

**TOWN OF BEDFORD
JUNE 27, 2022
PLANNING BOARD
MINUTES**

A meeting of the Bedford Planning Board was held on Monday, June 27, 2022, at the Bedford Meeting Room, 10 Meeting House Road, Bedford, NH. Present were: Priscilla Malcolm (Acting Chairman), Phil Greazzo (Town Council), Hal Newberry, Charlie Fairman, Matt Sullivan, Steve Clough, Matt Nichols, John Nelson (Alternate), Chris Swiniarski (Alternate), Jillian Harris (Assistant Planning Director), and Becky Hebert (Planning Director)

I. Call to Order and Roll Call:

Acting Chairman Malcolm called the meeting to order at 7:00 p.m. and welcomed Alternate Member Chris Swiniarski. Alternate John Quintal was absent. Alternate Town Councilor Phil Greazzo was appointed to vote.

Acting Chairman Malcolm stated it is with great sadness that we share the passing of Town Councilor Bill Duschatko who has served not only on the Planning Board but many other committees and commissions in this town. In addition to being a long-term town councilor, he has dedicated his to his work with the Planning Board and we will miss his insight, his extensive knowledge that he brought to each discussion. Please keep his family in your thoughts during this difficult time and join us for a moment of silence as we remember Bill's service to the Town with gratitude.

II. Old Business & Continued Hearings: None

III. New Business:

1. **Dartmouth-Hitchcock Clinic (Applicant & Owner)** – Request for Site Plan Approval for a 49,092 SF medical office building, located at Ridgewood Road and Kilton Road, Lot 12-8-4, Zoned PZ. *(At the request of the applicant, this application is postponed to the August 15, 2022 meeting.)*
2. **Robert Gendron (Owner & Applicant)** – Request for approval of a time extension to meet conditions of approval for a phased subdivision to create two new lots at 99 McAllister Road, Lot 2-12, Zoned R&A.
3. **The Roman Catholic Bishop of Manchester, a corporation sole, dba St. Joseph Cathedral Parish, Manchester (Applicants & Owners)** – Request for Subdivision Approval for 2 lots, located at Old Bedford Road and Davies Street, Lot 10-53.
4. **Jack Carnevale (Applicant) and Carnevale Spa Associates, LLC (Owner)** – Request for Condominium Subdivision Approval for 9 condominium land units, located at Olde Bedford Way, Lot 13-40-2, Zoned R&A and CO.

5. **Linda Degler (Applicant) and 379 So. River Rd Owners Group c/o Rusty Talbot (Owner)** – Request for Site Plan Approval for a change of use from an Event Center to a Commercial Recreation Center and Event Center, located at 379 South River Road, Lot 35-3, Zoned PZ.

IV. Concept Proposals and Other Business:

1. Election of Officers 2022-2023

Ms. Harris stated the new applications have been reviewed by staff. Staff's determination is that the applications are complete, the abutters have been notified, and it is the opinion of Staff that none of the applications pose a regional impact. Staff would recommend that the Board accept the agenda and the applications as complete.

MOTION by Mr. Newberry to accept the agenda as read. Mr. Fairman duly seconded the motion. Vote taken – all in favor. Motion carried.

Other Business:

1. Election of Officers 2022-2023

Acting Chairman Malcolm stated we will now hold the Planning Board election of officers prior to addressing the agenda.

Mr. Newberry nominated Charlie Fairman as Chairman of the Bedford Planning Board for the 2022-2023 term. Mr. Clough seconded the nomination. With Mr. Fairman abstained, and one member opposed, Mr. Fairman was elected as Planning Board Chairman for the 2022-2023 term.

Chairman Fairman stated thank you to the Board members for your vote of confidence. I have been a resident of Bedford for 46 years now, and I have been a member of the Planning Board for about six years.

Chairman Fairman stated before we get to the agenda, I have a couple of quick comments to the Board members. I believe that everybody's views and questions are important to the important work that we do, and I ask that everyone, regular members and alternates, express your thoughts and ask questions of all applicants. As you know, our meetings are televised. In addition, the applicant and attending public are always watching us, therefore, it is always important that we present ourselves in a professional manner. I expect every member to give every speaker their full respect and attention at all times. I don't expect anybody to have their own personal computers open and doing alternate work or doing anything else; I expect the attention be given to this Board at all times.

Ms. Malcolm nominated Hal Newberry as Vice Chairman of the Bedford Planning Board for the 2022-2023 term. Mr. Nelson seconded the nomination. With a unanimous vote, Mr. Newberry was elected a Planning Board Vice Chairman for the 2022-2023 term.

Vice Chairman Newberry nominated Matt Nichols as Secretary of the Bedford Planning Board for the 2022-2023 term. Ms. Malcolm seconded the nomination. With a unanimous vote, Mr. Nichols was elected as Planning Board Secretary for the 2022-2023 term.

New Business:

- 1. Dartmouth-Hitchcock Clinic (Applicant & Owner) – Request for Site Plan Approval for a 49,092 SF medical office building, located at Ridgewood Road and Kilton Road, Lot 12-8-4, Zoned PZ. (At the request of the applicant, this application is postponed to the August 15, 2022 Planning Board meeting.)**

Chairman Fairman stated this application from Dartmouth-Hitchcock Clinic, at the request of the applicant, has been postponed to the August 15, 2022 Planning Board meeting, and this shall serve as public notice.

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

Robert Gendron was present to address this request for an extension. I am back to ask for a 1-year extension on my subdivision. I have removed all of the buildings that were affected in the setback. The only thing I have left to do is the stormwater management system that has to be approved. I called the engineering office today and I think they were still waiting to talk to the Deputy Director about that. To my knowledge, that is the only thing that is left on this. Therefore, I am here asking for the 1-year extension so that can be completed and then I should be good with my subdivision.

