every minute and ten seconds we should be able to have three students escorted into the building and another three cars coming in. Vice Chairman Duschatko asked so it is going to take 70 seconds for the teacher and the child to go from the car and get into the class, turn around and run back out to the next car or next three cars? Mr. Molina responded yes. As shown on the screen, there is a third entrance right here as well, the distance is just from these cars to that entrance right there. Vice Chairman Duschatko stated I'm sorry, you were emphasizing the east entrance so I misunderstood. Where are the classrooms going to be? Mr. Molina replied this is a 2-level building, so the classrooms on the first phase of opening will be on the lower level. The property has a sloped grade where this side of the property is raised and this side of the property is low and both entrances access each corresponding floor, each level. Vice Chairman Duschatko stated walk me through the process. The teacher and the child go in the north entrance and then conceivably they go all the way to the back of the building for a classroom? Mr. Molina replied the teacher would just escort the child into the entrance itself, and then this is a split-level entrance where the child would just enter into the building. There will be a receptionist desk at about this location as indicated. Vice Chairman Duschatko asked what happens there? Mr. Molina replied the children at that point walk themselves into the classroom. Any very young children, like a 3-year-old where a parent may want to walk their child, can park and walk their child in, but the vast majority of children will be dropped off and from the receptionist's desk can make their way into their corresponding classroom. Vice Chairman Duschatko stated I hate to go here, but unless the parents are extremely well trained, I don't see them just coming in a

70-second sort of period for a ½ hour time frame, they are all going to come at once, probably toward 10 minutes or 5 minutes of 8:00am. I am just a little bit concerned of the planning. I understand what you are trying to do, but I am having a hard time sort of conceiving this without it causing a potential backup. We see so many of these backups based on poor adequacies to drive up to the facilities and types of things like that, that it gets really quite concerning. We just want to avoid doing that in the future. Mr. Molina responded I understand your concern. One of the things we see when we compare to other schools is that similar to how traffic flows say on Route 3 heading down to Boston, people do learn the traffic patterns and do accommodate their times appropriately, so yes there will be more of a bottleneck in the beginning but then they will get to school early enough to make sure that their child is in the building by 8:00am. There is that kind of learning pattern that does happen, just like in rush hour traffic when people need to show up to their office at 8:00am or 9:00am.

Ms. Malcolm stated I share Vice Chairman Duschatko's concerns. You have on Page 12 of the trip generation report from 7:30am to 8:00am you are going to have to shuffle 35 children into that building? You are allowing one minute per child? Mr. Molina replied at max capacity you are correct. When the school is at maximum capacity. Ms. Malcolm stated I think that is very optimistic. Mr. Fairman asked you are 35 students? Ms. Malcolm stated there is 35 students in the first phase. Mr. Fairman stated when it is fully occupied it is 78, and you are right, drop-off parents will stagger a little bit but at the pick-up they will not. They will arrive at exactly the same time. Go look at McKelvie School or any one of the Bedford schools and you will see all of the parents arriving at the dismissal time. So you are going to have all of the parents there at the same time trying to pick up all your children and you are going to have a queue that is going to back up to Panera. You have a major problem there. I don't see how it can work.

Mr. Fairman stated I have two other questions. The first is going back to the site plan and show where the play area is and talk about the size of the play area and what you are going to have there. The second question is what are you going to do when you get to a parent visitation day where you have 78 cars there for all the parents, as well as the staff, and how are you going to handle that type of thing? I know of no school that does not have a parent visitation day. I do not know how that is going to be handled. I would like you to address that. Also, where you have snow capacity, pile and put snow, you don't show where your dumpster is located, that you mentioned at least, so I would like to see some of those details, long term we need to see a landscape plan and things for the site, and other things. Go ahead and answer some of my questions.

Mr. Molina replied I would be happy to. You are correct about the pick-up times. We are expecting parents to arrive in advance of the 2:30pm dismissal and to queue up, which is why we are staggering the dismissal times. While all classes start at 8:00am, they will conclude starting at 2:30pm for some classes, other classes at 2:45pm, and then the remaining children, which we are estimating about half of the children to go into aftercare. Not all 78 children will be leaving school at the same time. If you look at the trip generation report in the study, you will see, I think it is maybe like 20 children leaving at 2:30pm, maybe another 20 leaving at 2:45pm, and then the remaining being picked up over a 3-hour period. We feel pretty confident that during the pick-up time we can accommodate all the cars within our lot without queuing up on Eastman Avenue. That was the pick-up concern that you had.



Mr. Molina stated the other concern about back-to-school learning, kind of like afterschool activities where many parents will come, that has been a concern of ours as well, and we do have what we call a lower school and upper school. So, the pre-school ages would have their kind of schedule set, with even some of them on half-day programs, where they are not all getting out at 2:30pm. Some of the 3-, 4- and 5-year-old classes actually get out at noon. Half of the classes we are estimating would just participate in the half-day program, again, minimizing the pick-up queue.

Mr. Molina stated there is a lower school and an upper school. Afterschool activities will also be split up to be able to accommodate all of the cars on our property if we ever do an afterschool activity. Another thing to note about school and children, I kind of expected this but not nearly as much, as we are growing enrollment and advertising for the school, we are receiving about 25 percent of our interest are siblings. That means two students per car. That is minimizing the number of cars actually coming into our building and the topic there when it comes to afterschool activities.

Mr. Molina stated with the snow removal and the dumpster. I am going to try to zoom in on the site plan. In the site plan you can see the existing dumpster is basically almost two parking spaces wide there. This is currently operating there, so it is functional, and then you can also see where the snow removal is currently being used as well. This is where they store the snow. It has already been identified in the site plan, but I apologize for it kind of being small on the screen.

Mr. Newberry asked was your traffic consultant involved in estimating your through-put capacity for unloading people, and if so, maybe he could elaborate a little bit on how the study was done, what it was based on, just to make it a little clearer how confident or unconfident we are in that projection. Related to that, as I understand it, you will have staff actively out when students are arriving, and have you developed, or can you develop a plan for how your staff would handle the situation if it turned out that things were backing up onto Eastman Avenue? Mr. Molina responded Steve Pernaw, our traffic consultant, was not involved in the drop-off and pick-up analysis and study. He tried to analyze the traffic onto and off from River Road. I was heavily involved with our surveyor, Eric Mitchell, on the drop-off process. We compared with local schools, we actually went and compared their drop-off process, schools that have a similar curbside lay service where school employees are escorting to the building, and we have the data from those pick-up and drop-off times and that is the data we used following a very similar process. It came out to be about a minute and 10 seconds for one car to pass through their drop-off area. So every minute and 10 seconds a car was passing through their drop-off area.

Mr. Newberry stated thank you, and I have a follow-up question to that. If you found that there was an ongoing queuing problem there, could you do things like stagger class starts or other steps that would mitigate a problem there? The other thing is that I think the plan showed snow storage on the west side also. Mr. Molina responded that is a good point. Yes, we have considered doing staggered starts, specifically like I mentioned earlier, we have a lower school and an upper school, that is basically a pre-school and elementary school, and we thought of doing 8:30am start time for the elementary school. The topic there is we know that there are

going to be a lot of siblings coming in, so there are some siblings that are pre-school age as well as elementary age, we know that there will be some students waiting in our school for classes to start, but that is definitely a possibility, something we are considering. The other thing that I would note, and highlight is that we have in our student handbook asking parents not to queue on Eastman Avenue, so if ever our drop-off zone or lane is filled, we are asking parents to come and park and walk their child in or during pick-up time, we would escort the child to their vehicle. Mr. Newberry stated so it sounds like you are confident that you and your staff could successfully manage any queuing problems that develop there. Mr. Molina responded correct.

Mr. Newberry asked could you also speak just a little bit about the pathway from the building to the play area, kind of describe that. I thought I read that there would be some kind of fencing. Mr. Molina responded that is something in the staff comments to provide a safe pathway from the building to the fenced area. Currently what surrounds the building is an ADA compliant walkway with some railings, because, again, it is a sloped grade on the property. This area from the building to the fence area is actually flat so there is no fencing currently there, but one of the comments suggested was we should put a fenced-in walkway from the building to the playground. That is something we have planned for already. Mr. Newberry stated that is all I have.

Vice Chairman Duschatko asked if you have people coming in and parking, it shows you have an entryway essentially crossing in front of the exit-way from where you have your drop-off area. I am just wondering if that is a potential congestion point as they come in and park. And also, looking at the current picture, it shows some significantly large trees to the east side of the building and adjacent to the drop-off area. I do not see those trees delineated on the plan and I am just wondering where they come into effect. Unfortunately, I can't draw on the plan but you can see where the entranceway is to that parking area 12 – 24, those cars are going to come in off from Eastman where you are going to have cars exit in front of them. Mr. Molina responded we actually discussed that with VHB as well. Eastman Avenue is a dead-end road, so on the right-hand side is the FE Everett Turnpike, so there is no traffic ever coming from the east, so that means that car #8, as identified here, as they pick-up/drop-off, cars here will never have to wait. This car will always be able to enter or jump onto Eastman Avenue and head west with ease and with no interruption. We do not ever expect there to be any interference with cars entering the lot with cars wanting to leave because any car that wants to leave our lot can do so immediately. Vice Chairman Duschatko asked how about car #10 that isn't shown there that is coming in to park in space #12? By the time the car #7 is ready to leave and become car #8? Mr. Molina responded there will be a momentary decision where a car entering would have to make sure car #7 is not going to just interfere with it, but again, car #7 just waits for this hypothetical car #10 to enter into the eastern parking lot and then it would be able to exit our lot and go onto Eastman Avenue with ease. Vice Chairman Duschatko asked do you have a stop sign? Mr. Molina replied we can. There is not one on the property there but we can definitely put a yield sign of some sort where cars entering need to yield to cars trying to leave our property. That is something that can be done as well.

