

**TOWN OF BEDFORD**  
**April 25, 2016**  
**PLANNING BOARD**  
**MINUTES**

A meeting of the Bedford Planning Board was held on Monday, April 25, 2016 at the Bedford Meeting Room, 10 Meetinghouse Road, Bedford, NH. Present were: Harold Newberry (Vice Chairman), Chris Bandazian (Town Council), Melissa Stevens (Town Council Alternate), Jim Stanford (Public Works Director), Karen McGinley (Secretary), Philip Cote, Mac McMahan, Alex Rohe, Jim Scanlon (Alternate), Charlie Fairman (Alternate), Rene Pincince (Alternate), Rick Sawyer, (Town Manager), and Becky Hebert (Planning Director)

I. Call to Order and Roll Call

Acting Chairman Newberry called the meeting to order at 7:00 p.m. Chairman Jon Levenstein was absent. Mr. Fairman was appointed a voting member. Ms. Hebert reviewed the agenda.

II. Old Business - Continued Hearings: None

III. New Business - Application Acceptance and/or Public Hearings on Applications:

1. Kellogg Christian Child Center (Applicant) and Northern New England Conference of Seventh-Day Adventists (Owner) – Request for approval of a site plan to change the use of a portion of the building from school to daycare center and associated site improvements, at 41 Back River Road, Lot 22-41, Zoned R&A.
2. Bedford Mall, Pure Barre Fitness (Applicant), Shoppes at Bedford 15A c/o ACF Property Management (Owner) – Request for a waiver to Article 275-68 and Table 6, Performance Zone Sign Standards to allow window signage, 79 South River Road, Lot 12-26, Zoned PZ.
3. Kensington Close, LLC (Applicant), John P. Stabile, II (Owner) and River Glen Development (Owner) – Request for a waiver to Article 275-68 and Table 6, Performance Zone Sign Standards to allow an off-site sign off of South River Road, Lot 35-3-1, Zoned PZ. **(WITHDRAWN)**

IV. Concept Proposals and Other Business:

4. Southern New Hampshire Planning Commission presentation on Complete Streets Toolkit and Pilot Program

Ms. Hebert stated for the new business items the applications are complete, abutters have been notified; it is the opinion of Planning Staff that none of the items are of regional impact, and the agenda is ready for the Board's acceptance.

**MOTION by Councilor Bandazian to approve the agenda as submitted. Ms. McGinley duly seconded the motion. Vote taken – all in favor. Motion carried.**

**1. Kellogg Christian Child Center (Applicant) and Northern New England Conference of Seventh-Day Adventists (Owner) – Request for approval of a site plan to change the use of a portion of the building from school to daycare center and associated site improvements, at 41 Back River Road, Lot 22-41, Zoned R&A.**

A staff report from Becky Hebert, Assistant Planning Director, dated April 25, 2016 as follows:

**I. Project Statistics:**

*Owner: Northern New England Conference of Seventh-Day Adventists*  
*Applicant: Kellogg Christian Child Center*  
*Proposal: Site plan change of use to convert 3,120 SF from school use to a childcare center*  
*Location: 41 Back River Road, Lot 22-41*  
*Existing Zoning: "R&A" – Residential and Agricultural*  
*Surrounding Uses: School, Church & Residential*

**II. Background Information:**

*The Kellogg School opened in 1930 as a public school and was formerly known as Peter Woodbury School. The school was sold in 1967 to Seventh-Day Adventists Church, who have operated a school on and off over the years. In 1991, the Planning Board approved a site plan for Li'l Apples daycare and in 2007 a variance was granted for the Acting Loft to operate out of this location, but it has since moved.*

*On January 19, 2016, the Zoning Board of Adjustment granted a variance to allow a childcare center to operate at the Kellogg School where the use is not permitted in the Residential and Agricultural District.*

**III. Project Description:**

*This application is for a partial change of use to allow a 3,120 square foot childcare center in the lower level of the Kellogg School. The facility would accommodate up to 40 children, ranging in age from 3 to 5 years old and four teachers. The upper level of the school is currently vacant.*

*The site is located on the north side of Back River Road to the east of the Peter Woodbury Elementary School. The property includes approximately 4 acres and the land slopes downhill from Back River Road. The land is zoned Residential and Agricultural (R&A) and the Seventh Day Adventist Church abuts the property to the east. Access to the property is provided by a 43-*

*foot wide driveway off of Back River Road and there is a small parking lot on the west side of the building.*

*The proposal involves reconfiguring the existing parking lot to provide an expanded child drop-off area, a handicap parking space, and a paved accessible walkway to the main entrance of the childcare center. A paved walkway would also be constructed around the perimeter of the drop-off loop and the existing parking lot would be re-striped to include 12 parking spaces. The childcare center is required to have at least 11 parking spaces. The walkway around the drop-off loop will be at grade with the pavement and VHB is also recommending that the Applicant improve the visual separation between walkway and the vehicle parking area (condition #4) by either constructing a concrete walkway or improving the striping to separate the pedestrians and vehicles.*

*The building is served by private well and septic. The Building Code Official has determined the existing septic system is adequate for the proposed change of use. The Applicant has requested a waiver to allow the dumpster to be located 11 feet from the side lot line where 30 feet is required (waiver #4). The dumpster will be screened with a fenced enclosure and the nearest neighbor is the Peter Woodbury School. The school has stated that dumpster currently exists at the proposed location. Staff does not object to this waiver request, because the additional screening will be an improvement and there is limited space within the existing parking lot for the dumpster.*

*The school has an existing basketball court, play area and baseball field, and will be providing adequate space for outdoor play. A 4-foot tall chain link fence will be installed to separate children from the parking and drop-off area.*

*The Applicant is coordinating with the Fire Department and Building Code Official to address any life safety or building related concerns. As a condition of approval, the Applicant should obtain a certificate of compliance from the Fire and Building Departments (condition #5).*

*The Site Plan also includes a proposed Phase 2 plan for the full occupancy of the childcare center (40 students) and the upper level of the school (44 students). This use would require up to 21 parking spaces. The Phase 2 plan further expands the drop-off area but reduces the overall number of parking spaces from 12 to 7 spaces. However, the church has agreed to a shared parking arrangement, allowing the use of up to 18 parking spaces on the adjacent property. The plan also includes a new paved pathway connecting the church and school properties. Staff and VHB are concerned about how the Phase 2 parking and circulation will function. There does not appear to be enough space for cars to stack onsite and it is possible that vehicles could be queueing into the roadway during peak parent drop-off & pick-up times.*

*Eric C. Mitchell & Associates has prepared a trip generation memo for the proposed change of use (Phase 1 & Phase 2) and the Applicant also provided a letter explaining the school's parent drop-off and pick-up procedures (see attached). The report concludes that Phase 1 and Phase 2 are anticipated to generate 76 trips during the weekday morning peak hour (43 entering & 33 exiting) and 45 trips during the weekday evening peak hour (20 entering and 25 exiting). The report also concludes that the change of use will have minimal traffic impacts. VHB reviewed the memo and concurred with the results, but also stated that the trip estimates do not negate the*

*overall concerns about how the pick-up and drop-off will work when the building is at full capacity (see attached comments from VHB).*

*At this time, Staff is recommending that the site plan be limited to Phase 1 only. This would allow additional time to monitor the traffic at parent pick-up and drop-off and make improvements to the Phase 2 plan as necessary. Before occupying the upper level of the school, the Applicant would need to return to the Planning Board for approval of the Phase 2 plan (condition #8).*

#### **IV. Waiver Requests:**

*The applicant is requesting the following waivers of the Land Development Control Regulations for which the Board will need to take action (see the attached letter):*

- 1. Section 317.1.11, to not provide High Intensity Soil Survey Mapping;*
- 2. Section 317.1.10, to provide two-foot contour data for the developed portion of the site;*
- 3. Section 315.2.8, to remove the requirement to provide wetlands mapping; and*
- 4. Section 327.2.1 of the LDCR, to allow a dumpster to be located 11 feet from the side lot line where 30 feet is required.*

*Staff does not object to any of the requested waivers. With regard to waivers #2 - #4, the Board has granted similar waivers for projects with minor site improvements. The topography, wetlands mapping, and soils information for the entire property is not needed for the limited scope of work.*

#### **V. Staff Recommendations:**

*The Planning Board needs to vote on whether or not to grant the waivers from Land Development Control Regulations, for Sections 317.1.11, 317.1.10, 315.2.8 and 327.2.1 as described above.*

***Planning staff recommends that the Planning Board grant final approval of the change of use site plan for Kellogg Christian Child Center and Northern New England Conference of Seventh-Day Adventists to allow a 3,120 SF childcare center as an additional use at 41 Back River Road, Lot 22-41, in accordance with the Phase 1 plans, last revised on April 19, 2016 by Eric C. Mitchell & Associates with the following precedent conditions to be fulfilled within one year and prior to plan signature, and the remaining conditions of approval to be fulfilled as noted:***

- 1. In the event that the Planning Board approves the waiver, the plan shall be updated to list all waiver granted as approved.*
- 2. 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.*
- 3. The Applicant shall submit any outstanding engineering review fees to the Department of Public Works.*

4. *The Phase 1 site plan shall be amended to provide visual separation with either pavement striping or a change in materials between the vehicle drop-off area and the walkway adjacent to the drop-off.*
5. *Prior to use of the space, the Applicant shall obtain a certificate of compliance from the Building and Fire Departments for the proposed childcare center.*
6. *Prior to commencement of work, a pre-construction conference shall be held with the Planning, Building, Fire and Public Works Departments.*
7. *Prior to the issuance of a certificate of occupancy for the building, all site improvements depicted on the plan shall be completed.*
8. *Prior to occupancy of the upper level of the Kellogg School, the Applicant shall seek Site Plan approval from the Planning Board for the Phase 2 site improvements.*

Councilor Bandazian recused himself from this application. Councilor Stevens voted in his place.