Vice Chairman Newberry asked you don't anticipate any difficulties in completing that? Mr. Gendron replied no. I thought it was going to be completed by now and unfortunately it wasn't. The buildings are all gone, there is nothing that infringes on the property lines now. It is in the professional's hands now, meaning the engineer has to meet with the Deputy Director to iron out some things, which I don't think are major things, I think it is very simple, just a matter of some engineering work.

Mr. Sullivan stated correct me if I am wrong, you donated one of the buildings as fire practice. Mr. Gendron replied yes. I just wanted to express thanks to that to give our Fire Department extra training in that capacity. Mr. Gendron responded they were very grateful for that, and that is probably the reason why I am here. I notified them back at the end of 2021 what I was thinking, and I asked if they would be interested, and they said that they were. I just had to get the asbestos abatement all done and then I turned it over to them. They are the ones that told me that it was going to be the end of April before they would get to it. Being a former member of the Fire Department, I appreciate the training that was going to be involved in that. I didn't think it was going to be a problem, so I gave it to them with that being said. This past week was the 100th year

anniversary of the Bedford Fire Department and as being a retired member, I was able to attend a breakfast this past weekend with a lot of the people that are retired from the Police Department. Mr. Sullivan stated I express my thanks as the son of a firefighter, so any opportunity to give safe access for training like that is much appreciated. Mr. Gendron stated when I was on the Fire Department, we never had that, so they were able to do 12 evolutions of fires that day and I was impressed. All of the surrounding communities came and participated, which showed the mutual aid system works very well. Mr. Swiniarski asked did they let you suit up? Mr. Gendron replied actually my grandson just graduated from the Fire Academy about a month ago, so they let him go in to do the first evolution, so it was kind of fun for my family in that way. It was sad to see it go but there was some good that came out of it.

Chairman Fairman asked for comments or questions from the Planning Board members.

Chairman Fairman opened the public hearing on this application. There were no public speakers. Chairman Fairman closed the public hearing.

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

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

Ms. Malcolm duly seconded the motion. Vote taken - all in favor. Motion carried.

- 3. The Roman Catholic Bishop of Manchester, a corporation sole, dba St. Joseph Cathedral Parish, Manchester (Applicants & Owners) – Request for Subdivision Approval for 2 lots, located at Old Bedford Road and Davies Street, Lot 10-53.**

Jeff Merritt of Granite Engineering, LLC was present to address this application on behalf of the applicant. Also present were Joseph Wichert of Joseph M Wichert LLS who is the land surveyor for this project. We are both representing the Roman Catholic Bishop of Manchester.

Mr. Merritt stated what we have for the Board this evening is a one into two lot subdivision. I think everybody will know where this property is. This is the St. Joseph Cemetery. You should have in your packet a plan set that was prepared by our office in conjunction with Mr. Wichert's office and I will run through that so that you can understand the project.

Mr. Merritt stated this is a fairly large piece of land and is about 73 acres as it sits today. The heart, or center of it, is where the cemetery is and then there is some fringe land that is undeveloped around it. It has direct frontage on Old Bedford Road, but it also has frontage on Hazen Road to

the west, Bedel Street and Glenwood Avenue to the east and Servant and Davies Streets on the south side of the property. The applicant, the church, has identified about 21 acres of the overall tract that is essentially surplus land, which is land that is not needed to currently run the cemetery and it is not needed in the future, so it is deemed surplus and as identified as surplus land. The reason we are here this evening is we are proposing to subdivide off that surplus land and remove it from the overall 73-acre tract. On our plan you can see where that is. On the right-hand side of the posted plan, it is a 21.2-acre parcel, it is labeled as Lot 53-1. This leaves 51.5 acres of land for the cemetery and, again, 21.2 acres for the new parcel. While this new parcel has frontage on four different streets, we don't have frontage in a contiguous amount of 150 linear feet. If you sum up all of the frontages, we see that, but they are not contiguous. If you look in the plan you will see at the very bottom Davies Street extension. Because we don't have that 150 feet of contiguous frontage, we are proposing an extension of Davies Street in order to provide that 150 feet of frontage.

Mr. Merritt stated turning now to our roadway plan and profile. If you look at this plan, you can see the grades of how that extension would work. It is very flat out there; these would be very moderate grades, 1 percent around the cul-de-sac, the new roadway would have a width of 24 feet, and it would also have curbing and a closed drainage system that leads to a small infiltration pond onsite. Mr. Merritt continued right now there is one section of Davies Street that is slightly narrower than 20 feet and you will see on our plan that we are proposing to widen that section that is a little bit too narrow so that we have a consistent 20-foot or greater width from Boynton Street all the way to the terminus of Davies Street. The 20-foot minimum is something that DPW and the Fire Department thought was reasonable for the application since this is only a single-lot subdivision. We do have municipal water out here; we have municipal water on Davies Street and then we have municipal sewer off from Bedel Street. For this single oversized lot, and for simplicity, we have actually proposed a well and a septic system because a main extension for a single lot doesn't make sense, but, again, there is sewer and water in the area to service this development for any future development that may happen out here.

Mr. Merritt stated we have submitted a number of waivers and I will run through those quickly for you. They all are germane to the fact that these are very large pieces of land. We have three waivers that are applicable to the remainder lot, that is the 51.5-acre lot that the cemetery is on, and then we have three waivers that are applicable to the 21.2-acre lot, which is the new lot.

51.5-acre Cemetery Lot Waiver Requests:

1. Section 218.1.5, to not provide the full boundary survey to a standard of 1:10,000 closure for the remainder parcel.
2. Section 218.1.11, to not provide topography on the survey for the remainder parcel.
3. Section 218.1.13, to not provide the wetlands delineation on the remainder parcel.

These three sections require a full boundary survey, they require a full topography survey, and full wetland mapping of the property. For this project we have done all of that for the 21.2-acre parcel, the area that we are proposing development on, or we are seeking a waiver for are those proportions as they relate to the remainder tract, that 51.5 acres. As you know, the remainder parcel does not have any development proposed on it. The large size of the remainder lot will ensure that the lot

meets or exceeds the base zoning dimensional standards, so the purpose of those regulations has been maintained.