Ms. Malcolm stated I am looking at parking spaces 7, 8, 9, 10, and 11. Who is in those spots, because they cannot get out when people are coming in to drop their children off or pick them up or whatever. Mr. Molina replied we intentionally will not be advertising those spots for use by

parents. They will be for teachers arriving prior to the drop-off time. Teachers are to arrive to school before students arrive and will leave after the students are picked up, so these spots will not be used. We were considering roping them off, but they are just spots there for employee cars who will not moving throughout the entire day; they will not be usable spots for parents. They will be occupied by school employees. Ms. Malcolm stated while you still have the podiatrist in residence for another year, are you going to tell the podiatrist that nobody associated with his office can park in those spots? Mr. Molina replied that is something we intend to do; however, they do not start until about 9:00am with their employees starting to arrive around 8:30am. Their operation times do not conflict with ours as their first employees arrive around 8:15am or so after school has already started. Therefore, we do not see a conflict of our traffic, but yes, that is something that we will have a discussion with them that these spots are reserved for our school employees. Their current entrance is here on the eastern side of the building, so they park here and only take up a couple of spots.

Mr. Fairman stated I have a question relative to handicap access, ADA access. Where do you have handicap parking? Also, what about signage and landscaping? What trees are you taking down and landscaping changes? Overall, what site changes are you making? The parking lot that you are showing here, the parking lot that is there today, are you going to be changing it? Mr. Molina replied there are ADA parking spots, as indicated on the posted plan, and we have the required number for our business. You can see them identified as spots 5, 12 and 13. As far as ADA walkways, there is an ADA railing on this side here, as indicated on the posted plan, with openings in certain spots, and this entrance over here that goes to the western side of the building also has ADA railings.

Mr. Molina continued as far as the trees; we don't intend to take down any trees. We are building a 2,000 square-foot fenced-in yard. There is currently a large tree right about here, we will not be taking it down, and there are minimal changes to vegetation that are planned. Right now what we are planning on is in this front area where it is identified as 'business sign' on the plan, is a barren area with just one tree, and we might put up a sign for the school is what we have planned. That is the only change we have from a vegetation perspective.

Mr. Newberry stated I have a practical suggestion going back to the queuing issue. You may want to consider keeping slot 9, and possibly even 8, open during your morning arrival time just to facilitate people getting from their vehicles to the building and back, and then fill those two slots in after everyone has arrived. Mr. Molina responded that is a very good suggestion. I will note that. While we have a capacity of 78 students at some point, like most businesses we will be starting off small, with plans to open with about 25 students, we can definitely rope off or section off two parking spaces the first year. We will have plenty of parking spaces when we first open is my point, and that is something that is very achievable to facilitate students coming into the building.

Mr. Fairman stated changing course a little bit. I believe there are State requirements on a new school. Have you gotten those licenses and health licenses and all of those or are those in the works? Mr. Molina responded they are in the works. We are applying for the New Hampshire school licensing, and something to note is that we are not going after a big daycare license. Daycare licenses are for school-aged children between 0 and 5 years old. There is an overlap

between a school license and a daycare license, and we are going after a school license, which covers from 3 years old, or what they call pre-school, all the way to 12<sup>th</sup> grade, which is 18 years old. So, we are going after a school license but still have to comply with some of the teacher and square foot ratios and the play yard size ratios for a daycare as well, and yes, we are applying for them. One of the requirements is zoning approval. We have already contacted Matt Lavoie for a health inspection, so yes, all of this is in the works for the school license from the State of New Hampshire. Mr. Fairman asked Ms. Hebert, should these be conditions of approval that they get all the necessary State and health certificates? Ms. Hebert replied I don't think it is necessary as long as we have a condition that they need to get a certificate of occupancy because they would need those in place before they could be licensed to operate by our Building Department and our Health Inspector.

Ms. Hebert stated I did want to share a little bit of background with the Board. When we first got this application, the drop-off configuration included a double drop-off lane. Where the loop comes in off from Eastman Avenue the design initially included a double row of cars, so it had two rows of cars pulling in and dropping off at the same time, and there is not a lot of civil site engineering happening on this application because it is an existing site and existing parking lot and existing building. We did have Robin Bousa from VHB review the site circulation because they shared many of your concerns, and we met with Mr. Molina, we met with Eric Mitchell and Steve Pernaw and reviewed the onsite circulation and the traffic impacts on Eastman Avenue and at the Eastman Avenue/South River Road intersection, and much of the onsite circulation is dependent upon the onsite operation manual, and one of the recommended Planning Board conditions is to have that onsite operation manual for the drop-off and pickup updated and really tied to this site plan. With that onsite operation manual Ms. Bousa from VHB felt like the drop-off and pickup could function adequately and tied one issue that the Town may need to monitor Eastman Ave and if there were queues, we would need to post it No Parking. We shared the Board's concerns about the drop-off and pickup and potential for backups on Eastman Avenue, but after reviewing this really carefully with VHB and getting really almost a clear positive review from Ms. Bousa on the second go-around, I think with a good operations manual the site can function properly. Mr. Newberry asked that is Condition #4 proposed by staff? Ms. Hebert responded yes.

Vice Chairman Duschatko asked has this been reviewed by the Fire Department for emergency access? I would be very concerned if something happened in a drop-off or pickup time. Ms. Hebert responded yes. The Fire Department did not have any issues, and they also need to review the license for the school.

Ms. Malcolm asked how many teachers are there going to be when the school is at full capacity of 78 students? Mr. Molina replied there will be eight classes and eight teachers. Each class is very small and limited to ten students, so just eight teachers, with two receptionists, one on the lower level and one on the upper level, and then the head of school. Ms. Malcolm asked where are they all going to park? Mr. Molina replied in spaces 1 through 11 is what is identified for them. Ms. Malcolm asked is that going to be adequate for all of your teachers and staff? Mr. Molina replied yes. We only have eight teachers, two receptionists and one head of school are the only full-time employees, so that is 11 employees.

Ms. Malcolm asked are you required to have a school nurse? Mr. Molina replied we are not required. School licensing does not require a school nurse. I have spoken to the State of New Hampshire and that is not a requirement.

Mr. Fairman stated it seems like that this is a poor location for a school. I just wonder if you really searched for other sites and other locations. It just seems to be a poor, not an adequate space size for circulation and everything else. I am really concerned about it. Mr. Molina responded we did actually search quite a bit. We were looking for properties for a school for almost a year. One of the things that really attracted us to this building was the U-shaped driveway that facilitates an efficient drop-off and pickup, which is something all schools have to deal with. That would be a lot of cars coming in at one to two times a day. The U-shaped driveway here really does facilitate an efficient drop off and pickup. Then we need to have some green space for a playground of some sort. This site has a level area for that as well. Mr. Newberry stated I would think that that not being a thru-street would make any potential issues, as we have discussed this evening, a lot more manageable than if they were having to locate themselves on a thru-street.

Chairman McMahan stated may I suggest that Mr. Molina just give us a thumbnail sketch of your experience in running schools. Mr. Molina replied sure. I am the operations manager for my school. My wife has a PhD, she will be the head of school, she has a PhD in education and is currently an assistant dean at a university and has worked with many different schools setting up their curriculum and instruction of their teachers. My wife is really the one who will be the head of school; I am just here supporting her on the set-up of the facility, with my MBA program, basically.

Chairman McMahan stated I would like to explain to Mr. Molina that Mr. Fairman is a school bus driver and has been for some time and he has a lot of experience in observing parents coming and picking up their children and the backlogs that occur. I see that he is smiling there. I think he has some credibility the way he discusses that concern. Mr. Fairman stated thank you. At McKelvie School pickup at the end of the day cars start queuing up 30 minutes before dismissal. By the time I get there for the bus, they are backed up through the long queue in the school and they have a long queue all the way back onto Liberty Hill Road and almost up to the intersection with County Road to the point where buses can't get by, so buses then sit on Liberty Hill Road waiting for school to open. I typically sit on Liberty Hill Road 15 to 20 minutes. My point is I think that parental behaviors, when it comes to picking up and delivery and picking up and drop off, are unpredictable and will depend an awful lot on their schedule and what schedule they have for the kids after school, etc., etc., and you have complicated it further by having very young children, which by the way, will take a lot longer to drop off. Three, four and five year olds will take a lot longer to drop off than your fourth and fifth graders just by the nature of all the stuff that they have. Unloading the school bus takes several minutes because all of the kids carry three bags during the winter and these little kids, kindergarten kids, carrying three bags, so they are slow in moving with them all, and those bags are mostly required by State requirements that they carry a bag for outdoor wear, for instance, and other things. I just say it is unpredictable and you are going to need to have alternate plans for all of this stuff because it won't go as you think it is going to. Chairman McMahan stated not to mention car seats. Mr. Fairman stated buckling in and buckling out, all of that stuff. It takes time.

