

Town of Bedford
Planning Board Minutes
May 8, 2023

A meeting of the Bedford Planning Board was held on Monday, May 8, 2023, at the Bedford Meeting Room, 10 Meeting House Road, Bedford, NH. Present were Hal Newberry (Vice Chair), Chris Swiniarski (Alternate), Matt Sullivan, Steve Clough, Phil Greazzo (Town Council), Matt Nichols, (Secretary), Priscilla Malcolm, John Nelson (Alternate), Michael Strand (Town Council Alternate), Becky Hebert (Planning Director). Absent: Charlie Fairman (Chair), Bill Carter (Town Council), Logan Johnson (Alternate).

I. Call to Order and Roll Call:

Vice Chair Hal Newberry called the meeting to order at 7:00 p.m. in the Chair's absence, and introduced the Board members. Ms. Hebert reviewed the agenda and stated the new application to be heard tonight for the time extension request has been reviewed by staff and it's our determination that the application is complete. The abutters have been notified and it is the opinion of staff none of the applications pose a regional impact. We recommend the Board accept the application and the agenda as complete.

II. Old Business & Continued Hearings: None

III. New Business:

1. **Shane Patel (Applicant) and Akhil Hotel Group, LLC (Owner)** – Request for time extension approval of a site plan to construct a five-story, 120 room extended stay hotel and associated improvements at 270 South River Road, Lot 24-98-8, Zoned PZ.

IV. Concept Proposals and Other Business: None

V. Approval of Minutes of Previous Meetings (April 17, 2023)

MOTION by Ms. Malcolm to accept the agenda as read. Mr. Swiniarski duly seconded the motion. Vote taken – all in favor. Unanimous. Motion carried.

Vice Chair Newberry asked is there anyone here this evening representing Shane Patel? (The applicant was not present). Vice Chair Newberry stated I think we will conduct our other business and see if the applicant arrives.

IV. Concept Proposals and Other Business: None

V. Approval of Minutes of Previous Meeting (April 17, 2023)

Vice Chair Newberry asked are there any changes, corrections to the April 17 Minutes? There were none.

MOTION: Ms. Malcolm moves that the Planning Board accept the meeting minutes for April 17, 2023 as printed out for us. Mr. Clough seconded the motion. Vote taken – all in favor. Mr. Greazzo abstained from the vote. Motion carried.

VI. Communications to the Board: Ms. Hebert said your next meeting on May 22nd will be a workshop. Just a reminder that workshops are meant to be a chance for informal discussion between Planning Board members and staff to talk about topics of interest that relate to planning. And sometimes we talk about recent training seminars and anything that you want staff to focus on throughout the year. So, we will be having our workshop on May 22nd. Your next regular meetings will be June 12th and June 26th.

VII. Reports of Committees: Ms. Hebert continued, for reports from committees, the Housing Opportunity Planning Grant RFP is expecting proposals to be submitted by May 12th, so, the end of this week. We expect the Housing Working Group will meet to discuss any proposals that are submitted and will bring a report back to the Planning Board at the workshop on the RFPs that were received. So, you can look forward to that in May. I don't have any other communications.

Vice Chair Newberry said thank you. I would just add that as part of that grant, there's a UNH-sponsored Housing Academy that a couple of us will be attending, hopefully to become a little more educated about housing issues. And I think the first one is a virtual Zoom meeting tomorrow. Ms. Hebert replied yes. And you have five or six sessions and a few in-person sessions. Hal, Matt and Logan have volunteered to attend the Housing Academy. Thank you. Vice Chair Newberry asked will you be attending that also, Becky? Ms. Hebert replied, they actually have only three slots available per community. Vice Chair Newberry said OK, I thought there were 3 for the community and for the staff. Ms. Hebert replied I did too. We can participate in the electronic meetings, but not the in-person meetings. So, I may just let you all participate, and we'll report back to the Planning Board and the Housing Working Group. Vice Chair Newberry said oh I see. OK. Tomorrow's meeting, I think, is scheduled from 9:00 to 10:30. So we'll see how that goes.