Eric Mitchell, Eric C. Mitchell & Associates, and Ron Descheneau, President Kellogg Christian Child Center, were present to address this request for approval of a site plan change of use for Kellogg Christian Child Center.

Mr. Mitchell stated this is about a 4-acre parcel and it is zoned R/A. The owner of the property is the Northern New England Conference of Seventh-Day Adventist Church, and the proposed use of the building is for Kellogg Christian Child Center. There was a variance granted on January 19, 2016 to Article III, Section 275-21.A (1) and Table 2 to allow a daycare to operate in a building in the R/A zone. That was approved without conditions. The school that is proposed here is as follows: there are two stories to the building itself, as you will see in the staff report, the original school was done in 1930, and at that time it was the Peter Woodbury School, in 1967 it was sold to the Seventh-Day Adventist Church at which time they have operated a school in and out of there, and the last time there was something in there it was Little Apple's Daycare in 2007. What the proposal here is to use the basement, or the first floor level, as a childcare center, and that would be operated as the Phase 1, and Phase 2 that we had proposed in the plan would be to have a school for older students on the second floor. The learning center would be the first phase, which is about 3,120 square feet of the building, with the school being the second phase, which would be an equal amount of about 3,120 square feet. The daycare being Phase 1 and the learning center would house 40 children, ages 3 to 5, and there would be about four employees for that. The proposal that we have here was for Phases 1 and 2; Phase 2, again, would be for the school on the second floor. There were some concerns on how the queuing of the traffic, pulling in and letting people off and then picking them up later in the day, would stack on that, so we have made some changes to the plan, and it was suggested that we actually look at that as a work-in-progress when the childcare facility opens and see how that works before we bring in Phase 2. At this point we are asking for consideration for Phase 1 only, although the plans do show the Phase 2, we would amend those as a condition of approval just for approval of Phase 1 at this point.

Mr. Mitchell continued in the area that we have for the pick-up of the children we have added an additional area of pull-off space with a sidewalk going around that so cars can stack and queue, there are also spaces available for people if they want to get a parking space and walk their children in. All of the children that will be dropped off here will be taken into the building by the employees that are there, they are not dropped off and left to run into the building themselves. They would be met with one of the school employees and then walked into the school, so they are not unattended. Because there needs to be a little bit of coordination on how that works and the drop-off times are not all exactly at the same time, it is not that the daycare center opens at one particular time, there is a period of time at which it would be having children come in, it will be scattered, but until we know for sure how that process works, we believe that the queuing of the cars there is enough space to do that so they are not going to back out onto the road, but that is something we will look at while the school is open on the daycare side before we come back in with the Phase 2, which would be for the school on the second floor, so right now we are just looking at the daycare in the first phase. We have 12 parking spaces that are there for them and would be used for the employees, the balance of those would be able to be used for people who are picking up and dropping off, and we also have provided a handicap space.

Mr. Mitchell stated we have asked for four different waivers. Those waivers are to Section 317.1.11 to require a HISS, another one would be to Section 317.1.10 to require 2-foot contours on the entire property, and the third would be Section 315.2.8 to require wetland mapping within 50 feet of the property. On all three of those items, there are no wetlands in the front of the property, we have done the topography work in the front, and because we're not increasing the size of the school, and I believe there is some documentation that the existing septic is satisfactory for the school proposal that we have right now, that we have not done the HISS requirements, so I believe that those are not required under these circumstances. Lastly, there is a waiver to Section 327.2.1 that is the dumpster location. The existing dumpster is about 11 feet off the lot line where 30 feet is required. It is and will have a fence around it so it will be sheltered; the property next door is the school so we do propose to leave that in the same location. There may be a modification in Phase 2 to move it some, but it would not be close to the lot line, but, again, we are not looking at Phase 2 tonight for approval by the Board, it is just Phase 1.

Acting Chairman Newberry stated so it is clear to everyone, could you reiterate what I believe I understood you to say the plan you are showing is for both Phases 1 and 2. Can you just reiterate what we're looking at is Phase 2? Mr. Mitchell responded I believe Sheet 2 on the plan is Phase 1 that is for the daycare/child center in the basement floor. What we have is the existing pavement that is there for the parking spaces, but we have an improved area where there is a semicircle that will be improved with the pull-off areas for cars as well as the sidewalk. There will also be a fence put in the back to segregate the play area; the handicap parking area is also being added as part of Phase 1. What Phase 2 would be, and we plan to bring that back, is on Sheet 3. Some of the additional parking will be taken out of the parking space where we have it now and the proposal is to put a walkway over to the church property and have additional parking on the church property, because when Phase 2 goes in, some of those spaces that will be there on Phase 1 will actually be taken out, and Phase 2 is a school on the upstairs level. Until that school opens, we had not proposed to do the overflow parking, or additional parking, or the walkway over to the church.

Acting Chairman Newberry asked how many vehicles do you think you can queue in your layout? Mr. Mitchell replied I think the amount was seven or eight cars that are queued around the area and not to have them back out anywhere towards the street. And because it is a staggered entry, it is not everyone arriving for a set time; we believe that should be sufficient. There are also areas for the cars to pull into the parking spaces.

Ms. McGinley asked how do you arrange for the staggered times? If you have parents that want to drop off all at the same time, how does that work? Kathy Lewis, childcare learning center director, replied what we are proposing is that the children will be dropped off between 7:00am and 8:00am and then picked up probably between 4:30pm and 5:30pm every night. There will probably be staggering according to things like doctor appointments or the like. Ms. McGinley asked there is going to be no formal plan so that if I am a parent of one of the children, I get to drop off at 7:30am but not 8:00am? Ms. Lewis replied no; the childcare center is open from 7:00am to 5:30pm and basically the parents can come and go as they please, so I can't really honestly answer that particular question, but we are open at 7:00am and mainly the parents will be dropping off between 7:00am and 8:30am and then they will probably be picking up between 4:30pm and 5:00pm. Ms. McGinley stated the source of my concern is that road is the one people use to go to Peter Woodbury School, and if you have too many parents show up at one time, you are going to have back-ups, or you could have back-ups. Ms. Lewis replied when Li'l Apples was functioning there they utilized Peter Woodbury for their afterschool program, and we walked the children through the woods and before there was a fence there they attended Peter Woodbury. There wasn't an issue way back then when Li'l Apples was there, so I'm not sure if I answered your question correctly, there was a concern way back when Li'l Apples was there. I used to work for the director and the owner of Li'l Apples and she assured me that there weren't any issues when she was there, but that was way back and now you have Peter Woodbury but we are not allowed to use Peter Woodbury anymore because they put up a fence. We won't have an afterschool program, so that won't be utilized. Ms. McGinley responded I guess I am concerned about the drop-offs, not so much the pick-ups, because school will be over. Isn't the drop off about the same time that the school begins? Ms. Lewis replied no, Peter Woodbury School starts around 8:15am and most of our parents will be done dropping off because most of them need to be to work by 8:30am. So I don't think there will be that much of a problem, but I do know that the special ed bus will be transporting children to Peter Woodbury if we do have children in the Town of Bedford that will be utilizing that, so the bus would come in and pick them up or pick them up right there with a teacher waiting at the edge. I'm not sure if that answered your question. Ms. McGinley asked Ms. Hebert, how can we analyze this sitting here today? Ms. Hebert replied we had VHB review a trip generation count for Phase 1, and they felt reasonably comfortable with the Phase 1 drop off because it is for a daycare, which has the staggered start and staggered pick-up, as opposed to a public school where the bell rings at a certain time and all of the students start classes at the same time and then it rings and they all exit at the same time. I think for Phase 1 we are comfortable with the parent pick-up and drop-off. With Phase 2 adding the additional 44 students, I don't see how that plan could work. It just seemed like you are going to have queuing onto Back River Road, and it was unclear how that Phase 2 plan would function. But for Phase 1 plan with the staggered starts and the staggered pick-ups and the drop-off loop and the options for parking and walking in, VHB seemed reasonably comfortable with the Phase 1 plan. They also have added some "No Drop-Off and Pick-Up" signs along the