Ms. Hebert stated the site plan is tied to the number of students, so Mr. Molina would not be able to increase the size of the school without coming back for Planning Board approval. This would not be a school that would be of the same scale as our public schools in Bedford, but it is important to note that the student population will be a set limit and any increase in that would have to come back to the Planning Board for approval.

Chairman McMahan stated just to clarify, they are not asking for a phased approval, they are asking for approval for the beginning and then the final expansion. Ms. Hebert responded that is correct.

Chairman McMahan stated from my viewpoint, this is a little unusual where we are used to seeing a plan for signs that will say where they are, what they are going to say, where there are going to be markings on the ground. You said that you have no intention, or you hope not to use, Eastman Avenue parking on the road, and I would think that under some conditions that probably would occur from the things that Mr. Fairman talked about, people coming early. You mentioned that you usually have a lighting plan, that I understand, and I would like to ask that nothing has changed, I assume. And also, you said you probably would put up a school sign. I think the Board would be happy to see exactly what that is, the size, that is something that certainly could be handled through staff, Ms. Hebert if you concur, but that probably ought to be nailed down, amongst some other things, like the garbage disposal, the garbage unit, where it is going to be located, the bin, how are you going to cover that, how you are going to make it fit the school standards. You mentioned something about the fact that if it gets backed up, that parents can park and walk their children to school. Where do you think they would park? Would they park in the parking lot, would they park on Eastman, would they use the area that is open once cars would enter into the freeway. If you could just kind of expand on a couple of those please.

Mr. Molina responded about the sign; I would be happy to provide some information to Ms. Hebert. I think there is a required permit to actually erect a sign and we intend to do that once we have a design finalized. That is something that we will be furnishing.

Mr. Molina stated regarding the parents wishing to walk their child into the school building, whether it is because they want to speak to a teacher, whether the queuing lane is filled up, we are going to ask parents not to park or queue up on Eastman Avenue. We will ask parents to enter the parking lot on the east side entrance, shown on the plan where Box 8 is, and then they can use spots 12 – 24. So all of these spots, if at capacity, will be available for parents wanting to park their car and walk their child into the school building. What is critical, or important to highlight, is that this east entrance is two lanes wide, it is bi-directional, that is the way it is currently designed, and this would eliminate unnecessary cars from passing through the drop-off lane to access this eastern parking lot. Basically, cars can enter this parking lot while at the same time cars are passing through this drop-off zone. Chairman McMahan stated I think I misunderstood you. I thought your comment was that if everything jammed up, people could then park their car and take their children. I understand and stand corrected.

Chairman McMahan asked could you give us a little bit more information on the playground. Mr. Molina responded sure. Because the FE Everett Turnpike is on the eastern side of the

property, our plan is to erect a 6-foot-tall privacy fence along the eastern side of the property, as well as the southern side of the property. The sides of the playground that will face the parking lot and the building will be what we are thinking wrought iron, 4-foot-tall type of fence that has vertical rails. It would be visible from the parking lot and even the building. There currently is a walkway up to here, and this here is all grass that is a lawn to the parking lot. Our plan is to extend this sidewalk and include a railing to prevent children from going into the parking lot while they walk to the playground. Then there will be a gate, as indicated on the plan. Our procedure for the playground is that there will always be a teacher present with the students while they are outside. Chairman McMahan asked what equipment would be available for the kids? Mr. Molina replied right now what we are planning is that because it there are fall height requirements, so if you put anything tall where a child could fall, then you have to get special forms, so right now what we are looking at is low type of equipment such as sandboxes, basketball hoops, nothing of any kind of tree houses or anything of any height that then would require the school to look for fall-rated forms. We are intentionally keeping our playground more of a running type of field. Chairman McMahan stated Ms. Hebert will work with the applicant for what type of fence that 6-foot would be adjacent to the FE Everett Turnpike.

Chairman McMahan asked if there were any other questions or comments from the Board. There were none.

Chairman McMahan asked if there was any public online, on the phone or have any emails come in with regard to this application. Ms. Harris stated we did receive one email from Gretchen Ingersoll, which you have all received via email. She had comments. Ms. Hebert stated we have received no additional emails or communications regarding this application.

Gretchen Ingersoll, 14 South Road, Londonderry, asked can I ask questions of Mr. Molina? Chairman McMahan replied yes. Ms. Ingersoll stated I own the building across the street at 22 Eastman Avenue. One of my questions is you mentioned that the drop-off would be about one minute and ten seconds each, and when you first open there will be approximately 38 students. Is that what you said? Mr. Molina replied a maximum capacity of 38 students in the first phase. Ms. Ingersoll asked if there are 38 students being dropped off at one minute and ten seconds, you are talking about 30 minutes of traffic coming down Eastman Avenue, and if your teachers arrive at 7:30am, how are you going to get all of those kids in the building by 8:00am? It doesn't sound like enough time. Mr. Molina replied three cars can drop off at the same time, so simultaneously up to three cars can actually let children out, so it is 30 minutes divided by three. Also, some students will be dropped off by their parents when they park their car in our eastern parking lot and then walking their child in. Lastly, as with most schools, there are always some kids who are either absent or late, so being dropped off after 8:00am. We are confident that we can accommodate actually up to 78 students being dropped off considering a certain amount will be siblings, one car per two or three children, some people dropping off and parking and walking the child in, as well as, most importantly, three cars can actually drop off at the same time because our driveway is specifically long enough for it.

Ms. Ingersoll stated my biggest concern is the traffic problem. The entrance getting to our building is almost directly across from that first entrance where you are having the parents pull in. Even if there is only one car backed up onto Eastman Avenue or probably two, we are not

going to be able to pull into our parking lot without a wait or some kind of delay, and then we are going to have to also battle the people coming out and coming up the hill and we have to wait for that traffic as well. I am concerned that my clients are not going to be able get into my parking lot in a timely manner. Mr. Molina stated those are good concerns. One thing that we considered, because I studied the traffic flow on Eastman Avenue quite a bit, and the property you own is mostly a corporate park and most of those offices, I believe, when I studied it, cars start coming in at about 8:00am – 8:30am. Our school is already beginning at 8:00am, so the vast majority of our traffic will be completed and done by the time your traffic starts coming in and even specifically much less your customers. First your employees and then your customers would come in maybe at 9:00am per your tenants that lease from you. Also, on the pick-up time in the afternoon, school gets out between 2:30pm and at 3:00pm, let's say, a big portion of our students would be picked up during that time, about half is our estimation, and the other half being in aftercare. Again, that 2:30pm to 3:00pm timeframe would not be at your rush hour for 5:00pm when most of those offices do let out for their employees. I think our times strategically across the US are designed on purpose. In the school system you have first middle school and then elementary school and then high school, there are specific times when the buses can be used, it is kind of a similar logic where schools start even before most people would enter your corporate park. Ms. Ingersoll responded that sounds great, but when was your study done. Do you remember? When did you study the traffic coming down Eastman Avenue? Mr. Molina replied last month.

Ms. Ingersoll stated almost everybody here in the building is actually not corporate offices. It is a hair salon and day spa, and so in the whole downstairs we have ten different therapists and stylists working that have clients coming and going at all times of the day, and I would say our peak time is probably noon to about 6:00pm - 7:00pm. And then the upstairs of this building has three other beauty type salons that also work with clients that come and go all through those times as well. We pretty much have traffic coming and going all day, every day, including Saturdays. My other concern about when you did the traffic impact, is that we are still recovering from Covid a little bit, so we are not even at our full capacity where we were prior to Covid, so I don't know that that is an accurate traffic study, because once we are at full capacity again, we may have more traffic. Obviously my biggest concern is that and what are your plans if this scenario you are working on doesn't work. Is there a secondary plan in place? Mr. Molina responded I think we addressed that question about are we flexible in our operational schedule to resolve any traffic issues, and the answer is yes. We are already staggering the exit times of certain classes. We can very easily stagger the beginning times of classes. Knowing it is limited on the return because of siblings, but we do know that staggering the start times of classes stretch traffic out over a longer period of time, so we are prepared to do that. As the business grows and as the school enrollment grows, that is something that we are prepared to do, if necessary, to make sure there are no cars ever queued up on Eastman Avenue. Ms. Ingersoll stated thank you; that is all the questions I had.

Chairman McMahan asked Ms. Hebert, did VHB use pre-Covid or current for the traffic study? Ms. Hebert responded Mr. Molina's traffic engineer is here and I think he would be able to speak to that, but I believe they did not use Covid traffic counts. They would use the traffic counts that are associated with the various uses. Steve Pernaw is here.



Stephen Pernaw of Pernaw and Company stated just to clarify a little bit. In terms of the work that we did, we researched available traffic count data out on Route 3, and if you have a chance to look at Page 2 in our report, you can see a comparison between some November 2020 data, which is obviously with Covid, with a previous count that the DOT did back in 2017, and there certainly is a difference. The person that pointed that out is correct that traffic numbers are down now, more so than say six months ago, but they are down. We then went out and did intersection counts in the month of April and we did this during the morning for a few hours and then from 2:00pm all the way to 6:00pm so we could catch all of the different peaks that happen. One thing that was interesting to me anyway is that 99 percent of the time I tell people that the highest hour of the day was the commuter peak hour, say 4:30pm to 5:30pm, and in this particular case on Route 3 it is actually at noontime, that is your highest hourly traffic toll on Route 3. Again, just to go back to that other question about Covid. We did projections and we took our 2021 data and we increased that up to the year of 2032; we did that by using a growth rate that VHB reviewed, we did it using a peak month seasonal adjustment that they reviewed, and also a separate Covid-19 adjustment factor. Our numbers and our analysis did account for extra traffic in and out of Eastman Avenue due to Covid. And then the last thing that I wanted to mention real quick is the trip generation estimates. In my business we also go to the ITE trip generation manual because that is what the DOT requires and we did that here and came up with three different estimates based on ITE. Then we also took Mr. Molina's information, which was very site specific and we developed a fourth set of estimates based on his numbers. As it turns out, his numbers are conservatively high, so that is what we used in our analysis. We did account for Covid, and again, out of the four traffic estimates for this site, we based our analysis on the highest of the four.