21.2-acre Lot Waiver Requests:

4. Section 231.2, to not provide the minimum lot sizing by soil type.
5. Section 231.3.1, to not provide the HISS mapping.
6. Section 231.5, to not provide the test pit and percolation test.

First, the proposed lot is significantly larger than the minimum lot size needed for the subdivision, so the act of calculating minimum lot size is kind of trivial here, where we are significantly larger than what the minimum requirement is. We should note that we did have the property looked at, at least the 21.2 acres looked at, for wetlands by a certified wetland scientist; there are no wetlands on this section. Additionally, we did dig a test pit out there for the stormwater practice that we designed. We dug a pit to a depth of about 11 feet with no indication of water table out there. The soil mappings out here indicate a very sandy complex, a Windsor soil, which is well drained, and it is consistent with the test pits out there. The sheer size of the parcel, the verification of no wetlands by the wetland scientist and the test pits that we have dug have provided enough data to ensure that the purposes of these regulations that we are proposing the Board would waive have been maintained. And, again, I will note that we do have municipal water out here, we do have municipal sewer, it is just for a 1-lot subdivision, it wouldn't make sense to extend those mains, but any future project out here has those utilities available.

Mr. Merritt stated we would appreciate the Planning Board's consideration on those waivers.

Mr. Merritt stated the last thing I wanted to talk about was the future use of the property. We certainly understand that there is a lot of interest in what may or may not be constructed out here in the future. Really where we are at right now this is the first step in many steps. The church owns the property today, they are not developers; again, they have identified surplus land, so what we are doing tonight is we are trying to subdivide and permit the property in a way that it can be transferred out of the parent parcel that the church owns. Again, the church is not a developer. I know the Board is certainly familiar with the permitting process, but there are a number of abutters here tonight so to reiterate to the public that any sort of future development out here has to come back to this board under a similar application, there would be a public hearing, and in addition to that, it is typical I understand in Bedford to do a conceptual consultation with this board for larger subdivisions, so I would expect that the end developer out here would do that, therefore, the Board will see that, the abutters will be noticed for that and then any subsequent final application they would be noticed for that.

Mr. Merritt stated what we did show and what we did give to the Board was a marketing plan, which is posted on the screen. I don't want to confuse anybody and suggest that this is what is going to happen out on the property or what the proposal is. This was a marketing plan that was done that the church had commissioned when they were marketing the property for sale, and it shows what could be a subdivision out here. If a simple residential subdivision, this could be an option. The one that will likely be selected is something different, but it gives you an idea that there would be some sort of residential development in this area that is anticipated.

Mr. Merritt stated and then the one thing that we do know through our work with staff here, is relative to Davies Street. You will recall that I mentioned the majority of Davies Street is 20 feet or wider today, there is one little section that is only 20 feet, and this application that we have before the Board fixes that and makes it a consistent 20-foot width. While that is sufficient or deemed sufficient for a single-lot subdivision, DPW and the Fire Department have said that any subsequent development that is a higher and more intensive use would require a widening of Davies Street to a minimum of 24 feet. So, staff had asked us to put this plan together, just a conceptual showing that widening and that is what it does. It shows a widening of Davies Street from Boynton Street all the way to the terminus for a consistent 24-foot width, and the idea is to put this on record so that any future developer knows that this minimum level of offsite improvement is required.

Mr. Merritt stated and to state it one last time, this is really just the first step in a lengthy process. The church is not developers, they have simply identified surplus land, and this is a mechanism to peel off that section of land legally and that is why we are here tonight. We will be back to the Board with any future subdivision plans, but that is why we are here tonight. I would be happy to answer any questions from the Board or from the public.

Ms. Malcolm stated this may be irrelevant, but I noticed when I looked up this area on Google Maps that there is a trail from the end of Davies Street called the New St. Joseph Cemetery Trail and there is another trail, St. Joseph Cemetery Trail, which I don't see on this map, are those public rights-of-way. Mr. Wichert replied no. They are not public rights-of-way, there is no dedication or layout or anything like that. I do know what you are talking about because we saw the same thing on Google Maps. If you are coming from the church, there is a trail here, as shown on the posted plan, so there is a powerline and there is a gate here that has like a trespass at your own, or whatever, same thing up in here, so the trails are there, they have been used for many years, but they are permissive uses. Ms. Malcolm stated I was just thinking about the one from Davies Street if we had to worry about that, but apparently not.

Chairman Fairman asked for comments or questions from the Planning Board members.

Mr. Sullivan asked with the idea that you want to codify the expansion of Davies Street into the approval, why not the extension of sewer and water to the single lot subdivision? Mr. Merritt replied we actually started down that process. The problem is that a sewer and water extension for a single lot subdivision is fundamentally different than something that would be done out here in the future. You would be asking boards, whether it is Manchester Water Works or the Town to approve a utility layout that would never be constructed, so the collective decision was that since the property is so large, a residential well and a septic system would be adequate for this single lot, and then any future subdivision, of course, would have to have those utilities properly sized and permitted through those boards. But to do it at this time without knowing what the end use is out there, it is just premature. Mr. Wichert stated we have spoken to Manchester EPD and Water Works, and they have stated they are willing to service the area. Chairman Fairman asked where would that come from? Would that come out of Davies Street, or would that access be someplace else? Mr. Merritt responded we think water would be off from Davies Street and then sewer should

be off from Bedel Street on the corner of Glenwood Road. It is from different corners of the property.