shoulder of Back River Road. There is a widened paved shoulder along Back River Road, and we wanted to be careful that parents wouldn't be using that for queuing in the morning. The way I look at it is if the site continues to back up onto Back River Road or it doesn't function the way we think it is going to, they would be in violation of their site plan if they were stopping and having the pick-up extend back onto that shoulder and they would need to review it again. Ms. McGinley stated I saw that VHB had looked at it but with drop-off and pick-up that are not required at any specific time to be staggered, you could have all of the parents show up at one time. Ms. Hebert replied right, and we went through three different versions of this site plan between when it was submitted and what you see now, and VHB reviewed the plan that you are looking at right now and issued a memo after the packet went out to the Board stating that most of the concerns had been addressed with Phase 1. You can see in their memo they do have some concerns with the parent pick-up and drop-off, especially for Phase 2, and we feel that the Phase 1 plan and the applicant agreeing to delay the Phase 2 implementation until they can observe how their Phase 1 plan functions, is a good solution. Ms. Lewis stated two years ago we had the school functioning at full capacity and we were utilizing the entire building, and there really wasn't a concern then, but I totally understand that we are only on Phase 1, so I hear that you had a concern and I totally understand that, but two years ago we functioned with the entire building as a school, grades K-8, and there weren't any traffic issues. I'm sure the Town of Bedford would have notified us two years ago, and now we are just doing a childcare center in Phase 1. Mr. Scanlon asked do you remember what the enrollments were two years ago? Ms. Lewis replied we had 25 children. Mr. Scanlon stated and if I remember correctly, it is 40 now and then 43 again for Phase 2, which brings you to 73 cars in the morning and 45 in the afternoon. The answer that I am hearing to the question posed here is that at the moment collectively you don't think everybody seems prepared to accept the fact there is no answer to a congestion problem until Phase 2 comes along. But that does not mean there wouldn't be one. Is that right? Mr. Lewis replied right; the childcare center is only going to be licensed for 40 children, and that is only in Phase 1, so I don't see where that could be a concern right now until we move onto Phase 2. Mr. Scanlon responded okay, as long as we are clear on that. Mr. Mitchell stated Mr. Chairman, also, what we had proposed for Phase 2, which is not under consideration tonight, is to add additional parking on the church property with a walkway connecting through the field, and I think we had space for at least 18, so once we monitor how the pick-up and drop-off goes for the childcare center before Phase 2 comes in, we will know whether there is enough parking there and maybe that is where the drop-off is for the school-aged children, that they all have to come in from the church area and walk over, but that is something we are going to monitor as the childcare center is open, but we do have space for additional spaces when Phase 2 does come on. So we will be monitoring Phase 1 just to make sure we don't have a problem with Phase 2. Acting Chairman Newberry stated not to get too far into Phase 2, but I would expect that you would have to do a trip generation table similar to what you have for Phase 1, plus any documentation of what your actual Phase 1 experience is. Mr. Mitchell replied yes; because we initially started with two phases, one construction phase and then the second phase for the plan, we do have the information, and what was mentioned about the 73 trips in the morning it is a combination of the two, not just the childcare center. We do have all of what we originally presented, but because we are just dealing with the 40 students with the childcare center right now for Phase 1, we can still bring back the additional information, but we did count it and that is where the 73 came up for the AM, that was both Phase 1 and Phase 2. Mr. McMahan stated limiting my discussion to Phase 1 only so we are clear, your explanation sounds good. May I

assume that you have enough rapport with the parents that if some sort of back-up did occur, you would be able to solve that internally? Ms. Lewis replied yes. My plan is if we have too many cars in the parking lot and we don't have enough parking, then we utilize the staff to transport the children back and forth through the field and the parents can use the church parking lot. Mr. Rohe stated in regard to Phase 1 you are saying that you are utilizing 12 parking spaces at the church for teachers. Mr. Mitchell replied no. Phase 1 is not utilizing any spaces at the church. We have 12 spaces at the school location already and those would be utilized for the employees and any parents that drop off, so there is existing 12 for Phase 1 right where the school is, however, when we do Phase 2, what we had proposed is some of those 12 spaces would be taken away to give more room for circulation and that is why we're looking for more spaces at the church for Phase 2 only. So currently we have 12 spaces for Phase 1 at the school. Mr. Rohe asked if you have a function at the school for the children in daycare and you are utilizing the overflow parking at the church, if it is wintertime, how are those children, without a walkway, going to get from the church, through the field, to the Kellogg School if there is not a walkway there in Phase 1? Mr. Mitchell replied for Phase 2 there is a proposed walkway and the overflow parking at the church, but we do not propose any overflow parking at the church for Phase 1, so we were not going to put the walkway in until Phase 2 came up and that was approved. There is no overflow parking that we are utilizing at the church for Phase 1, and that is why we don't have a walk for Phase 1. Mr. Rohe stated but with the possibility of having 40 children there, is it reasonable to assume that you don't have enough parking spaces at the Kellogg School and it would be required use of the church parking lot for that overflow parking if there were an event, and if you are not going to have any events, then please let me know, but it seems reasonable to me that with 40 kids at some point in time there would be some sort of school-wide event. Mr. Descheneau replied if there is an event at the school and it does require us to have a lot of parents there, we will move the event over to the church and have them come into the church parking lot for the event only. Ms. Lewis stated New Morning School down the street utilizes our parking lot when they have functions also. They call us and they ask us if they can utilize our parking lot and then they walk the people down the street to the New Morning School.

Acting Chairman Newberry asked you have 40 students, do you typically get 100 percent attendance or is it normal that you have some percentage of 40? We are going to be licensed for 40 children and right now we have 10 children ready to enroll, so I plan to have the staff park at the church because obviously it is the summer and fall, so we will be walking across the field, then as we see how things are going and the timeframe of the parents dropping off, because it is really hard to estimate when parents are going to be dropping off and when the prime time is, that is when I will utilize my staff, so I can't honestly answer the question truthfully because we are open from 7:00am to 5:30pm, so until I see how the clientele is that is when I can figure out my staff, but I am going to try to have the staff park at the church and walk across the field. Acting Chairman Newberry stated I was looking more for your experience of your attendance rate. Ms. Lewis replied I am going to have 40 children and they are going to be coming between 7:00am and 8:30am. Acting Chairman Newberry stated I'm not asking about the staggering, I am asking if you have 40 children, do all 40 show up every day. Ms. Lewis replied not always, but the majority of them are there every day. Acting Chairman Newberry stated that majority is the number I was looking for. Ms. Hebert stated assume 40 children. Mr. Rohe stated it was said that you are going to be utilizing Kellogg School for parking, now you just said you are going to be utilizing the church for parking. Ms. Lewis responded if I need to use it for the staff.

Mr. Descheneau stated if we need to use it. You asked about a function. Mr. Rohe responded I understand that, but she just said completely without a function she was going to be having staff park at the church. So, the question is if you have the enrollment such that it requires that the staff parks at the church, how are you going to get the kids safely to Kellogg School in the wintertime if Phase 2 is not implemented and you do not have a walkway? Mr. Descheneau stated I will make a walkway; I will just go through with a snow blower and make a walkway for now. That is all I can tell you. Ms. McGinley asked but that is not for the children? Mr. Descheneau stated no, that is going to be just for the staff. Ms. Lewis stated we won't be doing that with the children. Mr. Descheneau stated I don't want any of the children over at the church at all if I really don't have to. I would rather have them all dropped off and in the school right away, and that is what the hope is. The hope is to have the parents come in and go right back out.

Ms. Hebert stated today when I was reviewing the packet there is a letter in the packet from the church saying that there would be availability of up to 18 parking spaces for the daycare, and it was unclear whether that was something that would be able to be used for Phase 1, to utilize the 18 spaces or if that was intended for Phase 2, but I did draft an updated staff recommendation that included a condition that the school establish an agreement with the church to allow for a shared parking arrangement for up to 18 spaces, or whatever the school feels would be sufficient to accommodate that occasional need for overflow parking or the shared parking with the staff. Is that something that was available for Phases 1 and 2? Mr. Descheneau replied the letter states that the school could use 18 spaces; it didn't indicate Phase 1 or Phase 2.

Mr. Sawyer stated I want to follow up on what Mr. Rohe has been saying, and I think it is the same letter that he started off referring to that Ms. Hebert just spoke about. The letter from the church says that the teachers will be parking at the church, not at the school, and it doesn't break that down by Phase 1 or Phase 2. It just says the teachers will be there and it seemed like it had to be Phase 1 because it is talking about 12 parking spaces being available. In your Phase 2 plan there was never going to be 12 parking spaces available, so this letter from the 13<sup>th</sup> we should essentially ignore at this point based on everything you have said. The letter is from Mr. Descheneau, which is fine if the teachers are now going to park at the school, that is great, but we have heard different things tonight, and I clearly noted this in my review that if teachers are going to be parking over there regularly, our regulations definitely would call for that to have a paved connection. We would want no chance of a teacher walking out on Back River Road, independent of the students, I can see why the students would clearly stay on campus, but that is not a road that we want to encourage any kind of pedestrian activity unless a sidewalk gets built. In your case you could build the walkway. Mr. Descheneau responded no student is going to walk in the street. Mr. Sawyer replied I'm talking teachers at this point. Mr. Descheneau stated no teachers are going to walk in the street. Mr. Sawyer stated it is my belief that our regulations would call for that to be a paved, maintainable pathway between the parking and the property. Ms. Lewis stated State regulations will not allow us to utilize the field because we are not allowed to, so there will be no children in the field at any time; they will be fenced in. So the only concern that I have when it comes to the staff is making sure that we have adequate parking for not only the parents primarily, but safely for staff, and I can honestly tell you that there is only going to be two cars there at any given time until we start building up the school to be licensed for 40. Ms. McGinley stated I think what we're speaking about is the intended use of

the church property for the teachers and that there needs to be a paved pathway from the church property to the school so that we don't have a problem with a teacher getting injured even coming across the field. Mr. Sawyer, is that what you are speaking about? Mr. Sawyer replied that is my belief that just because of the safety of Back River Road, I wouldn't want to take the chance of somebody getting hurt. With other streets I might have ignored this, but at that location on Back River Road, I wouldn't even want to have the potential for somebody if it happens to be a snow covered field and you haven't been able to get out there, it is not as easy to maintain a field or a path to a field that might be muddy or what have you. Ms. Lewis stated I just want to reiterate what I said before. New Morning School utilizes our parking lot for their large functions and they walk on Back River Road also. Mr. Sawyer responded I don't think this Board was aware of that when they came forward. Mr. Descheneau stated they even park on the road. Ms. Lewis stated which makes it worse to get through. Mr. Descheneau stated I really do understand your concern, but I am telling you that there will be no one walking on that road, not from this school.