Chairman McMahan asked are there any further questions on that topic? There were none from the Board. Are there any other people online, on the phone or by email that would like to speak? There were none. Ms. Hebert responded I don't hear or see anyone raising their hand.

Ms. Malcolm stated this question of staggered times, opening, whatever, are you still going to be having teachers going out of the building at staggered times? Are you then going to have volunteers in the building perhaps to stay with the children? Where are they going to park? Mr. Molina replied teacher hours are going to be from 7:30pm to 4:00pm Monday through Friday, so they are there before any students come in and then after the vast majority leave. After 3:00pm we have aftercare, which is with camp counselors. We are planning to open with two. Ms. Malcolm stated I am not phrasing this properly. If you are going to have staggered opening times, you are going to have to have teachers at those staggered times bringing the students in from the cars. That means those teachers will not be in the classroom. Are you going to have volunteers there? I have never known a school that didn't work without volunteers. Mr. Molina responded we do have some volunteers like a school nurse, for instance, it is just not an official position. Also, it is something that falls more under my wife as the head of school's responsibility of managing the school itself. When it comes to the teachers whether they are outside, our current plan is to actually have the head of school outside greeting parents and opening doors, which is what most schools typically do, as well as a receptionist helping students come in. The teachers would be inside preparing for the day. There might be some mix of that but the teachers are going to be predominantly inside and the school receptionist will be the one who is really helping students coming in and greeting the parents.

Chairman McMahan asked do you have a signed letter of agreement with the podiatrist as far as parking goes? Mr. Molina replied the podiatrist would be our tenant. I don't see them having an issue with us signing it. I would become the landlord of that building, so I don't see an issue with them agreeing to make sure they park in certain spots. Chairman McMahan asked do you have a verbal agreement to share the parking? Mr. Molina replied I have already spoken to the podiatrist. They know the building is in the process of being purchased and they understand that our plan is to expand the school next year, they understand that their lease does not expire, so that has been agreed upon that the owner of the building will be operating the school on the lower level, then with future plans to expand in the following year into the upper level where they would vacate. Chairman McMahan stated I am certain you have a lawyer, but I certainly feel the need of one for the Board.

Chairman McMahan stated before we go to the waivers, I would like you to all think whether or not you have anything that you would like to add to it. If not, we will go through the waivers first and if not, please speak up.

**MOTION by Mr. Newberry that the Planning Board grant the waiver from Section 322.2.1 of the Bedford Land Development Control Regulations for 24 parking spaces where 31 spaces are required as discussed in the request and as discussed at this meeting. Mr. Quintal duly seconded the motion. On a unanimous roll call vote, the motion carried.**

**MOTION by Mr. Newberry that the Planning Board grant final approval of the site plan to convert an existing office use into a private school in accordance with the site plan by Eric Mitchell, last revised April 19, 2021, with the following conditions to be fulfilled within one year and prior to plan signature, and the remaining conditions of approval to be fulfilled as noted:**

- 1. The Director of Public Works and the Planning Director shall determine that the applicant has addressed all remaining technical review comments to the Town's satisfaction.**
- 2. The Applicant shall submit any outstanding engineering review fees.**
- 3. In the event that the Planning Board approves the waiver, the plan shall be updated to list the waiver granted as approved.**
- 4. The applicant shall submit an updated operational plan that includes parking management, staffing and procedural plans for the drop-off lane and guidance to parents on parking drop-off requirements when the drop-off lane queue is full.**
- 5. The plan shall be modified to include Stormwater Best Management Practices (BMP) Alternatives as outlined in the McQuesten Brook Geomorphic Assessment and Watershed Restoration Plan issued by the NH Rivers Council, in consultation with the Department of Public Works, to the Town's satisfaction.**

**6. Prior to the issuance of a certificate of occupancy for the building, all site improvements depicted on the plan shall be completed.**

**Mr. Clough duly seconded the motion.**

Vice Chairman Duschatko stated I think it is premature to approve this until we see the operation manual and we see a plan that indicates the landscaping and the signage, particularly the safety sign as we have discussed. Mr. Fairman stated I would suggest perhaps a site visit might be useful so that we can get a better feel for how the operational plan would work. If we got the plan and then did a site visit, I think it might alleviate some of our concerns.

Mr. Fairman stated one other thing that hasn't been talked about that I just want to point out is the stormwater best management practices about the area and its importance, and it is in the conditions but it hasn't been mentioned tonight. I just wanted to mention that that is a critical item in the plan.

Chairman McMahan asked Vice Chairman Duschatko, what direction would you like to go. Mr. Newberry stated continuing the discussion from my perspective in response to Vice Chairman Duschatko's concern, I would be comfortable with staff reviewing that updated operational plan. I think they have a good understanding and perspective on what is required there based on their expertise and the discussion this evening. Vice Chairman Duschatko stated I think that is a workable solution. I do think that Mr. Fairman offered an insight to really have a better understanding of what we are getting into, whether we are going to delegate that and tell staff is totally a Board decision. Ms. Malcolm stated I agree with the idea of a site visit. Chairman McMahan asked Ms. Malcolm, would you want to put that on an additional condition? Mr. Fairman stated a site visit should be made before we approve it. I think we could table this for a month or two weeks for as long as it would take to get a site visit, and perhaps see a little bit more of something of an operational plan. Maybe not a final version but something to cover what is going on. It is going to be a difficult, tight situation to get those students in and out of that school. Maybe once we see the site in a visit we won't think it is so bad. Rather than approve it tonight, I think we should table it and do a site visit. Ms. Malcolm stated I agree with tabling it. Vice Chairman Duschatko stated so do I. Ms. Hebert stated you would want to withdraw the original motion.

**MOTION by Ms. Malcolm that the original motion be withdrawn. Vice Chairman Duschatko duly seconded the motion.**

Mr. Newberry stated I would like to understand the timetable for the applicant. Mr. Molina stated with the school opening September 7, 2021, there are a lot of things that have to happen. The first is a zoning verification form, which we were expecting this week, and then starting the application process with the State of New Hampshire. They would have to do their site visit after the renovations are completed on the building and after the Certificate of Occupancy has been obtained. We were expecting to close on the property next week, and start construction next week, and with six weeks of construction would then put us at about July 1<sup>st</sup>, start the process of obtaining a Certificate of Occupancy, then get that application to the State of New Hampshire. Timing is definitely of the essence. One thing I will mention is that there is an

operational plan that was created. I think Condition #4 of the staff recommendation was an updated operational plan where they wanted more information on the parking management, but we did provide a pretty detailed operational plan for the school, the times of when everybody is coming in, the number of students, a phased opening. So, we already have the operational plan, it is more of just updating it based on some comments.

Mr. Newberry stated Mr. Chairman, I don't think it is the Board's issue with an applicant's timeline, but the questions that are open, I don't see them as warranting tabling this. If we have confidence that the applicant can work with staff to resolve particularly Condition #4, and if we table it, it sounds like it is going to pretty much be a major issue for the application.

Chairman McMahan asked are there any further comments. Mr. Quintal stated I agree with Mr. Newberry. Mr. Clough stated I agree with Mr. Newberry. I don't see what a site visit would do. I am a member of Christ Church of Amherst and we rent out the lower level to a preschool, and I have seen them drop students off and pick them up in both good weather and inclement weather, and everything I have seen the applicant say, as well as what I expect VHB has covered, is all copasetic with me. Maybe the first two or three days they will have some speed bumps, but I will tell you, this drop-off gets very efficient, and like the applicant said, the parents learn to adjust their schedule as to what the ideal drop-off and pickup time is for them. I also feel that tabling would make an undue burden for getting minimum data here.

**MOTION by Ms. Malcolm that this application be tabled. Vice Chairman Duschatko duly seconded the motion. Chairman McMahan called for a roll call vote. Those voting Yea: Vice Chairman Duschatko, Ms. Malcolm, and Mr. Fairman. Those voting Nay: Mr. Newberry, Chairman McMahan, Mr. Clough, and Mr. Quintal. The motion failed.**

Chairman McMahan asked do we need to reinstate the motion on the application? Mr. Newberry responded I will defer to staff, but I believe we could vote on the original motion that I made, which was to grant final approval. Ms. Hebert stated you should just restate that motion.