Mr. Nichols asked can you post the market plan again? Just so I understand; you are going to get all of the frontage off from the Davies Street extension cul-de-sac. Is that correct? Mr. Merritt responded correct; that is the reason for the bold. Mr. Nichols asked is there any changes to Sargent Road at this time? Mr. Merritt replied there are no changes to Sargent Road at this time. The only reason we had to do any sort of extension of a street for this subdivision was just because we didn't have a contiguous frontage of 150 feet. Mr. Nichols stated I know that this is entirely irrelevant, but is this connecting to Sargent Street anywhere? Mr. Merritt replied I am going to caution you not to try to digest it too much, because the issue here is that we can't get to the step to share what we might do out here until we can get the property peeled off from the parent tract. I wanted everybody to see it because I know there was a lot of buzz and staff had requested it, so we furnished what was produced to the public already, but you shouldn't dive into this because I think that it will be different than this, but it may be a magnitude similar to it. Mr. Wichert asked are you talking Servant Street or Sargent? Mr. Nichols stated that would be Sargent. I didn't know if this was looping around. Mr. Clough asked where is the cul-de-sac? Mr. Merritt replied it is right where Davies Street is. Mr. Nelson stated it is not in this. Mr. Merritt responded that is why I am saying don't look at this, this is a marketing plan that was done when the church wanted to market the property. You are correct, there is no cul-de-sac there, any other version would show a cul-de-sac. Ms. Hebert stated that the cul-de-sac according to the applicant's plans would likely not be built but the Town would accept financial guarantees so that the applicant can record the plan, create the lot, sell the lot and if their development plans end up not going through, they would have to build Davies Street to provide frontage to that lot. It is the same process that we use for every subdivision that involves either new roadway construction or a roadway extension, it is not unique to this application, but this application is unique because it doesn't sound like Davies Street will be extended to a dead-end cul-de-sac, but we don't know that for certain.

Councilor Greazzo asked what is the width of Glenwood and Bedel Street? Why aren't you coming in from there? Mr. Merritt replied we may be coming in from there. For this particular subdivision for the cul-de-sac, it would be Manchester as well, but our true frontage in Bedford is off from Davies Street, but there is nothing to say that in the future that there couldn't be something connecting both ways, so it is not all through one entrance.

Ms. Malcolm asked have you addressed the City of Manchester in regard to coming in off from Glenwood? Mr. Merritt replied we haven't. Again, it is to a situation where we can't get to the point of talking about a different project out there until we can remove the property from the ownership of the church. Ms. Malcolm stated okay, until you can get a subdivision. Mr. Merritt replied correct. Once it is sold, then that person that were to buy it could have the rights to propose whatever they wanted or whatever was allowed.

Vice Chairman Newberry stated as a simple subdivision, I think this is pretty straightforward, but I will comment that any subsequent development of the parcel is going to have some interesting challenges and I would expect anybody developing it would understand that they are not going to get the waivers that you are asking for here. Mr. Merritt responded correct; those waivers are just for this application. Please don't construe us to be asking for those for the future subdivision.

Mr. Clough stated the marketing plan, I know you don't want us to digest too much about that, but I don't believe that leaves the public with a warm and fuzzy feeling. How many lots purportedly could you carve this up into? It seems like you could probably turn this into a fairly thickly settled area. Mr. Wichert responded the concept showed 33 lots. We were going to need waivers for the road design and as Mr. Merritt mentioned, that was more a function of marketing and value than permitting. We had met with staff last year, we had showed them a similar layout that had a few more waiver requests, we met with Ms. Hebert and Mr. Foote, they gave us some input, we made some changes on that, and that was used for how they derive the appraisal, and that is really all it is for right now. Even the layout that we have on that concept plan obviously would be subject to any kind of permitting and fieldwork and all of those items, but it is not fully complying, so therefore there are a couple of notes. If you look at it, it will say where we were short. The radii on the curves, I think your town regulations call for 300-foot centerline radius and we are showing 200. So, if you go back to it, where there is an asterisk next to those curves, those curves aren't actually complying to your current regulations. It was more just for informational purposes to help the appraiser get a value and then for any potential buyer to see one possible option with that if you were to get relief. Mr. Clough asked is the church selling this property to the developer? Mr. Wichert replied correct. The intent is that the church is selling the 21 acres and then whatever happens from there forward is going to be on the buyer.

Councilor Greazzo asked are they required to have road frontage in order to subdivide the lot or are they able to just sell the land as is? Ms. Hebert responded no; they need to have the 150 feet of road frontage.

Chairman Fairman stated to go over a few things the applicant said. There will be several other meetings once they get into actual plans for development. This meeting is only to take that one piece of land separate from the cemetery. It has absolutely nothing to do with how that land would be developed in the future, it is strictly separation of 21 acres from the 73+/- acres of the cemetery. We will have at least two meetings, and probably more, for discussion of the development once we see what is really going to be done with the piece of land.

Chairman Fairman opened the public hearing on this application.

Ray and Mary Ninness, 8 Davies Street, stated I am also here for my neighbor across the street who can't be here because he is in Detroit. What we just saw was pure hyperbole. The only reason they want Davies Street is so that they can access the property and sell it for development. It has nothing to do with that house on the end, the cul-de-sac, and all of that stuff. I didn't have access to these drawings until Thursday afternoon and then I got the other one, and I just read something today that I missed about the 24-foot road. My house is the last house on the left and it was built in 1956, back when I am sure offsets and property lines were not well known. The house is a little skewed on it. The front of our house where the bedroom is right now is 23.5 feet from the road that is out in front of our house, which is 20 feet 6 inches wide. The front of our house to the property line is 16.5 feet. From the back corner of my house to the property line, which I didn't know where it was for quite a while, is 22 feet, so we are going to go from having flora and fauna to having a freeway in front of our house if this goes forward. You all have a copy of our remarks and our objects to this in your packet, so I won't go through all of that. This today is only to get

the road access to there so they can sell the property, and I think you have to look at what it is going to do, the impact on the neighborhood, I have talked to several people in the neighborhood and there is nobody too happy about it. Everybody has told me you are wasting your time; this is already set in stone; I would hope that is not fact. I would hope that you would listen to me, read what we got and listen to the rest of the people that are here.