Ms. Hebert said I don't know where our applicant is. I don't mind giving an overview of this application if the Board is comfortable with that. Otherwise, we could postpone this discussion. Vice Chair Newberry said why don't we do that and then if no one shows up, maybe we'll take a quick five-minute recess. If someone still hasn't shown up, then I'm not sure exactly what our procedure is. Maybe you can give us some guidance, Becky. Ms. Hebert said sure. If we have a no show, I recommend the Board postpone this application to your next meeting, which will be June 12th. Vice Chair Newberry said so, we could just Table it. Ms. Hebert replied you would Table it to a date specific and that way we would not need to renotify abutters. Mr. Nelson asked, what does that do to the time extension request? Ms. Hebert replied, it just pushes it off. Mr. Nelson asked it doesn't invalidate or it doesn't... Ms. Hebert said no. I might just check and see if anyone is out in the hallway. Vice Chair Newberry said thank you. I think they've been in before so they should know they need to come in and not hang out in the vestibule. Vice Chair Newberry replied yes, but they still should come and present themselves. So back to you Becky.

III. New Business:

- 1. Shane Patel (Applicant) and Akhil Hotel Group, LLC (Owner) – Request for time extension approval of a site plan to construct a five-story, 120 room extended stay hotel and associated improvements at 270 South River Road, Lot 24-98-8, Zoned PZ.**

Ms. Hebert said all right, the application tonight is for a time extension request for a site plan approval for a five-story, 120 room extended stay hotel and associated improvements. The project was originally approved in 2019. The applicant received conditional approval and has not yet finalized all of the conditions of approval. The applicant applied for a time extension in 2020. In 2021, they did not apply for a time extension and their approval lapsed and they needed to reapply for site plan approval. And in 2022, the Board granted a reapproval of the site plan for the extended stay hotel.

The applicant stated in their request that they felt the economy and the pandemic contributed towards the delay in developing the hotel. If this particular time extension is granted, the approval will expire on April 18th, 2024. They're looking for a one-year extension. Their previous approval expired in April, 2023. Staff doesn't have any issues with the site plan review. They have nearly completed all of their outstanding conditions and the plans are very close to being ready to be signed by the Board. But there is one outstanding issue. The Town and the applicant entered into an agreement to extend a sewer line from the east side of South River Road to the front of the project site. The Department of Public Works (DPW) constructed this work, and there is an outstanding bill that's owed to the Town for the sewer work. The Planning Department and Department of Public Works has been in discussion with the applicant about how best to address this outstanding fee, and the parties have agreed to enter into a new agreement, an addendum to the existing agreement, outlining terms for repayment. The applicant agreed to pay any back interest that may be owed to the Town. So, staff recommendation includes the condition that the applicant shall connect to Town sewer consistent with the approved plan, Land Development Control Regulations and agreements with the Town and that the applicant shall pay all fees and assessments as provided in the Sewer Regulations and any agreements, and that the connection be completed on or before May 8th, 2024. So, there's some outstanding construction and the Town would like to see all of that work completed within a year or the Site Plan Approval would lapse.

So, the applicant is not prepared to sign the addendum to the agreement quite yet and may need some additional time to review and approve that. Staff spoke with the applicant today and is recommending that another condition be added, giving the applicant 30 days to finalize the agreement. So, at tonight's meeting where we don't have an applicant here at the meeting to represent their case, I would recommend that the Board postpone the application to the June 12th, 2023, Planning Board meeting.

Vice Chair Newberry said thank you for refreshing us on this application. I think I had said something about taking a quick recess to see if the applicant appeared, but I'm showing almost 7:15 and I don't see anyone having entered the room. So, is there any discussion on this or would the Board like to make a motion to table this to June 12th?

MOTION: Mr. Nichols moves to Table the request for time extension approval of a site plan to construct a five-story, 120 room extended stay hotel and associated improvements at 270 South River Road, Lot 24-98-8, Zoned PZ, to June 12. Ms. Malcolm duly seconded the motion.