**MOTION by Mr. Newberry that the Planning Board grant final approval of the site plan to convert an existing office use into a private school in accordance with the site plan by Eric Mitchell, last revised April 19, 2021, with the following conditions to be fulfilled within one year and prior to plan signature, and the remaining conditions of approval to be fulfilled as noted:**

- 1. The Director of Public Works and the Planning Director shall determine that the applicant has addressed all remaining technical review comments to the Town's satisfaction.**
- 2. The Applicant shall submit any outstanding engineering review fees.**
- 3. In the event that the Planning Board approves the waiver, the plan shall be updated to list the waiver granted as approved.**
- 4. The applicant shall submit an updated operational plan that includes parking management, staffing and procedural plans for the drop-off lane**

**and guidance to parents on parking drop-off requirements when the drop-off lane queue is full.**

- 5. The plan shall be modified to include Stormwater Best Management Practices (BMP) Alternatives as outlined in the McQuesten Brook Geomorphic Assessment and Watershed Restoration Plan issued by the NH Rivers Council, in consultation with the Department of Public Works, to the Town's satisfaction.**
- 6. Prior to the issuance of a certificate of occupancy for the building, all site improvements depicted on the plan shall be completed.**

**This motion would also consider any additional conditions that the Planning Board feels needs to be added based on tonight's discussion.**

**Mr. Clough duly seconded the motion. Chairman McMahan called for a roll call vote. Those voting Nay: Vice Chairman Duschatko, Ms. Malcolm, and Mr. Fairman. Those voting Yea: Mr. Newberry, Chairman McMahan, Mr. Clough, and Mr. Quintal. The motion carried.**

- 4. Carnevale Spa Associates LLC, & Bedford Carnevale, LLC (Owners & Applicant) – Request for a conceptual discussion of a site plan for a proposed elderly housing development with up to 11 residential units, located at 12 Olde Bedford Way, Lot 13-40 & 18 Olde Bedford Way, Lot 10-50-5, Zoned Commercial and R&A.**

Chris Rice of TF Moran was present to address this request for conceptual discussion on behalf of the applicant. Also present were owner Jack Carnevale, project attorney Ari Pollock from Gallagher, Callahan & Gartrell, and project architect Aaron Weinert.

Mr. Carnevale stated tonight we are happy to introduce plans for a lifestyle facility that is associated with the Bedford Village Inn. I kind of call this a lifestyle community, and it is pretty indigenous of the hospitality industry over the last 10-15 years where people who have stayed at the facility, have enjoyed the facility, have opted for housing if it is available at the facility when they expand and that is what we intend to do. We intend to offer nine house lots right in back of the Grand. It will be a gated community with architectural guidelines. Our architecture is going to be that of a modernized Dutch colonial. The original inn and the Grand follow that architecture and we intend to increase that with the homes that we aspire to build in back of the Grand. As you know, we pretty much occupy the entire street of Olde Bedford Way. We just purchased the last house on Olde Bedford Way, that will be razed to allow for the entry for the additional housing, which will be built up the slope off Olde Bedford Way, which I think is going to be a premiere housing development with different elevations, different styles of architecture that will follow that Dutch colonial theme, and we are hoping this community will gain approval through the Planning Board. Additionally, the community will have access to all of the facilities at the Bedford Village Inn, which include the pool, exercise room, transportation to the airport, and all of the other amenities that are available at Bedford Village Inn. That is what we are proposing, and I think it is going to be a nice addition, and I think out of all the options that are available for that 7.6 acres, this is the best opportunity that we have to maintain a consistent look on our property. I have owned the property for 30 years, and I think I would like

to have that control over the remaining acreage with our facility. I think what we have created here was well thought out and we have a great team together, including an architect, the engineer, our legal assistance and our sales force.

Mr. Carnevale stated I would like to introduce Chris Rice at this point who will give you additional information on the plans we have. Thank you.

Mr. Rice stated thank you for the opportunity to present this evening. I have posted an aerial on the screen. As Mr. Carnevale mentioned, we are here this evening for a conceptual discussion for a 55-and-over housing development, which is referred to as elderly housing in the zoning ordinance and elderly housing is a residential use that is permitted in the Commercial Zone. Again, the project will consist of a private, gated road, which would serve 9 to 11, depending on which concept we will get, and I will present those concept plans in a moment, but I brought the aerial plan to just help situate everybody and explain the two properties. On this aerial plan you can see Route 101, the Route 114 intersection is in the upper right-hand corner, the Copper Door restaurant sits right here, the Bedford Fire Department is across the street, the existing Bedford Village Inn is located right here at the corner of Route 101 and Olde Bedford Way, and the next parcel up, which is 12 Olde Bedford Way is the Bedford Grand Hotel that was recently constructed and opened last year, I believe. The 12 Olde Bedford Way property line sits right about here where the cursor is, and this property basically wraps around the Grand and then it comes up here that you can see that is kind of less than a treeline. The lot right now is approximately 9.8 acres, it is all zoned commercial, and currently contains the Bedford Grand Hotel and the parking area to the north. The western portion of the parcel is here and is currently vacant. It is all part of the same lot, it was zoned commercial, however, there is a deed restriction on this section of the property that restricts the use to a residential use, and this was done back in the early 2000's when this property was rezoned to be commercial in preparation of the Bedford Grand Hotel. The other subject parcel is this residential lot here, the last one off from Olde Bedford Way, which Mr. Carnevale mentioned he recently purchased, this lot is approximately 1.5 acres in size, it is zoned Residential & Agricultural, and serviced by onsite well and septic system and it currently contains a single family home.

Mr. Rice continued showing the concept plan now, the first portion of the project would be a lot line adjustment, which would take the rear 5.6 acres of the Bedford Grand lot and then merge it with the 1.5 acres of the existing residential home lot, and that would leave approximately 3.8 acres left on the Bedford Village Inn Grand parcel and would allow approximately 7.5 acres for the proposed development. The 7.5 acres is represented by the outer blue line on the plan that is posted now. This line represents the setbacks around the property line and the interior magenta line represents the 50-foot wetland buffer. There are wet pockets shown in a lighter green that you can see. There are a couple in the middle of the property and there is a slight sliver of a wetland down near the entrance drive. I would like to note that with the lot line adjustment, this lot stays the same shape in both concepts, the lot line adjustment would require one waiver from the Planning Board to allow a property line within 30 feet of pavement, and that is in this location here where the property line abuts the edge of the existing Bedford Village Inn parking lot.

Mr. Rice stated we have supplied two concept plans. The first shows 11 homes with a road that meets Town standards, has a little bit more wetland and the other plan shows nine homes with roadway that does not meet Town standards but has less wetland impacts.

Mr. Rice stated the first one we are looking at here is the 11-unit concept, and these areas that are cross-hatched as shown, those are the wetland impact areas as a result of the proposed roadway. On this particular plan there is approximately 4,600 square feet of wetland impacts. The roadway that is shown on this plan does meet Town standards and the roadway here is about 803 feet. I would like to note the proximity of this roadway to the existing Bedford Village Inn entrance and it comes up to their existing parking lot as well as to the Bedford Grand Hotel. That is the 11-unit concept.

Mr. Rice stated I will now post the other one. This concept shows nine homes, the wetland impact in the middle of the site has been eliminated and there is only a slight impact here for the roadway crossing. This plan shows 1,300 square feet of impact, which is about 70 percent less than the prior plan, it shows about 40 feet more of roadway, for a total of about 849, however, this roadway does not meet all Town roadway standards. So, the two standards that we do not meet, one is the centerline radius, which the Town requirement is 333 feet, and the other is a middle tangent lane of 100 feet. On this plan we have radius's that range from 100 up to 212 feet, and our tangent meets in the main road section here, but in this section here we have a curve going into another curve so there is technically no tangent. So, that would be the second waiver relative to the roadway standards. The applicants would prefer the concept that shows the 9 units, not the 11. I believe that is also the technical review committee had viewed the plan based on the staff report that they preferred this concept that shows two fewer homes, however, we would need relief from the Planning Board for the two roadways as noted. It is 70 percent less wetland impact with this version. This option also provides more separation between the existing Bedford Village Inn entrance and the proposed roadway entrance. This is about 160 feet between the two here, and this entrance falls pretty much right where the existing driveway is that serves the existing residential home.

Mr. Rice stated with both concept options residents will have access to the amenities at the Bedford Village Inn, as well as the Grand Hotel, which as Mr. Carnevale mentioned, it includes meals, transportation, use of the gym and the function rooms, the project will be serviced by municipal sewer and water, and in both of the concepts wetland buffer setbacks are limited to the proposed roadway and utility work. There are no impacts proposed for any home development, and it is intended to be an upscale, tasteful lifestyle community and will be below the permitted density of the 28-units per acre that elderly housing permits in the Commercial Zone. Per the zoning ordinance there is a requirement to provide 25 percent affordable housing, which is not being proposed for this particular development, we will speak about a variance from this requirement, as well as a variance to allow a driveway that crosses through a residential zone to get to a commercially zoned parcel. I will now turn it over to attorney Ari Pollock who can go into a little bit more detail on the relief from the Zoning Board, and then he will quickly turn it over to the architect who would like to show a copy of the rendering of the home, and then we would be happy to open it up to any questions or comments that the Board or public might have.

Attorney Pollock stated I know this is only a conceptual consultation but I briefly wanted to discuss the two variances that we would need to pursue in order to bring this back as a full application for consideration by the Planning Board. The variances, of course, would be applications filed with the Zoning Board of Adjustment. The first as a more technical measure would be to address the driveway to an elderly housing project that cuts across an area within the Residential & Agricultural district. This is proposed to be a 1.5-acre parcel that has the existing single family residence and it is labeled as Unit #1 on the color-up that is posted on the screen. Pursuing the development as a condo configuration essentially brings forward a cluster development and it is the clustering that is the subject of the variance, so we may not be a cluster development, we are not proposing a cluster development, we are achieving the same thing in the form of an elderly housing development, but by technical measure there is a Footnote #33 in the ordinance Table of Uses that would require relief, so we would seek a variance there, as pointed out in the staff memorandum.