Autumn Smith, 6 Davies Street, stated I am Mr. Ninness' neighbor. Looking at the information that was given to us we were actually not given any information until our neighbor came over and spoke to us. All of this information that we are getting today is very new to us, so it is kind of a shock to the system. Learning that our lot is actually on the corner of Davies and Servant Streets, we are going to be losing almost 25 percent of our yard, we are going to be losing the front half of the yard and he has a little bit more space on us where he has 23, we probably have about 10 to 15 feet to the road until you are in our living room. We have two small children at home, that would be taking their front yard as well as the side yard and putting a road in that would be dangerous for them as well as the other children that live in the area. Davies Street and Servant is dead-end on left and right as well as forward and back. Extending that road to that 24 feet and our spaces actually it seems to be more than narrow part, would be taking quite the chunk of our yard, our driveway, our flora, our trees, our flowers, everything we have worked very hard to keep alive since we have been in Bedford. For it to go through and taking the trail to the cemetery and everything around us and all of our neighbors, their yards are not huge and to put a road in that would be busy for the marketing part of it and going into it blindly, if we are having our road taken from us and having our yards and everything being extended and everything about it being an unknown right now, what else are we going to expect that is going to be thrown at us that we are not ready for. It is just not a good idea for it to go through Davies and Servant. There is no reason for it to go through there to take that from our children.

Lindsay Conole, 417 Boynton Street, stated first off, I would definitely agree with that. I live on Boynton Street, which is a main road, and the reason why we bought our home is because it has such a large lot in the backyard that abuts up to woods. Although we don't abut the exact lot that is being considered here, I do know that those woods are full of trails that everybody in the surrounding community uses as a place to get out into nature, walk their dogs, take their children for walks, and knowing how busy the roads are in that area and how congested the development is in that area already, having a nature area where you can go and is easily accessed is extremely to me, probably very important to everybody in this room as well. I would have a question and I'm not sure who I can direct it to, but I know you said that there had been wetland studies done. Have there been any other environmental impact studies done for opening this land up for subdivision? Chairman Fairman asked would the applicant like to answer that question? Mr. Merritt responded not that I am aware of. I don't think there was a Phase 1 environmental study or anything like that because of the use. Ms. Conole stated I would highly recommend it. To my knowledge there are at least several probably endangered species that are living in those woods, it is a very congested area, probably one of the few remaining areas that the animals in the area have to live. There is a family of deer that live back there that I have seen several times, I definitely seen endangered species of birds, falcons, owls, there is a lot of wildlife that lives back there and utilizes those woods as well as the folks who live in this area. I would really hate to see it taken away and developed like so much more of that area of Bedford has already been. I just don't think it is right; I agree that making Davies Street into a throughway into that development is crazy, it is

so small, it is such a small street as it is and the side streets coming out of it are too small. To be able to convert that into something that people would use to access a subdivision is not going to go very well, and I would recommend to the Board to have additional impact studies conducted, community impact, environmental impact and things like that because it doesn't seem like that much has gone into it beyond how much money can we get out of this lot, and I don't think that is right.

Scott Klose, 4 Servant Street, stated I am the unlucky person on the other end of Servant where the conceptual road comes out right in front of my house. I have a question. At one point in time would we bring up green space because their conceptual rapes that forest of every tree on there. With my job I am in brand new subdivisions every day throughout the southern half of the state and watching the state getting deforested is ugly. Ms. Hebert responded that concept that the applicant flashed in front of everyone had not received full review from the Town or discussion with the Town and doesn't represent a plan that addresses all of the many comments that the DPW Director and I had regarding the layout. The question of open space, suggesting whatever happen out here be a cluster subdivision, would be a suggestion for open space or asking the future developer to consider incorporating green space. Mr. Klose asked at what point should we bring it up? Ms. Hebert responded at what point you can bring it up tonight, the minutes from this meeting will be available to anyone, any prospective buyer of the property, so they could read the minutes and be forewarned what the community might be looking for. We have advised the engineers that they really should consider bringing in a concept plan, which is a concept plan that would be brought to the Board, the abutters would be notified by regular mail, not certified mail, and you would be invited to attend a public meeting to discuss a concept plan. A concept plan is not fully engineered, it is not set in stone, and that is the best opportunity to really get into the design details of a proposed development. Mr. Klose asked I can mention what I think? Ms. Hebert responded yes you can. Mr. Klose stated I only can go off from the concept plan. As the former lady spoke, there is a ton of wildlife. I know because I have three individual female does that have four young this year and so on and so forth, we've got it all, it is a beautiful piece of property as other people said. I was playing in that parcel of woods when I was ten years old; I have been in town over 50 years, I was a fireman here in this town for 23 years. I know we can't stop building; I get it; I do septic system inspections for my full-time employment. What I would ask is as the Town, recommend a 100-foot green buffer along the four lots that it would affect on that concept plan, but along the boundary line of the Servant Street crossing Davies to the next property over, and that way they can build what they want back behind that 100 feet, we don't have to be part of any foolish subdivision rules that every subdivision seems to have in them now. It would give us a buffer to stay our own school other than the traffic that we are going to see. No matter what you do we are going to see it, Davies Street, Servant Street, that intersection is going to have to go to a 4-way stop and it is the only thing. Everybody living in Bedford is going to go to Bedford, which is great, but they are not going to go out through Manchester very often, except for when Davies Street is backed up. As it is with Boynton Street when I leave for work, you could site there three or four minutes sometimes waiting to get out onto Boynton Street. Now you can add the possibility of 66 more cars, so the traffic study is a big thing for that project. My thing is if it has to go through, my suggestion would be to try to put some sort of a buffer between us and their project.

Chairman Fairman stated I just wanted to remind everybody that once we get to reviews, concept, it probably won't be a concept, certainly final review, would require a full traffic study for all parts of it.

Mr. Ninness stated I forgot to mention one thing. My neighbor is not here but if they widen the street to 24 feet, his garage is accessed off from Davies Street, we measured it out and he wouldn't be able to park either of his vehicles there because they would be right the edge of the road. In the winter when the snow plow comes through, he would have to dig his cars out before he got out of the driveway. He does it now, but it is going to be bad. Before they widen the street or maybe when they widen the street, they are going to have to get logging equipment in and out of there and that is going to be a nightmare. We can open the windows in the middle of the night and fresh air comes in, with cars flying up and down there and dust, debris or whatever you want to call it, it is not going to be very nice.