DISCUSSION:

Mr. Strand said Mr. Chairman, I had a couple of quick questions. Notwithstanding the communication with the applicant today, would you characterize the communication as regular and consistent in terms of them pursuing this project? Ms. Hebert answered no, I'd say it has been intermittent. Mr. Strand said OK. I guess the only other observation or question would be potentially for the applicant at a future meeting. If they cited economic conditions as a variable that requires this extension, that potentially

would cause some concern over an outstanding balance with regard to the viability of the project moving forward to begin with. Is that an appropriate question, or not really? Ms. Hebert answered, I think the applicant would need to answer that question. You're asking if the outstanding balance affects the viability of the project. Mr. Strand said I would assume probably not, but I'd... Ms. Hebert replied it's a significant project in scope, and the project was approved with a connection to municipal sewer, and would likely be more expensive to conduct that work today if it had not been done when it was originally constructed by the Town. But I think we should hold that question for the applicant. Mr. Strand said that's more than fair. The applicant does own the property? Ms. Hebert replied yes, they do. Mr. Strand said OK. And then the last question: if the extension were not granted, what would be the outcome? Ms. Hebert replied, if the time extension is not granted, the applicant would need to reapply so they could take all their plans and all the information they've invested to date and simply resubmit the paper application and electronic files to the Town with a new application fee. Mr. Strand said got it. But given that they're the property owner, assuming it's all compliant and up to code, it would just be repeating the same process of approval? Ms. Hebert said yes. Mr. Strand said OK. Thank you very much.

Vice Chair Newberry said, I think this applicant has reapplied previously on this same proposed development. From the staff memo, I understood that the details of an agreement have not yet been agreed. But whether they are agreed or not, a condition of extending this would be that they would have to reach an agreement and execute it within the 12-month time period. Ms. Hebert answered, yes. That's correct. Vice Chair Newberry said thank you. Are there any other comments or questions from the Board?

Mr. Swiniarski said I have a question about the information that came out in the last few seconds of discussion. So, if the Town essentially has like a \$124,000 loan out, and given the history that we just talked about, there is some chance that this project never goes forward, and it becomes abandoned. Are we taking some steps to secure that debt somehow, like with the property or otherwise? Ms. Hebert replied we are. The agreement would be recorded at the Registry of Deeds, and we certainly wouldn't be first in line for repayment with the property or to transfer to a new owner, but it would be something that would be discovered during title review or search. Mr. Swiniarski asked, they're securing it with a mortgage? Ms. Hebert replied yes. Mr. Sullivan said it would essentially be similar to like a mechanics lien or something like that. Ms. Hebert said yes. Vice Chair Newberry added, but not something that would specifically be this Board's purview. Ms. Hebert said, correct. Vice Chair Newberry said thank you.

Mr. Nelson said Mr. Chairman, the only other comment I would add is everyone on this Board has volunteered their time to be here and to attend this meeting. Specifically, it was the only item on the agenda. It's a little disappointing that the applicant could not communicate for whatever reason they're unable to be here, to Ms. Hebert or someone. That's all. Ms. Hebert said I will say it may have been a misunderstanding. We are hoping the applicant would have come to an agreement with the Town and would have executed that agreement and they had not yet done so, and they asked for postponement. And staff said, what if we added a condition that you finalize the agreement within a set period of time? And I think there may have been a miscommunication with their engineer. They may have thought that that meant they had 30 days to finalize the agreement, not come to Planning Board and finalize the agreement. So, I apologize. It seems like there may have been a miscommunication because it's unlike the folks who represent this applicant to simply not attend a Planning Board meeting. So, I do feel like there was some miscommunication. Vice Chair Newberry said I agree with Mr. Nelson's concern, but I

think we'll give him the benefit of the doubt it may have been a misunderstanding. Ms. Hebert replied yes. Mr. Nelson said fair enough.

Vice Chair Newberry asked are there any other comments or questions from the Board? If not, I'll entertain a motion to table this to June 12th. Ms. Malcolm said didn't we just do that? Vice Chair Newberry said OK. We did that. I'm getting ahead of myself tonight. Also, I got ahead of myself on appointing a voting member for Mr. Fairman. So, I'll appoint Mr. Nelson as a voting member. Ms. Hebert said thank you. So, Vice Chair Newberry said we have a motion and a second and have completed further discussion and I'll call for a vote.

Vote taken – all in favor. Motion carried.

Vice Chair Newberry stated the application for **Shane Patel (Applicant) and Akhil Hotel Group, LLC (Owner)** is Tabled until the next scheduled Planning Board meeting, which is June 12, 2023. If we don't have any other business for the Board, I'll entertain a motion to adjourn.

VIII. Adjournment:

MOTION by Ms. Malcolm to adjourn at 7:20 pm. Mr. Nichols duly seconded the motion. Vote taken – all in favor. Motion carried.

The next meeting of the Planning Board is a Workshop scheduled for May 22, 2023.

Respectfully submitted by
Sue Forcier