Attorney Pollock stated the second variance addresses the requirement to include 25 percent of units as affordable housing for low-income elderly persons. Again, this comes directly out of the Bedford zoning ordinance and 25 percent of the nine proposed units would require three low income units be occupied, or three of the units be occupied by low-income individuals, and there is a mathematical calculation to determine eligibility for that criteria. From the renderings that you will see in a moment and which were submitted with the conceptual materials, I think you will appreciate that the project is intended to be upscale, market rate, low density, it is not a recipe for low pricing or for affordable housing. Simply put, it will be our argument to the Zoning Board of Adjustment that this is not a good location to achieve, as the community has well stated, affordable housing goals, whereas there are other opportunities elsewhere in Bedford where better and frankly more dense opportunities for elderly housing can be proposed and the affordable units can be better absorbed by the project as a whole.

Attorney Pollock stated the other interesting piece is that the ordinance discusses eligibility for the affordable units based on income, and it invites, frankly, a discussion of whether or not with elderly occupants, many of whom may be retired are low-income occupants but high substantial net worth occupants. Rather than slice and dice the definition and get into what would be a cumbersome discussion about how and where the units could be identified and who could occupy them and what mechanisms could be put in place to figure out whether or not the test is being met, we simply think that a variance is the cleaner approach and it keeps property values of the surrounding neighborhood consistent, or frankly, we would be consistent, with the products that you see in those areas. It is our intention to pursue those two variances, and if we have success, it would then be our intention to come back with a site plan application for an elderly housing project similar to the rendering or concept that you see on the screen now, the 9-unit concept.

Attorney Pollock stated with that I would like to recognize our project architect Mr. Weinert who is probably going to ask Mr. Rice to put his concept up on the screen and just walk you through some of that.

Mr. Weinert stated posted is our conceptual attempt at an aesthetic for the community. As you already heard, we want this to be an upscale community with kind of a distinctive aesthetic, it



feels like it belongs in Bedford, which is mostly colonial inspired homes, but also brings in some other elements to the design. There will be a mix of traditional materials like stone foundations and cedar shakes and clapboard siding, but we will bring in some new materials such as metal roofing, like you see here, and the intention is that not every house will be the same so we don't want a cookie-cutter nine houses all the same on the site. We want to take advantage of the fact that each of the lots has a different shape, has different views and topography so as buyers come in and we work with them, there would be a certain range of materials and some kind of design covenants of things that they can do so that it is a cohesive neighborhood but each house will be a little different. Maybe some will be a little more modern, maybe some will be a little more traditional, but overall we want to make a community, and I think that is going to be really kind of a stunning addition to the town.

Mr. Weinert stated you can see here that you have kind of a traditional style house but we have metal roofs, we have some interesting dormers, and again, this is an inspiration image that kind of tells the story of where we are headed with this, but obviously these will develop over time, and hopefully this gives you the spirit of what we are considering. Thank you.

Chairman McMahan asked for any comments or questions from the Board. I would remind you that not only comments but this is an initial concept so any suggestions you have or desires you might have for them to come back, it would be an appropriate time to mention them.

Vice Chairman Duschatko stated I'd like to go back to the rendering. Being in the age group that this is appealing to, you are showing basically what I could tell looks like a very large 2-story house. Can you give me an idea what the square footage is, and how many rooms are on the second floor and what is the access to them? Mr. Weinert responded correct me if I am wrong Mr. Rice and Attorney Pollock, the houses are somewhere in the neighborhood of 2,800 to 3,200 square feet plus or minus, and again, it depends on the lot, it depends on the people buying into the community and then designing the house that they want. This particular image is based on our conversations with Mr. Carnevale, so basically we have all living space on the first floor with a master suite, so the master suite is down on the lower level, and then access to get upstairs is through a staircase. People obviously could put in a residential elevator if they would like to. We have other bedrooms upstairs and that is essentially the idea, and we don't want houses that are taller than two stories in the neighborhood. I don't know if Mr. Carnevale or any others on the team want to add anything on that. Again, this is conceptual and every buyer is going to have different needs and desires, so it is hard to say that every house is going to have exactly the same design. Vice Chairman Duschatko asked are you going to have restrictions in the community for square footage, sizes, materials? Attorney Pollock responded the concept at this point is to organize as a condominium and sell units and footprints with comments based on that, and there would be an architectural requirement that would be enforced by the first instance, the declarative of the condo, which would be Mr. Carnevale, and in the second it is then the board of directors after a transition of control. The rendering that is on the screen is a first step representation of what we think would be fitting within the neighborhood and be tasteful, but I agree, not everyone in this age grouping, and it is a significantly wide grouping, 55 and over captures people in a lot of different stages of life, but those that don't want something so large certainly would not be required, and I can tell you, as a project team, we have already been

receiving quite a bit of positive response from the market. We have every reason to think that the location and the product would be very desirable.

Mr. Carnevale stated I think the concept of this development are people who are empty nesters basically, 55 and older, they want to scale down. They don't want to do anymore lawn work, they want smaller homes, obviously this home that you are looking at is much larger than we anticipate the homes being built in this project. This is a home actually that I would like to occupy on Lot #1, but I anticipate that it would be 3,200 square feet, even it is going to be shrunk to a great extent, but the people that we have in line, and most of the lots are spoken for with people who are seeking to get out of their large homes. It is a great market to build a home and to sell their existing home, and that is what we are looking for, to skinny down, to get into a community and to be free of all of the maintenance issues that we are living with right now.

Vice Chairman Duschatko asked is the road going to be private? Attorney Pollock responded yes, it will be gated and private. A couple of the waivers Mr. Rice mentioned with the design issue.

Mr. Fairman stated I have a couple of questions and comments. The first one I have is relative to the fact that it is over 55. Does that say that there would never be any school-aged children in the facilities? Can they live there for short periods of time? What are the rules relative to school-aged children being in the facilities and that brings up such things as far as school buses, etc., etc.?

Mr. Fairman stated when you come back with a final, I would like to see addressed, and that is overall future developments, we need to be considering how we reduce greenhouse gases, and it is going to become a major issue for all of us in the near future. I would like to see what you can do, both for this development, and in fact for the overall total site with Bedford Village Inn and the Grand, what can we do to reduce greenhouse gases as a drive to get to net zero on due course. You don't need to answer now, but I would like it addressed in the final review. But I would like the first question answered, and that is relative to children.

Attorney Pollock stated the ordinance discusses elderly housing as occupied by at least one person who is 55 years of age or older. That certainly opens the door for children of the occupants or grandchildren of the occupants or others, so there is no prohibition against school-aged children. However, these developments tend not to attract families with school-aged children, and so we can expect low or no numbers of school-aged children to be within the nine units. If bussing were necessary, it would likely be a community bus stop at the gated area and not a bus entering the site. I think it would be fair to say that a bus would have difficulty with the road and the cul-de-sac and it would be an unnecessary diversion for a child or two who could certainly be picked up and dropped off at the gate house.

Mr. Carnevale stated Mr. Fairman, I think that is a great idea about the carbon footprint. We would like to see that we use the latest technology in all of the homes that are being built here. We have control over the design, and I think Mr. Weinert will incorporate the latest technology, even solar, if that comes into play with the homes that are being built up there. Mr. Weinhardt stated one of the things that we talked about was Tesla roofing tiles. They are solar collectors,

but they don't look like solar collectors, and the image we all sort of have in our minds is a big sheet of glass on the roof. That is one, but also smart home technology to make sure that everything is operating at the highest efficiency, but also siting is important. The way a house is sited on a given site, you want to make sure that you are not inviting too much sunlight in so you are not using so much air conditioning all the time. There are ways of actually doing passive things in the way the house is designed that cuts down on those kinds of things. Mr. Fairman responded that is all great, and I am glad to see that you are thinking along those lines. As I said, once you come in, I would like to see a plan, or at least see the things you are doing and part of that is going forward for us on the Board to learn about what we can have happen in other developments. Thank you very much.

Vice Chairman Duschatko asked do you have natural gas there? Mr. Carnevale replied we do. Vice Chairman Duschatko asked are you considering using that if you aren't going solar? Mr. Carnevale replied we will be extending the natural gas, underground power and city water. We have all of those elements on the property right now.

Linda Abels, 22 Flintlock Road, asked what about sewer and septic? Mr. Rice stated sewer exists on the property. Mr. Carnevale stated we were the pioneers with the sewer in Bedford. We brought up the sewer from Kilton Road way back about 25 years ago, so we have sewer access as well. We will have all of the modern amenities that other Bedford residents would love to have. Chairman McMahan stated thank you for your comment ma'am. If you would allow the Board to ask its questions and when that is all done, the public will be asked to participate. Please wait for that time. Many of your questions may be answered in due course. Thank you.

Mr. Newberry stated I have a couple of questions. Looking at the house locations, it looks like some of those have some significant grades. Are you going to be able to get a site in there and still deal with those grades? Also, have you considered pedestrian access from the development to the amenities on the rest of the site? Mr. Rice responded yes. We will be taking a look to see if there is something we can do for a pedestrian connection. Ideally we would like to connect something down around Unit #9. As you know, there is a pretty decent slope transition in that area, so once we get into the final design, that is something we will be looking at, whether it might be a walkway with a set of stairs or we might even do a sidewalk going down the main road to Olde Bedford Way, but we haven't gotten to that point yet. The land does have some topography challenges on it and we will be looking at all of that once we get to the design of the lots as well. I think we will be able to grade things out to make it work.