Pam Dyrkacz, 23 Glenwood Avenue, Manchester, stated we have a small piece of property that abuts this going on. My concern is, along with my neighbors that are all here from Manchester, the traffic that is going to start coming through out small, little neighborhood also because they are going to be getting water and sewer from Manchester and that is going to affect us along with our neighbors. I am just not for it. I know what happens, they are just putting their toe in the water and then they are going to go in for the big dive. I am against this.

Autumn Smith stated we didn't get the first heads up about this. How do we know going forward that we are going to get a heads up about this so that we can come back and ask questions and say that we don't like this at all? If it wasn't for him, we would have never known. Ms. Hebert responded I don't believe your property directly abuts the church's property. Ms. Smith stated I live on Davies Street, my mailbox is on Davies Street, my driveway is on Servant Street, this is going to affect me and my family, so why wouldn't I or the other people who are going to be affected by this development either by the road widening or cars coming through, why wouldn't be get that same kind of respect. Ms. Hebert responded the process for Planning Board review is set by State law and it requires the abutters notice be sent prior to the public hearing for the development, so if you are not a direct abutter you won't receive that certified mailing. What you can do is call the Planning Department and check in with us, monitor the Planning Board's agendas, and you can check in with your neighbors. We are more than happy to help you and explain applications to you or let you know when something is received in our office. Ms. Smith asked where would we find that information? Is it just on the Bedford website? Ms. Hebert responded the Town of Bedford website under Planning Board.

Catherine Klose, 4 Servant Street, stated I am going to go back to what they are trying to get approved tonight, which is just that first cul-de-sac and Davies Street specifically. I think some people kind of mentioned that it is an old neighborhood. All of the driveways on Davies Street the cars barely fit in. When we pull into Davies Street, we are going like this around the cars that are parked in the street. It is just the way it is that is our neighborhood. If you are stealing road frontage, they are all going to have problems on Davies Street, even just stealing a foot from their driveways, it is the whole of Davies Street, so I just ask the Board if you haven't already gone and looked and seen what is happening on that road on a daily basis, please do before you approve this

because it really is going to affect, even just this piece of it, widening that road, is going to affect everybody on that street.

Cindy Coutu, 33 Curtis Lane, stated I am not on the Davies Street side of the development, I am in Lot 50, which is the exact opposite side. Any type of future type of development would definitely impact us here on Curtis Lane. Curtis Lane, if you have ever been down there, we call it living in the gully, so any development down there, these houses would be looking down directly into my backyard. Privacy is one concern of ours because we all know that, like she said, they are dipping their toe in the water here, but we already know that they probably already have someone that wants to buy it, that wants to develop it, I am not naïve enough to believe that none of that is happening already. The other gentleman had asked about a 100-foot buffer. I would ask about a 150-foot buffer for something like that because, again, where my lot line is and my neighbors' lot lines, to give us that privacy that we have enjoyed for 20 years would be nice.

Ms. Coutu stated with regard to the wildlife that is out there, there is a multitude of wildlife that lives in this little area. I agree that there should be some environmental studies done on this, including, I know that from environmental reasons there are lady slippers that are growing in those woods, which I know are a protected species, and there are bear, there are deer, there are fox, coyotes, all kinds of stuff that are in those woods. Those trails that you saw on Google Maps are actively used every single day. I know our neighbors who are not able to be here tonight have lived on Curtis Lane, they built their house I think in 1965 or 1966 and they have used those trails since then. They are well used trails that everybody in this little surrounding area uses. As a faithful Catholic, I am kind of wondering how the Diocese can say that they don't need this land because it is my understanding that it was purchased for future use, so they are going to run out of space in St. Joseph Cemetery and the St. Hedgewood Cemetery, so I don't understand why they aren't looking forward to 200 years, 300 years. I know things are changing but I don't understand the reasoning for them to say that all of a sudden they don't need it. That was the intended purpose for purchasing that land. I am assuming they purchased all of this when old St. Joseph Cemetery ran out of room on Donald Street. In the event that a development goes through and for some reason they are not able to access Manchester water, maybe they are going to have to do wells and septic on future use, many people on Curtis Lane area, and I don't know about Davies Street, they may all have Manchester water, but there are wells in use on Curtis Lane and I would be curious to know the impact of that on the people on Curtis Lane for their well. Personally, I annulled transparency, we may be one of the only houses on Curtis Lane that actually has Manchester water, so it wouldn't affect me personally, but I know my neighbors have wells and that concerns me for their sake.

Ms. Coutu continued the waiver for the lot sizes, I would like a little bit more information about that. I did read that on the plans I was fortunate enough to get a copy of this prior to this meeting, but I am not clear on what they want for a waiver for those lot sizes. Ms. Hebert responded I can explain that. The way Bedford determines lot size is based on soil characteristics, and this lot is in the General/Residential District, if you are using onsite septic and well, the minimum lot size starts at 1.5 acres, and it may increase if you have poorly drained soils or soils that aren't suitable for development. For large lot subdivisions it is not uncommon to ask for that soils-based lot sizing to be waived because we are talking about a large order of magnitude between the proposed lot at 21 acres versus the minimum required lot size of 1.5 acres. If this lot were 5 acres, I don't

think the Board would be entertaining a waiver to not provide soils based lot sizing, and any future residential development that had a level of impact where you would have lots that were closer to that minimum lot size, they would have to provide the HISS mapping, the soils based lot sizing and they have to prove out that they have the soils, the land can provide the septic systems and wells and has the capacity to support the proposed development.