Councilor Stevens stated when the children are dropped off, are they taken from their vehicles by the staff members or are their parents bringing them into the school? Ms. Lewis replied State regulations require they bring them into the building, but I want a teacher outside monitoring the parking lot because I am an overprotective director and my main concern is the children and the flow of the traffic. I would rather have somebody in the parking lot monitoring the parking lot at pick-up and drop-off times. Ms. McGinley asked when you say they will be bringing them in? Ms. Lewis replied by State regulations the parents need to bring them in, but I will have a staff member outside monitoring and making sure that the parking lot is safe. That is a busy road and children are children, they are going to do what they are going to do, and if they don't want to go in the car, they don't want to go to school, I just want to make sure that every child that is in our facility is safe and secure. Ms. McGinley asked if I am a parent and dropping off and you have the nice circular drop-off area, I actually have to park there and bring my child in? Ms. Lewis replied yes. They have to because we are a secure building and the building will be locked. Normally the morning drop-off is very quick because the parents need to get to work; it is the evening ones that might linger a little but we as teachers encourage them to move quickly. Acting Chairman Newberry stated I think it is a wise thing to have someone on your staff in the parking area, but I think the issue we are still trying to come to conclusion on was that if the church parking lot is going to be used for any purpose, that we would want to see a path added to the plan in Phase 1 to assure that there was safe passage from the church parking lot to the school. Ms. Lewis responded I have no intention to utilize the church building unless in case of an emergency, and I don't see that happening. Acting Chairman Newberry stated the issue is simply anyone using that parking lot, whether it is your staff on an occasional basis, so I think the Board is leaning toward that either the church parking lot is off limits or if the church parking lot is going to be used, the Board is going to want to see added to your plan a safe path from the church parking lot to the school. Mr. McMahan asked is the applicant willing to install a paved path in between the two buildings as our Planning staff has recommended? A walkway between the Kellogg School and the Seventh-Day Adventist Church? Mr. Descheneau replied we would like that to be put as part of Phase 2. Mr. McMahan asked but you would have people that could be parking at the church? Mr. Descheneau responded it is hard for me to say who is going to be parking where at this time because we are anticipating 40 kids; we may only get 15, so hypothetically I am going to put in a \$6,000 walkway for 15 kids. If gets to that point, yes, we

will put it in, but I would prefer to let us go a couple of years until we can get going because of cash flow. Ms. McGinley stated but if there is a requirement under our ordinance that there is a paved pathway between the church parking area and the school, I think we would need to have that requirement now. Acting Chairman Newberry stated either that or we add a requirement that says that the church parking lot cannot be used to supplement activities at the school until they put the pathway in. Mr. Fairman stated I would like to suggest that the church not be used and we require some sort of temporary barrier across there to indicate that it is off limits for parking. Maybe something more than cones but something so that the teachers don't use it, the parents don't use it, and figure they can walk over. It doesn't have to be anything very elaborate, maybe a couple of street barricades so that nobody does use that parking. Ms. Lewis stated we are renting the school right now, we are a separate corporation renting the school, so parents and teachers don't even know that we are associated with the church at all. Nobody in that building, except for me, knows that we are associated with the church. We are renting just like Li'l Apples did. Mr. Descheneau stated we are a 501-C:3, nonprofit, we are basically asking to rent the bottom part of the building and that is it. When Phase 2 comes along, all of that can be addressed. I agree with you that maybe it should be looked at, but for now I am asking you to let us open and we can look at these things, get you the numbers that you are looking for, the movement of the cars and the people, but right now I don't anybody in this room can give you an exact number on anything like that, and we won't know until we open. Acting Chairman Newberry asked even if part of the approval was to make a requirement that the church parking lot is off limits? Mr. Descheneau replied if that is what the Board wants, then it would be off limits. Mr. McMahan stated perhaps another way of looking at it for complete flexibility for you is, which would you prefer. Would you prefer not allowing parking or would you prefer to put in the paved walkway? Mr. Descheneau replied I do not have the money to put in the paved walkway right now. Ms. McGinley stated I think that there is a middle ground, that the parking lot cannot be used until the paved walkway is installed and then you will have to install it before you start using it, that way you don't have to come back to us.

Acting Chairman Newberry asked for questions or comments from the audience. There were none.

**MOTION by Ms. McGinley that the Planning Board grant the waivers from the Bedford Land Development Control Regulations Section 317.1.11, to not provide high intensity soil survey mapping; Section 317.1.10, not provide 2-foot contour data for the developed portion of the site; Section 315.2.8, to remove the requirement to provide wetlands mapping; and, 327.2.1, to allow a dumpster to be located 11 feet from the side lot line where 30 feet is required. Councilor Stevens duly seconded the motion. Vote taken - all in favor. Motion carried.**

**MOTION by Ms. McGinley that the Planning Board grant final approval of the change of use site plan for Kellogg Christian Child Center and Northern New England Conference of Seventh-Day Adventists to allow a 3,120 SF childcare center as an additional use at 41 Back River Road, Lot 22-41, in accordance with the Phase 1 plans, last revised on April 19, 2016 by Eric C. Mitchell & Associates with the following precedent conditions to be fulfilled within one year and prior to plan signature, and the remaining conditions of approval to be fulfilled as noted:**

1. **In the event that the Planning Board approves the waivers, the plan shall be updated to list all waivers granted as approved.**
2. **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.**
3. **The Applicant shall submit any outstanding engineering review fees to the Department of Public Works.**
4. **The Phase 1 site plan shall be amended to provide visual separation with either pavement striping or a change in materials between the vehicle drop-off area and the walkway adjacent to the drop-off.**
5. **Prior to use of the space, the Applicant shall obtain a certificate of compliance from the Building and Fire Departments for the proposed childcare center.**
6. **Prior to commencement of work, a pre-construction conference shall be held with the Planning, Building, Fire and Public Works Departments.**
7. **Prior to the issuance of a certificate of occupancy for the building, all site improvements depicted on the plan shall be completed.**
8. **Prior to occupancy of the upper level of the Kellogg School, the Applicant shall seek Site Plan approval from the Planning Board for the Phase 2 site improvements.**
9. **The Phase 1 site plan shall be amended to provide for a paved walkway between the Kellogg School and the Seventh-Day Adventist Church, which will be installed prior to any use of the parking lot at the Seventh-Day Adventist Church.**
10. **A written agreement between the Seventh-Day Adventist Church and Kellogg School shall be established to allow for a shared parking arrangement of up to 18 parking spaces on the church property, at a point certain, prior to the use of the church parking lot by the school, and a copy of that written agreement shall be furnished to the Town.**

**Mr. McMahan duly seconded the motion. Vote taken - all in favor. Motion carried.**

Councilor Bandazian returned to the meeting.

2. **Bedford Mall, Pure Barre Fitness (Applicant), Shoppes at Bedford 15A c/o ACF Property Management (Owner) – Request for a waiver to Article 275-68 and Table 6, Performance Zone Sign Standards to allow window signage, 79 South River Road, Lot 12-26, Zoned PZ.**

A staff report from Becky Hebert, Assistant Planning Director, dated April 25, 2016 as follows:

***I. Project Statistics:***

*Applicant: Ken McCarthy of KBoss Bedford, LLC - Pure Barre*

*Owners: Shoppes at Bedford 15A c/o ACF Property Management*

*Proposal:* Waiver for additional signage  
*Location:* 79 South River Road, Lot 12-26 (Bedford Mall)  
*Existing Zoning:* “PZ” – Route 3 Performance Zone  
*Surrounding Uses:* Retail, Office & Residential

## **II. Background Information:**

*The Planning Board has reviewed the following applications for the Bedford Mall site:*

- *August 16, 2010 the Planning Board approved the major redevelopment of the Bedford Mall including the addition of Kohl’s as a new anchor tenant.*
- *April 4, 2011 the Board approved revised subdivision and site plans for the Kohl’s store. On July 11, 2011 a 6,828 SF standalone multitenant building was approved for the Starbucks/Chipotle/Optima Bank.*
- *October 17, 2011 the Board approved outdoor display and seating for Fresh Market. On May 9, 2012 the Board approved an additional sign for Milan K Salon & Spa.*
- *June 18, 2012 the Board approved additional window signage for Pet Supply Plus with no words, branding or logos present.*
- *October 1, 2012, the Planning Board approved additional window signage for Bob’s Stores on a temporary basis with no limitation on the style or content until amendments were made to the Zoning Ordinance regarding the definition of signage based upon the distance it is set back from the window. The Town has since amended the definition of a sign to include images within 18 inches of the window pane. Kohl’s and Bob’s Stores have graphics displayed in the windows, but the signs are set back more than 18 inches.*

## **III. Waiver Requests:**

*The Applicant is requesting a waiver from Section 275-68 & Table 6 Table of Performance Zone Sign Standards to allow three window signs along the storefront and four smaller “Pure Barre” signs (3” x 19” and 3” x 30”) at the entrance. The larger window signs are 36.6 square feet each (109.8 square feet total) and illustrate activities done in the fitness classes. These signs do not contain logos, branding or words. Although the larger images do not advertise with a logo or words, they do meet the Town’s definition of a “sign.”*