Mr. Newberry stated I would expect with a development like this that you would probably want to minimize cuts and retaining walls and building things on stilts. Mr. Rice responded yes, I agree. In this case we are going to be more dictated by the maximum road grade that we are allowed and how fast we can kind of climb up the property in the rear, but our goal would be to minimize the amount of earthwork and retaining walls.

Chairman McMahan asked for any further comments from the Board.

Chairman McMahan stated my comment would be that if history is a lesson, that should this development be approved, it would be one that would do Bedford proud. Are there any other suggestions or requests from the applicant or ideas for them?

Mr. Carnevale stated I think this has been well thought-out for a number of years. I think we have been thinking about adding a community like this for at least ten years now, and we have assembled a group of people that I think are very capable of pulling this off with the utmost respect for nature and the environment that we are building this on. I think it is a great piece of land to build homes on. We don't want to clear cut this land at all. We want to leave as many trees up as we possibly can, and I think Mr. Fairman brought up a great point and that is something that we all have talked about is the energy significance of all of these houses, using the latest technology. I want to do that to the house that I build, and I am sure everyone that we have talked to about these houses would also like to use the latest technology in all of their homes to reduce the carbon footprint and to reduce their cost of operation. Chairman McMahan stated a great example for the future.

Chairman McMahan stated I have one question. Could you expand upon the condominium form of ownership? Attorney Pollock replied it would be a declaration approved by the Attorney General's office and recorded in the Registry. Each owner would own the footprint of their unit and then have an ownership interest in the common areas and the infrastructure that supports the units and common area, which in this case would primarily be the private entry driveway and the equipment at the gate area. You would have a board of directors assembled from those owners, that ultimately would have a transmission of control from the declarance to the board, the board would maintain private facilities, private amenities, private infrastructure, and would take assessment from unit owners to raise funds to do those things. They also would deal with governance, payment of taxes on common areas, insurance, and the like. It would be similar to selling units within an apartment building if it were a condominium structure, but in this case, it is a condominium of separated residential units, detached residential units.

Chairman McMahan stated if the Board has no more questions, do we have people online who would like to make comments.

Linda Abels, 22 Flintlock Road, stated 55 is not considered elderly, and if one of the partners in this couple is 55, their partner could be much younger and it is very possible that more people could move in to their single family home. I am really quite concerned about the noise in the surrounding neighborhood. I am concerned about the effect lights and noise that would affect other residences that are nearby, and as I mentioned, I was interested in knowing if the soil could accommodate the septic. Is there any way that you can control that? How do you control how old a person can be or how old their partner can be or how old their children must be to live there? Attorney Pollock responded I suppose for the record I should say that the term elderly housing comes from the ordinance, and I don't think people who are 55 years old are old either. I am getting closer by the day. I guess I would also say that we considered this to be a use of low intensity, similar to the neighborhoods in residential homes are in the area, and it is our intention to fit in and not be tolerated. There are certainly other uses in this commercial zone that could be pursued. I understand there is a restrictive covenant and I think this use threads the needle, frankly, in terms of what could be low intensity but a productive use of the land opportunity, and

I think there is no better seal of endorsement than the developer wanting to live there himself. He doesn't want to be any more bothered than anyone else does by the folks that he sells to and would be moving in there.

Chairman McMahan asked Ms. Abels, did we answer your questions. Ms. Abels replied yes and no. Mr. Carnevale is only going to have the discretion of who he is going to have live in that community for only the length of his life, and at some point the board of directors is going to have more say in how this community develops. I don't see how you can make such restrictions. Attorney Pollock responded I would only say that we can't guarantee anything but it is going to be established and set for success and I wish us all, including Mr. Carnevale, a long and happy life. Ms. Abels stated I do too, but Mr. Carnevale will have control, everything he has done has been with good taste, but at one point he may not be in control. Mr. Carnevale asked Attorney Pollock, wouldn't you agree that the covenants with the 55 and older and what we develop as condo documents and the covenants within those condos will last forever and infinitum? Attorney Pollock responded the board of directors can certainly enforce things like noise covenants, disrupting covenants, yes there is a mechanism there, which frankly is much more of a mechanism than you would find in a stand-alone residence elsewhere in town where there is no restriction or board of directors or a buy-in scenario. You always have nuisance laws in the community that apply throughout the municipality and that also is a way to address what could be a difficult circumstance.

Ms. Abels stated most homes have a minimum of a 1-acre lot, and I assume that the homes in this gated community will be closer together, and therefore, there will not be that same buffer. Attorney Pollock responded they would be closer together; there is less than an acre surrounding each home. Again, you would be purchasing the condominium unit with a footprint, and frankly the ordinance allows an elderly housing development density of 28 dwelling units per acre, which is well, well, well more dense and beyond what we are envisioning and proposing here. We are proposing nine units on a combined acreage of about 7 acres, which is a little under an acre per unit, but the density that the ordinance speaks of I don't think would ever be functional in this location.

Mr. Carnevale stated with regard to the lighting that was talked about; obviously we have to follow the lighting standards that exist in the town of Bedford like we did at the Grand. I think the Grand is an incredible example of how we blend in very comfortably and we don't really allow that noise pollution to exist at the Grand. You hardly know we exist. We have 64 rooms on the property, so with nine additional houses that are pretty close together, I think that proximity will reduce the noise because people living so close together wouldn't want to be noisy and upset their neighbors.

Ms. Hebert stated if you have joined the call tonight and would like to speak on this application and you have joined by Zoom, please either raise your hand visibly so we know you want to speak or raise your hand using the Zoom platform.

Jim Lamp, 30 French Drive, stated we are the abutters of the Bedford Village Inn, the Grand and also this development. The covenants and restrictions that were mentioned earlier were, I guess, to benefit our property, as long as we or our heirs live here. Those have been in place for almost

20 years now, and to be honest, part of me can't wait to see residential development on this land. The question of what gets done on what is otherwise zoned as commercial, it would be good to have that done so there is no further question of what will happen on this property. Back when this was signed in 2002, we kind of became the gatekeepers for the neighborhood to allow for Mr. Carnevale to rezone his property and build the Grand Hotel, which we were in favor of, but it only stays as long as my wife and I live here or our children live at this house and then it goes away. I would caution any abutter that gets too carried away with arguing against a residential development that if we were to sell tomorrow, it goes straight commercial, there are no longer any restrictions on the back part of the land. That being said, when we signed these covenants, the intention was, and there could be arguments against this, that the residential development would be consistent with the R&A zone or 1.5 acres per lot for a building development. This is a little bit more intense than that, not a heck of a lot more, but I would love to find out what the difference between the 9-lot proposal and the 11-lot proposal is. Is that because of the cost of a Town class road versus a private road? I also would like to understand how the Town is going to go about with the condominium of the layout of the houses, the grades. This is going to be a difficult development to design, and I think the houses that I hear are a lot larger than are what is shown on the plan right now. When they are 2,500 to 3,200 square feet with three car garages, I am not sure of what is depicted on the plan. I would like to get some clarification on what is being shown. Do they get designed from day one, so that we understand how these fit together, how this jigsaw puzzle fits together with nine or 11 buildings on 7.5 acres? I look forward to working with Mr. Carnevale on another project and hopefully we can come up with something that everybody is happy with.

Mr. Rice stated I can answer a few of those right off and then maybe I can let staff answer the one that I think is more in their court. I think that the first one when you mentioned what is the difference between the nine and the 11 lot subdivision. Basically, the curvature of the road putting in the tangent lengths and the centerline radius's just allowed for a different layout, which opened up some additional buildable area, that is with the 11-lot concept with more of a straight road going straight down to Olde Bedford Way. With the added curves in the 9-lot version, you would lose a little bit more of that buildable area but you are kind of trading that for less wetland impact. That was one piece of that.

Mr. Rice stated the house sizes that are shown on the plan are about 2,000 square foot footprints right now so that gives a little bit of flexibility depending on if you are going two stories for the whole thing or 1.5 stories on a section versus a single spread on other sections, so they are kind of just placeholders at this time, but we have at least 40 feet between the units so they will then have a little bit more just to allow for some flexibility until we have those footprints a little bit more nailed down. There are only a couple of them where I think it will come into play in terms of options that you might have because of the proximity to some of the other units, so if you are looking at the plan, obviously units 1, 9, 2, and 8 probably have more flexibility in terms of how they can shift on the land themselves. The ones more as you get around the bulb of the cul-de-sac, you might have to be a little more careful to make sure we maintain the right separation wall accommodating for the various footprints. Did that answer your questions? Mr. Weinhardt stated one of things that we do need to do as a next step is to look at each lot and assess exactly what you are asking, square footage versus setbacks and just between the houses and that kind of thing. It is a really good point to bring up and we are absolutely going to make sure that we at

least have some understanding of how each house might be laid out to a certain degree. But we also want to give buyers some flexibility in their own design.