Ms. Coutu stated I imagine we are all wondering the same thing. I am sure they already have a buyer for this lot, someone who is very interested in it, how do we know that they are not going to try to put apartments or condos or something bigger than just single-family homes here? That would be my concern. Ms. Hebert responded it is not permitted in this district. Ms. Coutu asked only single-family homes can go here? Ms. Hebert responded single family homes or in a cluster residential development you can have up to four attached in a workforce housing development. Ms. Coutu asked multiple 4-unit buildings? Is that what you are saying? Ms. Hebert responded yes. Chairman Fairman stated and all of that would come out whenever we come into a formal concept review. Ms. Coutu stated which makes me think that you have already decided that this is already going through. Chairman Fairman responded we have no information, Ma'am, that you don't have. Ms. Hebert stated any development proposing something that would not be permitted by right in our zoning, would need a public hearing and variance, which is approved by the Zoning Board of Adjustment, so it would be another meeting before a different land use board to review that.

Ms. Coutu asked there is no issue with change of use for this as far as going from cemetery land that has not paid any taxes since they purchased it to now they are changing use, they are going to sell it and it is going to be subdivided? There is no issue with that? Ms. Hebert responded there is no issue from the Town's perspective. If the land is in current use, I am not sure if it is in current use, the church would be paying a penalty tax and it is sort of a payment they would pay to catch up on all of those year they haven't been paying taxes, and that is for any landowner, not just for not-for-profit organizations. That is 10 percent of the market value.

Mary Prescott-Ninness, 8 Davies Street, I don't know whether it is time to ask this or not, but being that we are on Lot 45, my husband and I, I had often wondered because the land was always considered church property and possibly a graveyard, I never had thought about the size of my lot, and I didn't know whether or not this is the time to investigate extending our lot so that it has more land. I don't know where or if I can make that request. Mr. Wichert responded currently we haven't had any discussions with anybody regarding agreements or adjustments so that isn't part of our application this evening. Obviously, Mr. Merritt and I have been taking notes of the comments, we are trying to incorporate as much of those, or we can pass those onto any buyers and the Diocese, the best I can tell anybody we will add that comment in there and then from there it would be a function of there would have to be a contact made. I can give Ms. Prescott-Ninness the name of the real estate secretary of the Diocese if she would like.

Nancy Hardy, 377 Boynton Street, stated I live on the Manchester/Bedford line. This proposed subdivision I abut right up to it, right on the corner. Actually, the exact corner is 12 feet behind my garage, so I just think that I would have to agree with a 100-foot buffer because otherwise I am going to have somebody else's garage right in my backyard. On some of the maps that I saw, there was a 25-foot area around the edges, that wouldn't even take us to the tree line behind my

house. That is a concern for me that this subdivided property is like 12 feet off from my garage. If there is a potential like this woman to sort of adjust those property lines, I am willing to consider that. Right now my property is a giant triangle and I just don't want to have other property right in my backyard. Also, all the wildlife that comes through those woods, we have lived here for 12 years, I wash the dishes and I look out at the woods, and I see deer coming through the yard, I see turkeys in my yard, to lose that is pretty emotional. It is such a joy.

Chairman Fairman stated at this point, unless you have something new that hasn't been said before, I would like you to wait until the next review. If you have something in addition to say, I would accept any new comments. Thank you all for your comments.

Mike Read stated I represent the Diocese and St. Joseph Cemetery. I appreciate all of the comments here tonight. There was a comment made about the capacity of the cemetery and we have at least 150 to 200 years of burial sites, so there should not be a concern that we are going to run out of room. I just wanted to make that very, very clear. Those funds that are going to be generated from the sale are funds required to maintain the cemetery, we need to improve the roads through that cemetery, I am sure people walk through there, and they can see that they are falling apart, and they need some attention, but it is also we need these funds to take care of the cemetery into perpetuity. I know there was a comment brought up before about why we are selling this property and that is why. The Diocese needs these funds to continue to take care of that cemetery the way it should be taken care of, not only for the souls that are already there, but, again, into the next 150 years.

Lindsay Conole stated he said it is being sold and that they have enough space for another 150 to 200 years for people to be buried over there. I was just wondering if that takes into account with the speed of people passing away due to Covid and now with monkey pox looming over us how that kind of affects that number. That's all I have.

Chairman Fairman closed the public hearing on this application.

Vice Chairman Newberry stated I have an observation for the audience and for the abutters. Access is clearly going to be an issue in any subsequent development of this parcel, and that access some of the points that I have heard this evening indicate that there are going to be significant issues in determining appropriate access, and I think that access may very well limit the density of any subsequent development and I understand the neighborhood's concern, but I did want to point out that I think it is pretty clear that there are some real access issues that are going to have to be addressed and those issues may impact how densely any development there can be. The neighborhood may want to approach the owner with some of their concerns, whether the owner would consider any conservation portion of that land or something along that line that is outside of the purview of the Planning Board, but just an observation for the neighborhood that that might be something that you could work with the owners of this property as they are developing something that may be the next stage.

Chairman Fairman stated I would like to add a comment here too for the developers and applicant. This is a part of town that doesn't have a lot of green space, and I think that it would be important as you go forward to make sure you consider some part of this property remaining as green space

for the neighborhood. This is about the only thing I know of with that kind of green space in that area. Take the comments from the audience and make sure that your potential developers know about them, they will see the minutes, but I think it is important to consider leaving some green space as development.

Chairman Fairman stated the other comment I heard, which I think that the present abutters to this particular 21-acre lot, can perhaps work directly with the present owner relative to extending their lots back into this property if they wish. I don't know if that is feasible, but I think that they can at least talk to the church about that of buying another 20- or 30-foot extension or whatever size they think they want at an agreed to price.

Mr. Sullivan stated there has been a lot of passion here tonight, which is understandable from what you have seen presented. At the end of the day, tonight the Board is looking at drawing a new line on a piece of paper with no determinate plans of what is going to happen to this lot in the future. At such time a buyer or developer comes to us and presents a plan, maybe it is four lots, maybe it is the 25, maybe it is something else, at that point we can take much more directed action as to what happens to that lot as is directed to us as a Planning Board by zoning laws, by planning direction, and we would love to hear our voice again. Unfortunately, I am not sure why the applicant brought that marketing plan, I think it is clouding what is being done tonight, but at the end of the day it is about drawing one line on a map, it doesn't guarantee that anything is going to happen, and that is what we are here to vote on tonight. I thank you for your passion, thank you for your voices, and we will continue to listen to you when other plans or proposals come before us.