***SIGN — Any object, device, display, or structure, or part thereof, situated outdoors or indoors within 18 inches of a window pane and visible from the exterior of the building, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination, or projected images.***

*The Applicant has stated that the window coverings are needed to provide privacy to participants in the exercise classes, and if the Board were to deny the request they would need to apply a gray film to the windows to block views into the building. The storefront is*

*approximately 600 feet from South River Road, and the signs will not be visible from the roadway.*

*When the Bedford Mall was redeveloped the Board approved a waiver that would permit each unit a 50 square foot building sign and the Applicant will also have a 50 square foot “Pure Barre” building sign above the entrance.*

*The Board has approved waivers in the past to allow images covering the windows at Pet Supply Plus and Homegoods, provided the images display artwork without words, branding or logos and any changes to the artwork would need to be reviewed by the Planning Department. Staff would recommend using a similar approach to this request but the 109.8 square feet of additional signage seems excessive given the size of the tenant space. Staff would recommend granting a waiver to allow one window sign (36.6 square feet) and the four smaller signs (3” x 19” and 3” x 30”) at the entrance with the condition that the larger sign not contain any words, branding or logos and that changes to the sign would need to be reviewed by the Planning Department.*

*The Zoning Ordinance permits a waiver in the Performance Zone where the applicant demonstrates substantial compliance with the five purpose statements listed below:*

- A. To attract environmentally acceptable commercial, industrial, recreational, institutional, and residential uses to the District;*
- B. To encourage diversity in the community tax base through appropriate flexibility in land use and land use development;*
- C. To optimize financial return on public infrastructure investments and expenditures, including municipal sewer, municipal water supply, the Manchester Airport, Class I and II public highways, and the Merrimack River amenities;*
- D. To minimize adverse traffic impacts on U.S. Route 3, the I-293/NH Route 101 Interchange, and surrounding local streets and roadways; and*
- E. To preserve valuable historical, cultural, and natural features within the district and to minimize adverse environmental impacts such as water, air, light, noise pollution, flooding, clear cutting of vegetation, and the blocking of scenic views.*

Ken McCarthy and Adrienne Boss, owners, Pure Barre Fitness in Nashua, were present to address this request for a waiver to allow window signage.

Mr. McCarthy stated Pure Barre is a boutique fitness studio aimed predominantly at women, it is a highly effective workout, we have one in Nashua, and we are currently in the process here in Bedford. What we are proposing on the three windows that you see covered in the posted photo on the screen; the studio is going to be going the long way down that side of the building. Those coverings will serve two purposes. The first one would be to provide privacy for the ladies behind there working out, and the second is to maintain a classy, upscale boutique fitness studio look. Ms. Boss stated we have had the option to just frost the windows and it doesn't look nearly as nice. We have done a lot of photo renderings to see different options, we have tried putting

one photo across all three, none of them looked as nice as this did, we wanted to make sure that we could frost those windows in a way that still had a good upkeep on our appearance because it is a boutique workout, we also have a boutique clothing area within the studio. Having privacy for the clients is our most important thing. No one wants to workout feeling like people are staring at you as they walk by, especially in a plaza setting. We have looked at a lot of other tenants in the lot as well with regard to what they have in their windows and the size of their places. A lot of them aren't as nice as what we are proposing, and Mr. McCarthy has photos of the other ones for examples and those aren't as high-end looking as what we are proposing. Also, the other aspect of it was the lift-tone-burn sign that you can see in the lower left, with Pure Barre on the doors. That is pretty standard across the board with all Pure Barre's. Pure Barre is a franchise; there are about 400 locations around the US; we own the first in New Hampshire, which is in Nashua, and this will be the second location, so those are standard window signage that are at pretty much every Pure Barre for the appearance of the studio in general.

Mr. Pincince stated I am a client at Pet Supply Plus, and they already do this kind of window treatment in their business. To me there is already a precedent for this particular mall to have that kind of window adornment in their place of business. Ms. McGinley stated when we approved that, it was to cover shelving that was built up to the windows. Mr. Sawyer stated in their store they had put shelving up against the back of the windows so we could either look at shelving or the graphics that they ended putting up in there. Ms. McGinley stated there was a purpose for the graphics as there would be a purpose here. Mr. Pincince stated my point is that there is a precedent already set that exists. Ms. McGinley stated that is why I said it was because of a purpose there to cover up the shelving and here it would be for privacy. It is unusual. Acting Chairman Newberry asked will these be fixed images? Mr. McCarthy replied yes; they will be vinyl on the inside. When you look at Pet Supply, they have drapes that are hanging probably 8 inches from the window to cover up the entire window. Some of them aren't fully fitted, some of them are bent out of shape and you can see gaps. It doesn't look as nice as what this is going to be. I have a sign company that is making the vinyl and it will fit straight-on so there are not going to be any gaps, no fading, it is a high-end sign company. Acting Chairman Newberry asked these are opaque from the inside? They don't transmit any light from the outside? Mr. McCarthy replied they may transmit a slight amount of light but you definitely won't be able to see through them. Acting Chairman Newberry stated I was just curious if it still provides any exterior light into your studio. Mr. McCarthy replied it may provide a little bit, not a ton. Acting Chairman Newberry asked these will be affixed right to the window? Mr. McCarthy replied yes. Mr. Sawyer stated they are here asking for the waiver so that they can put it right onto the window and not have to be set back.

Mr. Sawyer stated in your Nashua store you have your retail across the windows and your mannequins and so forth. Why didn't you do that same kind of thing here? Mr. McCarthy replied we didn't because on the left-hand side of this studio there is a hand and stone massage studio, so we didn't want the demising wall with our fitness studio that plays music, to interfere with their business, which has four massage rooms along that wall. So what we have done is soundproofed that wall, we have put another layer of drywall and sound corking in between that drywall, so we didn't want to interfere with their business, and that is why we choose the right-hand side of our space to place our studio. Ms. McGinley asked instead of just in the back? Mr.

McCarthy replied that's correct because the shape of this space is wider but it is also longer. We have 500 square feet less in Nashua, and this is the more traditional shape of a Pure Barre studio, which is longer and skinnier. Mr. Sawyer asked and the graphics have to go all the way to 10 feet in height? Mr. McCarthy replied yes. Mr. Sawyer asked versus the top of the door level or something where unless you are 7 feet tall you can't see in? Mr. McCarthy responded this is what we are proposing; we would really like this. If there is a compromise, if it is going up 6 feet from the bottom of the window, we would be happy to look at that. I just know the way that it is set out right now, those photos look quite good. Mr. Sawyer stated I'm not sure which one would look better, whether it will be only going up 7 feet in total height or something along those lines, if that would look better or worse than having them cover the entire window. Mr. McCarthy responded the only fear I would worry about is I have been there in the afternoon recently and I notice that sun is coming down behind us, so at the end of class everybody will be facing the light coming in and it will be hitting their faces. Pure Barre is a 55 minute workout, it is very music and light driven, so at the end of class the lights are off, there is stretching, it is a real calm, yoga type of feel. Mr. Sawyer stated the western setting sun is a problem in other stores here. If you look at a couple of storefronts to the left, you see they actually have blinds that they draw at certain times of the day because of the setting sun. Ms. McGinley stated I am okay with the small signs. They are pretty benign in my opinion.

Mr. McMahan asked Ms. Hebert, what are the implications for other businesses if they see this and they want to fill most of their plate-glass windows with their advertisement? I understand you want privacy but it is certainly also signage for advertisement. Ms. Hebert responded it is advertisement and I think we probably will see more requests from local businesses for window signage. It is the kind of signage that goes up sometimes unnoticed by us and then we drive by and we see and didn't realize they had put signs up. I was at Whole Foods today and even noticed they have window signage along their frontage, which hasn't been permitted. I think the Board in the past has said that with Pet Supply Plus the waiver was granted with the condition that there be no words, logos or branding on the images and that it would be artwork only. Mr. Sawyer stated Staples is certainly in violation. If you have been in the plaza recently, Staples is in violation with signage all over their windows. It is not approved, but I believe every other business is in compliance at the moment with the way they have set their graphics further back of the 18 inches from the windows. Acting Chairman Newberry stated Ms. Hebert; you said art as opposed to photographs. Ms. Hebert replied when the Board acted on the Pet Supply Plus, they were specific in saying that the images needed to contain artwork and not words, logos or branding. They were still considered signs but that the graphic images just contain pictures of the pets or the animals, and I think the same condition was put on Home Goods. Acting Chairman Newberry asked so it doesn't distinguish between artwork and photographs? Ms. Hebert replied no, it is still a sign.

Mr. McMahan stated hypothetically if the Board did not approve this, how would you provide privacy for your clients? Ms. Boss replied we would have to look at other options such as frosting the windows; we just don't believe that it would look as nice for the plaza in general or in keeping of the boutique atmosphere.