Mr. Lamp asked Mr. Chairman, can I address them directly or would you like me to address through you. Chairman McMahan stated you can address them directly. Mr. Lamp asked you would propose like a building envelope for each building and then it could be twisted and worked within each envelope? Mr. Weinert replied yes, something like that. I will be honest; we haven't gotten to that next step yet. Absolutely we would be able to delineate exactly where the building footprint has to be within a certain number of setbacks, for example, because each site obviously has their own setbacks from the other lots and the wetlands and that kind of thing. Each site is different, and yes, we would probably come up with some kind of a guideline for the envelope and its position on the site. Again, we would like to be able to offer some flexibility within that so that people can design the house that they want but within the guidelines. Mr. Lamp responded understood.

Mr. Lamp asked Ms. Hebert, how do the buffers work when you have wetlands on both sides of the lot line? How does the commercial buffer work from commercial to residential? Ms. Hebert responded in this particular development where you have a single family detached unit adjacent to the Residential & Agricultural zone, the zoning doesn't require the buffer. There is a natural buffer that is being provided because of the wetland area that is located along the westerly side of the lot line. I did want to say that unlike a traditional subdivision where a developer would come in and get approval to build a roadway with nine lots, the Planning Board is really only looking at the roadway design and wouldn't have any authority to dictate what happens on the individual, single family traditional building lots. In a condominium form of development, the Planning Board has site plan review authority over the entire development, so we will be looking at a very comprehensive plan that would include landscaping, buffers where it is appropriate, not necessarily all the foundation plantings around a single family home, but we would be looking at the larger development, the grading, how every driveway would be graded out, how stormwater would be treated, where landscaping would be needed, in a much more comprehensive way than we would in a traditional neighborhood development. It does give the Planning Board a lot more to look at in terms of the site plan review, and the condominium ownership would be approved as a second step after that comprehensive site plan is reviewed and discussed by the Board.

Mr. Lamp stated hopefully I can work with Mr. Carnevale and his team to work on a buffer of sorts planting-wise, because if you go on a site visit, it is a very odd wetland, it is basically some old growth trees on our property with no undergrowth because of whatever the soils are. I would like to hopefully work with Mr. Carnevale and his team to see if we can get some plantings to do that. And I am hoping I can plan a house right in the way of Bowman Place's lights that are going right into our house right now. I have to help him arrange with Mr. Rice to get that house right in the way of the Bowman Place lights that are there today. Other than that, I look forward to working with the team.

Chairman McMahan asked are there other members of the public that would like to speak. Ms. Hebert replied Mr. Fitz Morgan has his hand up.

Fitz Morgan, 9 Arrowhead Drive, stated thank you for letting me speak. I am directly behind this property. I would like to comment on both Mr. Lamp's and Mr. Carnevale's comments on the quality of the land. It is a nice property but it is very hilly. One of the big challenges that we had when the Bowman Place center went in was that there was a tremendous amount of blasting that happened and it caused an enormous amount of disruption up on our hillside. Both the Hunters and our property had significant seismic activities, so I would ask that the Board is very cognizant of where these house lots are going and the impact it will have and will blasting be required. In addition, I agree with Mr. Lamp's comments about the light pollution that came from the Bowman Place center. That is significant light pollution up the hillside for us, so I would ask that there are appropriate plantings, and Mr. Carnevale, I would love working with you on setting up appropriate plantings to make sure that it is hidden, because as Mr. Lamp pointed out, there is old growth forest there but a lot of stuff hasn't really grown up, so it would provide direct light into our property right now. One of the nice things about it is that Mr. Carnevale did a great job with the Grand where it is hidden and we don't really see it and we appreciate that. So we would ask for similar type provisions with something like this. Mr. Carnevale stated we would like to obviously buffer any light impacting our guests at the Grand as well, so we will be very cognizant and very sensitive about the lighting that we create in this development. Mr. Morgan stated I would like you to look at what bedrock is in the location of this lot because it was very disruptive when the other development was put in. Mr. Carnevale stated one of the plans that we have is to build on a pad, not foundations. Mr. Morgan stated so there will be no foundation other than a simple 6- or 8-inch slab. Thank you, I appreciate your time.

Mr. Lamp stated I might just jump in on the slab thing. I don't think in New England you can build without having 4-foot foundations. You have to get below frost. Mr. Weinert stated right; it is going to depend on the lot and the positioning of the house. But Mr. Morgan said it is something we can take into consideration as we assess each lot and the location of the house. Thank you for bringing that up. That is something we would put the site engineers on. Mr. Carnevale stated the Grand is built on a pad; we have no foundation.

Chairman McMahan asked if it does require blasting, could you briefly cover the State requirements. Attorney Pollock replied for a development of this nature we will almost certainly need to apply for what is called an Alteration of Terrain permit. Alteration of Terrain is essentially a stormwater erosion control management permit that is issued by the State and subject to engineering review at the State. The Town will do a similar engineering review through its Public Works department. One of the things that the Alteration of Terrain Bureau looks at, and it is only one, there are many, is the possibility of blasting and whether or not it is extensive enough to require monitoring. Blasting issues for a cluster of residential structures is an entirely different animal than what was necessary for Bowman Place, so it will certainly be our hope that either we can hammer some of the ledge that we encounter or avoid it completely. We are the granite state, you can't avoid all of it, but I think the community will find that we are talking about a very different scope of impact.

Ms. Abels asked will these homes have basements? Attorney Pollock responded we were just discussing the possibility of crawl spaces and frost walls instead of basements. We are going to try and avoid them because frankly that may be a cost element that buyers don't want or need.



Chairman McMahan asked have we received any phone calls or emails. Ms. Hebert replied we have not received anything further.

Chairman McMahan asked gentlemen, have you received all of the information that you were looking for or are there any suggestions or is there anything else that we can offer. Attorney Pollock responded this was helpful, and I know Mr. Carnevale and our team appreciated it. Our next stop will be the Zoning Board, where all of the abutters will be notified of our application and public hearing, and if we are successful there, we will be back to the Planning Board. I know you will miss us, but we hope to be back. Chairman McMahan asked have you already been or are you going to go to the Conservation Commission? Attorney Pollock replied we would do all of the above. You are our first customer.

Mr. Fairman stated we look forward to seeing this development, and we know anything that Mr. Carnevale touches comes out in pretty good quality, so we are looking forward to seeing the rest of it. I have been around Bedford long enough so I testified against the conversion of an old farm house at the Bedford Village Inn. That was a long time ago, and I was good friends with the people that lived in the Woodbury house and they didn't want it. Great work, Mr. Carnevale.

Mr. Rice stated I would like to ask one question of staff and one point of clarification on the gas question. There is gas on Old Bedford Road; I think our intent would be to tap off of that but I don't believe gas does run down that section of Olde Bedford Way, but we will confirm that, but our intent is to service the project by gas. I just wanted to be clear on that.

Mr. Rice stated I have one question for staff and maybe the Board relative to the road standards. It is possible that we might be able to limit the blasting and/or earthwork further if we exceed the maximum road grade. I don't know, Ms. Hebert, if that is something that we should discuss together given that it is going to be a private road, but that might assist with some of the abutter comments and some of the earthwork might potentially limit the blasting if we were able to do that, but I just wanted to note that. Ms. Hebert responded I would want to review that carefully with the Fire Department because I know the road grade standards that are NFP requirements for bringing emergency vehicles up even a private road need to be considered. Mr. Rice responded of course. I believe though that the NFP codes do allow greater than the Town's 9 percent grade that they specify, I think in the roadway standards. So even if you are talking a 12 percent grade over the distance and the elevation grade, it would make some difference for earthwork and potentially blasting. So I just wanted to see if that is an option or something that we should look at and work with you on. Ms. Hebert responded it is certainly something we can talk about, but I would want to review it with the Fire Department. It sounds steep to me. Mr. Rice stated I wasn't suggesting 12 percent; we haven't gotten into the final grading of the site.

Attorney Pollock stated thank you very much, Mr. Chairman and members of the Board. We hope to be back.

## **V. Approval of Minutes of Previous Meetings:**

**MOTION by Vice Chairman Duschatko that the April 12, 2021 Planning Board minutes be approved as presented. Ms. Malcolm duly seconded the motion. On a roll call vote, the motion carried, with Mr. Quintal abstaining.**

**VI. Communications to the Board:**

Ms. Hebert stated your next meeting on May 24, 2021 will be your spring workshop, and the Board will be meeting in the police training facility at the public safety complex. This will be a public meeting, but it will not be televised and it will be in person. Ms. Harris and I will be sending you some information to review ahead of that meeting and the focus of the discussion at the workshop will be a board member training and board procedures for the upcoming year. We look forward to seeing you all there. Chairman McMahan asked Ms. Harris, did you not send out an email to us or does the email speak for itself? Ms. Harris stated I sent out an email on upcoming trainings that the Board could consider attending, but I will also be sending a follow-up email with the webinar that we will ask the Board to review before the workshop on the 24<sup>th</sup>.

Mr. Newberry stated I would just like to note that Mac McMahan did an excellent job Chairing this meeting with little or no warning, and from my experience it gets a little easier after you have done it a couple of times. Chairman McMahan responded you are extremely generous and thank you.

Mr. Fairman asked is there any action with getting together with Jon Levenstein? Ms. Hebert replied we will be sending an email out to the group for a get together soon. I will probably send out a poll so that we can pick a date that works for the majority of the Board.

**VII. Reports of Committees: None**

**VIII. Adjournment:**

**MOTION by Mr. Newberry to adjourn at 10:00pm. Mr. Quintal duly seconded the motion. On a unanimous roll call vote, the motion carried.**