Mr. Fairman stated frankly I see nothing wrong with this, and if you compare that to Talbot's, for instance, they put mannequins in their windows with clothing, certainly that is marketing as well,

not a sign, but it has that type of thing. It is tasteful, the sign doesn't say what it is, we have had places like Convenient MD that have come back and said we need a sign saying who we are because the name doesn't define it. I think this is a tasteful, effective way of saying what the business is, and I am all for it. Mr. McMahan stated that is advertisement. Ms. McGinley stated it is a retail center and retail uses advertising. But I think they have described their other purpose for this in that they need to demise their own space in a way that doesn't interfere with their neighbor's use of their property for massages. Mr. McCarthy stated I have \$60,000 worth of drywall and soundproofing going in there, so we have done our homework and this is our best case scenario to work with our neighbors. Ms. McGinley stated so that gives them this side of what would have been retail space and it has a glass front. I actually am okay with it.

Acting Chairman Newberry stated I have a question for the Board. Is the Board comfortable that in the discussion the applicant demonstrates substantial compliance with the five purpose statements as listed in the staff report on supporting this type of a waiver, and if there is anything in the Board feels hasn't been addressed in the conversation, we should talk about it because I think it is important that we keep this criteria addressed because that is going to help us be consistent with these types of requests, which undoubtedly we are going to see more of from time to time.

*A. To attract environmentally acceptable commercial, industrial, recreational, institutional, and residential uses to the District:*

Ms. McGinley stated this is a commercial use, this space has been empty since the new plaza opened and it looks like a good diverse use of the space, diverse from the other uses in the center.

*B. To encourage diversity in the community tax base through appropriate flexibility in land use and land use development:*

Ms. McGinley stated I do like that this center has a variety of uses and not just straight retail. This would be another non-retail use.

*C. To optimize financial return on public infrastructure investments and expenditures, including municipal sewer, municipal water supply, the Manchester Airport, Class I and II public highways, and the Merrimack River amenities:*

Ms. McGinley stated I don't think this criterion applies to this application.

*D. To minimize adverse traffic impacts on U.S. Route 3, the I-293/NH Route 101 Interchange, and surrounding local streets and roadways; and*

Ms. McGinley asked what are your hours of operation in Nashua and what would you use here and when do you see your primary use? Mr. McCarthy replied as an example, today in Nashua we had a class at 5:30am and we are just finishing our last class now. Ms. Boss stated it is all different times throughout the day, primarily 5:30am through 10:30am and then about 4:00pm

through 8:30pm. It is spread out during the day, and our highest use time is probably around 9:30am and then the evenings. Ms. McGinley stated that is actually good with the other uses on the corridor in terms of spreading it out.

*E. To preserve valuable historical, cultural, and natural features within the district and to minimize adverse environmental impacts such as water, air, light, noise pollution, flooding, clear cutting of vegetation, and the blocking of scenic views.*

Ms. McGinley stated I think this applied to the center as a whole in its redevelopment but I don't see anything to add here.

Acting Chairman Newberry stated I would agree on these. Mr. Fairman stated I think that we need to remember that this is 600 feet from South River Road and is not visible from any roads and highways. I think we all know that in a neighboring development we are going to have lots of requests for signs that are going to be pointed out that they are okay because they are not visible from the highways. We have already had discussion about that, so I think is an important part of it. Acting Chairman Newberry stated agreed. These images aren't going to be illuminated from the exterior? Mr. McCarthy replied no; it is purely just vinyl that is going to go over the window. There is no lighting behind that or anything. Ms. McGinley asked it will be attached on the inside of the window? Mr. McCarthy replied I believe so. I don't think they would put it on the outside. Councilor Bandazian stated first of all for the reason stated 600 feet from the road, also to me personally the fact that it is a monochromatic image; it is tasteful and conforms to the architecture of the plaza. With that being said, what I wrestle with here myself is what if you drywall over the window, then you have complete privacy and you put up an advertising sign this size, how is that any different from what the request is? Mr. McCarthy replied I think the only difference is if we put up drywall and put advertising on that, it is not going to look half as classy as what this is. Councilor Bandazian stated if you put up exactly the same images facing the outside is it a sign. Mr. Sawyer replied it still is a sign. Why there is so much glass is that we have a regulation that requires 40 percent of buildings of this size, buildings over 100 feet long, to have 40 percent of that area be glass area and that is really what is driving this, and would drive any building, whether it be up near the street like you are talking about, or not. If this same request was up near the street, I would feel a lot different about it. The glass and the requirements for breaking up long buildings is to have life in the building so people walking by are attracted to come in. If we allowed every shop to fully wall off their storefronts, those are not successful plazas, and that has been shown throughout the country. So having a percentage of glass, and it looks like they are keeping about 50 percent of their storefront open and clear. If it was up along the street, I would have a much different feeling about this application. Mr. McCarthy stated that 50 percent that you can see through the window, you are going to be able to see the entire length of the building, so people walking past will see retail hanging on the walls in there, they are going to see different lighting fixtures, and they are going to see different decorations in the retail area. It is not just a dark little corner when they are walking past; they are going to be intrigued to go in there. We get people walking past our other studio in Nashua and people are always intrigued to know what is going on in there. Acting Chairman Newberry asked these are going to be black and white images? Mr. McCarthy replied that is correct.

Mr. Rohe asked is it safe to assume that one of the main driving factors for doing this is for privacy for the women exercising? Mr. McCarthy replied that's correct. Mr. Rohe asked so that is your main reason for looking for this sign, which is to make sure that there aren't people standing out front viewing in as women are exercising, so you're trying to give full privacy to the women inside while they workout so they have the experience of the Pure Barre experience? Mr. McCarthy replied that is correct.

Mr. Rohe stated I guess I am for it in the sense that this is a privacy concern and a valid reasoning for the signs is to allow people to work out regardless of how comfortable or uncomfortable they are with their shape. This puts them behind a window that will allow potentially some light through from the outside but not necessarily from the inside, but it is a privacy matter versus advertising. There are no words on this; I like the monochrome of it, and I think it is classy as Mr. Pincince and Mr. Fairman said. But for me the driving factor is the privacy aspect of it. There is a legitimate purpose to it being the privacy.

Mr. McMahan stated I think we have all come up with some good ideas. The first point is if privacy is the driver, there are other ways to provide the privacy as you have already told us. You may not like the looks of it as well as this, but privacy can be provided by another means. My second point is, I would like to support the Planning staff where it says that the request is excessive given the size of the tenant space, and I'm worried about a precedent that this might set. Ms. Boss stated first off I'd like to touch on what Mr. Sawyer had mentioned. If you had let every place completely cover all of their windows, there wouldn't be a driving force in those plazas and they don't do as well. If we did just a frosting on the windows, it wouldn't look as nice and it doesn't drive people in. We think that those pictures do help drive people in, they are not there as an advertisement, our main purpose is the privacy of all of our clients, but it does look much nicer than plain frosted glass and it will only help the plaza overall if we are successful. We did look at the excessive part as well. The reason that we don't agree with that is because I think the staff report said that they would approve one of the windows. Mr. McCarthy stated it says to cover any one window but the studio covers all three windows. Mr. McMahan responded I understand, but there are systems by which you could have vertical blinds that can be pulled back and they also can be rotated. I have seen some of them on some stores in different parts of the country that are used for things like this to maintain the privacy, and when, in fact, classes are not being taken, they can easily be rotated or pulled aside so that they can see what it looks like inside. Yes, I understand your concern, I think there are other ways, and like I said before, I would like to support the Planning staff and their concerns. Ms. McGinley stated after all of this discussion, I actually like what they have proposed. After hearing your explanation as to why you are putting it there, and I know where the space is in the center, it will accomplish a level of interest that blinds will not.

Mr. Pincince stated I have a question relative to the graphic that is being used. Will you change that from time to time? Ms. Boss replied no. Ms. McGinley asked is it going to be exactly what you have posted on the screen? Ms. Boss replied yes. Acting Chairman Newberry stated I think the proposed wording if the Board approves this waiver, should include that a change to the sign would require them to come back to the Board. Ms. Boss stated this rendering was made by the sign company that would install them.

Mr. Sawyer stated I want to go on record that I was opposed as your Planning Director for the Pet Supply application at the time, so it is independent how I might vote tonight, but I didn't support that application at the time for a lot of the very reasons we are talking about tonight about walling off the exterior. I don't think this application quite does that the same way, but if there is a motion to grant this waiver, I would recommend that it include the words "monochrome" in the approval and that it is being granted for this user only and it wouldn't be able to be transferred to another tenant without approval by the Planning Board. Also, the staff recommendation motion is for the lower amount, 36.6 square feet, so if someone wants to make the motion for the full amount, it is a different number that is in the recommendation. I think the total amount being requested is 109.8 square feet. Ms. Hebert stated the staff recommendation was just to try to maintain some of that transparency into the storefront. Just a few storefronts down you have the massage parlor, which has the nice vertical blinds that hang across their window front, but they may decide that they want to do window coverings instead because they also have the same privacy issue for people receiving massages not wanting to be seen by people walking along the sidewalk. I think a hair salon could make the same argument. Mr. McCarthy stated the only thing I see with the massage parlor is that is their lobby/foyer area, there is no one actually getting a massage behind those blinds. The privacy of someone sitting in a waiting room versus the privacy of somebody taking a fitness class in their yoga attire, I would like to think is a little bit different. Ms. Boss stated not only that but essentially people will be able to see into our waiting area as well because they do come in and that is where they take off their shoes for class, so you can argue that is essentially the same as what they have there and that part we are not covering with the window covering. As Mr. McCarthy said, doing a workout, we have a huge community feel, it is a big part of Pure Barre in making everyone feel really welcome, no matter age, shape, size, ability, so we think it is really important to maintain that they feel comfortable, so that is our highest priority. Ms. Hebert stated I understand the need for privacy. I thought about the recommendation and looked into how other communities manage window signage and communities who have regulations for window signage and they tend to limit the percentage of glass that can be covered. It might be 15 percent; I think that is what Los Angeles uses, or 30 percent in some other communities. So I was trying to find a balance between maintaining transparency and allowing for the privacy, but they do have a good case for needing to screen the women exercising so that is where the recommendation came from. Ms. McGinley stated even though this is considered signage, it is signage with a purpose other than advertising, and that is the distinction that I see in this application from someone who just wants to put a big sign in their window advertising their business. Mr. Scanlon stated I was getting the impression from hearing the conversations what the Planning staff was recommending, and we have toyed around with the idea, of combining on window one, two or three, or all three, smaller signage with using also a combination of the filming so that no matter how much you reduce it, you still have the filming on the remainder of the window. Isn't that a possibility here? Mr. McCarthy stated the proposal is to have the center window fully covered with a picture. Ms. Hebert stated Mr. McCarthy, when we spoke you said you were going to be applying a gray film for privacy to the window that would let some light in, not the frosting, you said it was like a vinyl film that went over the window and that it had been used in other locations, so that was where the recommendation came from that you would do the gray film on two windows and have an image on one, but that was based on our conversation about the signage and the waiver. Mr. McCarthy stated I don't recall saying that I proposed to have two of the windows gray. Ms.

Hebert stated no; if the Board denied the waiver, you said you would put a gray film on the window that would allow some light through but people wouldn't be able to see into the space. Mr. McCarthy asked are you talking about our conversation this morning? Ms. Hebert replied I think it was with your architect at the counter maybe about a month ago. Ms. McGinley stated I think she is talking about if we don't approve it. Ms. Hebert stated if the Planning Board doesn't grant the waiver, it was my understanding that rather than the frosting, there is another type of vinyl film that gets applied to the window to provide privacy. Mr. McCarthy responded I don't think there is; I think it would be the frosting. I don't recall any type of gray film; I think it would be the frosting that would be applied, and we have seen other studios that have that and it doesn't look as good. Mr. Fairman stated I think there are lots of different ways of getting the privacy such as drapes, screens, or frosting, but frankly none of them are going to be as tasteful and good looking as this is. If we go with having a drape there, then there is nothing on this building that says what the business is so then you are going to get a waiver request for a bigger sign that says "Women's Fitness Center" that they are going to want to put up. I think this is an exceptionally tasteful way of saying what the business is and providing the privacy that they need. I don't see any reason to go a different way. Ms. McGinley stated I agree with you. Mr. Scanlon stated my impression was not that we were disagreeing on this, my impression was that what was being suggested as a compromise was a reduction in the size of the images and the remainder of that window, or all three windows, being filmed so they are translucent, not opaque, you can see out but you can't see in. I know that is possible. Is that not a compromise consistent with your objectives of promotion and yet accomplish privacy and then still on the Town side stay within some modicum of what we think to be the right sizing? Mr. McCarthy replied the approval here says the Planning Board approve a waiver from Section 275-68 and Table 6, table of Performance Zone sign standards allowing up to one window sign and four smaller signs. Ms. McGinley responded that is just a recommendation from the staff. We don't have to follow this at all. Ms. Hebert stated and I think we spoke earlier today about this recommendation and that it was really just to provide an option for the Board if they felt like this was too much signage to balance your need for privacy and wanting to display some graphic on the window, and it was a suggestion and the Board in the past has been very sensitive about signage and past applications for window signage weren't approved without some discussion.

Acting Chairman Newberry stated I think we have looked at this in just about every dimension possible, I would just say that the applicant is not looking to cover their entire frontage and I think that has also been explored and considered by the Board. I think what I'm hearing is the Board supports the 3-panel but we will have to see what we get for a motion from the Board.

Acting Chairman Newberry asked for comments or questions from the audience. There were none.

**MOTION by Mr. Cote that the Planning Board approve the waiver requested by Bedford Mall, Pure Barre Fitness (Applicant), Shoppes at Bedford 15A c/o ACF Property Management (Owner) to Article 275-68 and Table 6, Performance Zone Sign Standards to allow window signage, 79 South River Road, Lot 12-26, Zoned PZ, allowing up to 3 monochrome window signs as presented, totaling 109.8 square feet, and four smaller signs (3" x 19" and 3" x 30") at the entrance for Pure Barre at 79 South River Road, Lot 12-26, Zoned PZ, with the condition that the larger**

**window signs not contain any words, branding or logos and that changes to the sign would need to be reviewed by the Planning Department. Ms. McGinley duly seconded the motion.**

Acting Chairman Newberry stated as arduous as these exercises sometimes are to the Board, I think it is valuable that we help make some of these commercial developments attractive and useful to businesses, and I think as long as we continue to use the criteria, we can look at each situation and come up with something that works for everybody. I think it is important that as it is value added by the Board.

**Acting Chairman Newberry called for a vote on the motion. Motion carried, with Mr. Stanford, Mr. Sawyer and Mr. McMahan voting in opposition.**

Mr. Stanford stated I would like to say it is not that I'm opposed to the concept, it is just I think with all of the signage it is a bit excessive, and I do see that this is going to be something that we are going to be grappling with just about everything, not just these types of things, but every storefront. Acting Chairman Newberry stated I don't disagree, and I think the split vote is also valuable in that it kind sets the expectation that when you come in here, you better have a good story. Mr. Stanford stated I do wish when the developments are being proposed that these sorts of things were discussed at that time. I think it probably would have been a better time for those types of discussions for the whole development. Acting Chairman Newberry stated I think that is a good point because it occurred to me as I was sitting here that it would be nice if we could look at it across a whole development. What we are seeing are these piece meal requests coming in and there really isn't a guideline for any given applicant to do something or propose something that is going to fit well within that particular commercial development. I think maybe some of the conversation from the last meeting raised some of those issues about a development having some sign criteria so that there is some semblance of consistency throughout the area. Ms. McGinley stated I think what you saw with that application is a proposal to put into place an approved set of signage that we have been able to go through and agree upon generally but then we have to approve the signs themselves. Then of course the problem that we have with this particular signage is that no one knew what was going in this space and it is really hard if you have space that is being built, as the Bedford Mall was rebuilt, without all of the tenants in place at one time, it is hard to come up with signage for everyone. I think that perhaps with the bigger development setting a precedent, we can encourage even smaller ones to have a sign package that they would run by the Planning Board as their plan for the various spaces is what you are talking about. Mr. Stanford responded I think we could have discussed monochrome, I think that would have been a good time at the discussion of the development, that we would allow these sorts of things if it is not excessive, if there is some standardization to it, those types of things. Mr. Sawyer stated I totally agree with what Mr. Stanford is saying is that the original applicant, the mall management company, could have been part of this request, and at the time of the original mall approval we could have talked about if there are tenants who come in and need privacy, this is how we will treat it from the beginning, or never allow more than X square feet in the entire plaza. Those kinds of things. It is easy to look backwards and say that we didn't think of that at the time but those are the types of things that I would much rather see as a plaza-wide application with the property owner involved as well, and we wish you all the best here. We were very excited that you are coming, and I know these graphics will do wonders for you. I

think they will be very helpful. I personally voted against it just because of the sheer size of it; I'm not sure that the size of this really is going to hit home until we see those graphics up.

**3. Kensington Close, LLC (Applicant), John P. Stabile, II (Owner) and River Glen Development (Owner) – Request for a waiver to Article 275-68 and Table 6, Performance Zone Sign Standards to allow an off-site sign off of South River Road, Lot 35-3-1, Zoned PZ.**

This item was withdrawn by the applicant.

**4. Southern New Hampshire Planning Commission presentation on Complete Streets Toolkit and Pilot Program**

A staff report from Becky Hebert, Assistant Planning Director, dated April 25, 2016 as follows:

***I. Background Information:***

*Southern New Hampshire Planning Commission (SNHPC) is visiting member communities to provide an overview of their Complete Streets toolkit project. "Complete Streets" are roadways designed to safely accommodate all users including pedestrians, bicyclists, motorists and public transit. The toolkit will provide guidance to communities on policy, planning, design solutions and engineering standards. As part of the program, SNHPC will be conducting three pilot projects to demonstrate how Complete Streets principles can be applied in rural, suburban and urban communities and are currently seeking applicants. Please see attached information from Sylvia von Aulock.*

Sylvia von Aulock, Deputy Executive Director of Southern NH Planning Commission, was in attendance to present Complete Streets Toolkit and Pilot Program. Ms. von Aulock stated Complete Streets is basically making our street system user friendly for anyone. Whether you are on four wheels, two wheels or on two feet, whether you are jogging, or walking or you have a stroller or a cane, it doesn't matter. It is really making our street systems friendly for all users.

Ms. von Aulock stated the posted picture is of Main Street in Concord, New Hampshire, which is New Hampshire's latest jewel for Complete Streets. Shown in the photo is a bump-out and you can see the crosswalk and another bump-out and basically this makes it much more user friendly for pedestrians, it shortens the crosswalk and it provides a good place for pedestrians to look out along the traffic to see if it is safe to cross. Also, Concord at least doubled their sidewalk width and reduced the number of cars coming at you, although there is the same volume. I posted this photo because I wanted everyone to try to image what it would be like if all of our streets were designed for all users, and in this case imagine yourself not just as the driver but also as the pedestrians or if you are riding a bike. The before, which is the picture on the left where there is a crosswalk, but it is faded, but no bump-outs, and in the after picture you can see the bump-outs, so a lot shorter distance, and then shown is the biking path. Many people think Complete Streets is too expensive, but actually if you took away the bump-outs, this is just paint. Here are some of the benefits of Complete Streets: it improves safety for all users, encourages economic

development, improves quality of life, provides choices, increases the attractiveness of the community, and improves health by encouraging walking and biking. Ms. McGinley stated this was presented to the Southern NH Planning Commission and one of the things they talked about was the increase in customers that came to the downtown businesses, even during construction. Could you describe that a little bit. Ms. von Aulock stated when someone knows they can safely walk, they are going to come and check things out. The businesses thrive in Complete Streets, they know there is going to be parking and it is just that it is friendly for all users. You can Google Complete Streets and there are examples galore across the nation and worldwide for improved economic development and the thriving economy for downtowns. Also, it is the same thing for residential streets. If it is friendly for all users, it tends to increase the property value for houses.

Ms. von Aulock stated I went to Atlanta, GA and Chattanooga, TN and posted are some images of streets in those communities.

Ms. von Aulock stated here are some project elements for our project. We have an awesome stakeholder team, we are doing research both within New Hampshire and beyond our borders, and we have a focus on policy, engineering and design standards. Why I am here tonight is to talk about our pilot program and then the toolkit both on the web and it being computer friendly, as far as disks the different communities will receive at the end of the project. Our stakeholder team is comprised of representation from communities, including Bedford, Ms. Hebert, Windham, Derry, Manchester, Goffstown, and Franconia. We have communities outside our commission that are very interested in assisting us from Nashua, Concord, Portsmouth, and Keene, we have other planning commissions that are helping out, Southwest Regional Planning, Nashua and Central, we have a couple of State agencies helping us, DRED and NHDOT, and then other agencies that are very interested, Transport New Hampshire, MTA, our local bus service, Bike Walk Alliance, AARP, and Heal New Hampshire. For those home viewers if you are thinking Complete Streets is crazy expensive, this is, again, just paint. What is the stakeholder group doing: they are providing input to the project, helping to guide the development of the toolkit, it is not a shy group, and they have a lot of opinions, so we are very excited about that. They are also helping in letting us know what is happening in the states and why Complete Streets work for New Hampshire and also helping us focus on the various trends. With our research, both within and outside New Hampshire, one of the things we are doing is making a lot of connections with the other planning commissions. One item as an example is participating in a statewide Complete Streets policy effort. On May 6<sup>th</sup> starting around 9:00am or 9:30am over at the Manchester Chamber of Commerce we are inviting legislators from both the House and Senate to talk about Complete Streets, what does it mean, what does it mean for New Hampshire, and also then to get a firsthand idea on how the streets are for whether you are a bus rider, if you are walking, or if you are riding a bicycle. So we are going to do a couple of tours after our discussion and then all come together afterward and share our experience.

Ms. von Aulock stated we are looking at existing projects in New Hampshire and inviting engineers and landscape architects to highlight their success stories, and we are asking neighboring planning commissions to share their work and searching the web. As an example, one of the trends we just heard from Jeff Highland of Ironwood Design Group is Complete Green Streets, so this is the kind of excitement we love to talk about when you link drainage and

Complete Streets. Not only do you have design elements where you have a safer crosswalk, very visible, now you have this design feature where you are also incorporating tree grates and the tree filter where the stormwater is coming down the curb, going into the grate system, and on low storm events it can be utilized by the tree and/or also a rain garden shown in the upper left picture. We are looking at policies and luckily we can highlight five existing policies here in New Hampshire, which are Concord, Portsmouth, Dover, Keene, and Swanzey. Those are a fun group because you can imagine Concord is probably in the 45,000 population range compared to Swanzey, which I think is around 3,000. We are researching experts on Complete Streets, such as the Smart Growth America's National Complete Streets Coalition and all the policies there. Again, finding examples for urban, suburban and rural settings because, as we know, Southern NH Planning Commission's 15 communities range from Manchester, New Hampshire's largest city, to some of the smallest, such as Frankestown, which I think is under 2,000 in population. Posted is a photo from Chicago where you can rent bikes; there are so many bike paths there that another economic development perk is folks coming just to bike.

Ms. von Aulock stated posted is one of my favorite photos from Concord and that is the fog line painted on the street. They started looking at engineering design standards and thinking we're not sure how we are going to work it, but one year let's move that fog line over 12 inches and what is the comfort level for our people in cars and trucks compared to bicyclists. They felt that they still have plenty of room, so let's move it another 12 inches and this is so low cost. This was an existing painting program for their Public Works maintenance and really no extra budget, but what they ended up with was 3 to 5 feet, depending on the road width. We are looking at federal regulations and local allowances, again, with the emphasis on rural, suburban and urban challenges.

Ms. von Aulock stated why I am here tonight with our pilot program, what you have in your packet is a letter of explanation of our program, an application if you are interested, if you have your own project and you would like to apply to be a pilot community, and one of the projects could be policy development, you've had a lot of discussion on your signage tonight about ordinances. One of the things you could maybe consider is a Complete Streets policy or a resolution. Another project could be looking at design standards for sidewalks and road width and that fog line we were just looking at, education outreach, where we could do a staff or public workshop or a pop-up planning initiative, which is also a demonstration project. Shown on the posted photo is Keene's demonstration program, from the lines on the street to these ballads and the plants and the mini park-like setting shown, which is all removable. The lines are vinyl that could be removed. This was all put in in the morning and then taken out that afternoon. That gives you an idea if you are curious whether it is a crosswalk or you want to try out a fog line or whatever it might be. It can be accomplished and we can try to help in that.

Ms. von Aulock stated once our project is completed, we are going to be creating these fact sheets and CD's about the whole project and also have a web based tool kit so that our communities in New Hampshire can look and see everything about Complete Streets, whether it is policies or design standards or some of the research we have uncovered.

Ms. McGinley stated as some of you know, I am a runner and I now live over near many of our schools. My longest route is to run up to the high school and I will have to say that even with the

sidewalks there and crosswalks, we have cars that are oblivious to pedestrians. I was waiting at the crosswalk at McKelvie School and three cars just passed me by instead of stopping, and I think if we have some areas like around the schools that we can focus on to make it more pedestrian friendly. I think one of the things that Complete Streets does is make the drivers aware that there are other modes of transportation happening and watch for it. When we have streets the way that we have typically built our streets, we kind of get into a zone, where the streets are just for cars and not pedestrians or bikers, and it would be nice to have a combination. I think it is because we have so few pedestrian friendly places in Bedford that people are not attuned to watching for anything other than cars.

Acting Chairman Newberry stated when I was reading this piece in the packet; I was thinking that most of our roads don't have any shoulder at all. They are pretty much completely consumed with travel lanes. It occurred to me where might we even think about doing things like this, and one of the things I thought of was that some of the areas now where we are seeing denser development might also be opportunities to look for things that would encourage other modes of traffic other than a 4-wheel motor vehicle. The northerly part of Route 3 being one area that struck me as having potential for benefiting from this kind of thing. I'm not sure how we get from thinking about it to actually implementing it, but you kind of have to start somewhere and that struck me as some of the areas where things are more densely developed or becoming more densely developed may be candidates for trying to apply some of these concepts. Ms. McGinley stated I think what you have described, the public area of the street being the full street, is especially a problem on our older streets, because if you go into a new subdivision, the road is pretty wide and the right-of-way is even wider. You have a 50 foot right-of-way and 24 foot travel lane, so you actually have dedicated Town-owned land, not that you can put it in everybody's subdivision, but it is there and even if it might not be in our lifetime, if we start a program that can go into the future. But I really would like to see it around the areas that are of most concern, the high school and the other schools, where we can so the students who are walking, especially with the older students who may be walking not just to get to sports but to get to cars and things like that. Mr. McMahan stated the Highway Safety Commission probably has good input to what you are talking about as well.

Councilor Bandazian stated I think there are some interesting concepts here. The bump-out is one, and as we look at putting the sidewalk on Nashua Road, maybe a mini bump-out or something that would just alert people might be a good design feature. The use of stormwater for green space is an interesting concept as well. To me if you don't know this stuff, you don't know what you don't know, so I would always be interested in learning more.

Mr. McMahan asked Mr. Stanford, would it be possible what Councilor Bandazian just talked about, for stormwater to be incorporated into what we are looking at on the widening of Route 101? Mr. Stanford replied I think they have. They have a whole host of different stormwater methodologies that they are using out there. A lot of the developments that we have before us have started incorporating these. There are obviously some maintenance concerns with them, but there are a whole host of techniques that you can use.

Ms. von Aulock stated in the letter it describes that next week or the week is the deadline for the application, but it is actually the first week in June. So you have lots of time to talk about it. Thank you.

V. Approval of Minutes of Previous Meetings:

**MOTION by Councilor Bandazian to approve the minutes of the April 11, 2016 Planning Board meeting as written. Mr. Cote duly seconded the motion. Vote taken; motion carried, with Mr. Sawyer abstaining.**

VI. Communications to the Board: None

VII. Reports of Committees: None

VIII. Adjournment:

**MOTION by Ms. McGinley to adjourn at 8:52pm. Councilor Bandazian duly seconded the motion. Vote taken – all in favor. Motion carried.**

Respectfully submitted by  
Valerie J. Emmons