Mr. Clough stated I am an environmental scientist, and I think that the developer should also take the public's comments about environmental impacts seriously because I do know Bedford is not without rare, threatened, and endangered species. I think at a minimum there should be some type of a wildlife inventory on the land. Chairman Fairman stated I agree that some studies relative to the environment and conservation ought to be done.

Mr. Nichols stated just clarifying for myself the mechanics of this specific approval. If we approve tonight, would they start work to widen the road? Chairman Fairman responded no. Mr. Nichols stated because there is no waiver that allows the road to be narrower. I just want to understand what happens if we approve because it does mention in the staff memo that the road width is not standard, and I just want to make sure with this kind of interim approval, that nothing happens with Davies Street. Ms. Hebert responded the interim approval includes a recommendation that Davies Street be widened to a 20-foot pavement width consistent from Boynton Street to where the cul-de-sac would be constructed, and that was at the request of the Fire Department and the Public Works Director because that is the minimum width needed for the public safety vehicles to travel. There is a plan that is integrated into the subdivision that shows that as an offsite improvement and it would be required if the cul-de-sac were to be constructed. Mr. Nichols asked if it ended up as a cul-de-sac as what is in front of us tonight, then the road would have to be widened? Ms. Hebert responded yes, to 20 feet.

Chairman Fairman stated the Board has to first deal with the waivers. The first three are related to the remaining cemetery parcel, and the second three are directly related to this new piece of property, mostly because it is a large lot and at this point no development is shown on that lot.

Mr. Clough stated given the cloudiness of this, I would probably like to see at least proof that a wetlands delineation or a certified wetland scientist has actually walked the property and has some type of two- or three-page report before it would approve of the wetland's delineation waiver. Mr. Merritt stated for the 21.2-acre parcel, the new parcel, there was a wetland scientist that walked that, and we did submit to staff a copy of that letter. Mr. Wichert stated and they have stamped the plan. There were no wetlands observed on the 21-acre parcel. Mr. Clough asked and they went through the New Hampshire DES program, the wetlands delineation, all of the steps that are required for that? Mr. Wichert responded that's correct. There is a certification from the wetland scientist on Sheets 2 and 3 stating the methodology, it is the standard certification and standard limit of work that is done. Mr. Clough stated okay, that looks good.

MOTION by Mr. Sullivan that the Planning Board grant the following waivers from the Bedford Land Development Control Regulations as outlined in the staff memo:

- 1. Request to waive Section 218.1.5, to not provide the full boundary survey to a standard of 1:10,000 closure for the remainder parcel;**
- 2. Request to waive Section 218.1.11, to not provide the topography on the survey for the remainder parcel;**
- 3. Request to waive Section 218.1.13, to not provide the wetlands delineation on the remainder parcel;**
- 4. Request to waive Section 231.2, to not provide the minimum lot sizing by soil type;**
- 5. Request to waive Section 231.3.1 to not provide the HISS mapping; and**
- 6. Request to waive Section 231.5, to not provide the test pit and percolation test.**

Ms. Malcolm duly seconded the motion.

Councilor Greazzo stated I support Waivers 1 – 3 but I do not support Waivers 4 – 6. I believe that even though this is going to be for the so called one lot, it is not going to be for one lot, so they should not be waived. Mr. Clough agreed. Chairman Fairman stated the waiver here does not apply to the development. Us agreeing to these waivers at this point only applies to this one subdivision of the 50-acre lot. Councilor Greazzo stated that is correct. Chairman Fairman stated therefore I disagree. I think it is okay because they will have to do those when they come to subdividing, if in fact, they are going to have septic systems or other things. Councilor Greazzo stated I don't disagree.

Chairman Fairman called for a vote on the motion. With Councilor Greazzo and Mr. Clough opposed, the motion to approve the waivers carried.

MOTION Mr. Sullivan by that the Planning Board grant final approval of the subdivision of Lot 10-53, to create one new residential lot, in accordance with the plan prepared by Joseph M. Wichert, LLS, Inc. with a revision date of June 6, 2022, 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. The Planning Director and the Department of Public Works Director shall determine that the applicant has addressed all technical review comments to the Town's satisfaction.**
- 2. If the waivers are granted by the Planning Board, they should be noted on the plan.**
- 3. All outstanding engineering review fees shall be paid to the Planning Department.**
- 4. A letter shall be submitted to the Planning Department by a Licensed Land Surveyor, certifying that all boundary monumentation has been set as noted on the approved plan, or in lieu of a letter, the final subdivision plan to be recorded may be submitted noting that the bounds have been set.**
- 5. All requisite easement documents shall be reviewed and approved by the Planning Department and submitted to be recorded simultaneously with the subdivision plan.**
- 6. All recording fees shall be submitted to the Planning Department at the time of recording.**
- 7. A note shall be added to the plan stating that any future development on lot 10-53-1 will require additional improvements to Davies Street to bring the roadway to a minimum 24-foot pavement of width and to improve the road to Town of Bedford Construction Standards, or as approved by the Public Works Director.**
- 8. The Applicant shall provide a performance guarantee in an amount and form acceptable to the Director of Public Works, for the completion of all proposed roadway and infrastructure construction in accordance with the provisions of Section 240 of the Land Development Control Regulations, including the proposed improvements to Davies Street. A cost estimate shall be prepared by the Town's engineering consultant and approved by the Director of Public Works. In addition to all of the public improvements, the guarantee shall include the cost to set all boundary monumentation, including right of way monumentation and individual lot monumentation.**
- 9. Prior to commencement of work, the Applicant shall provide a check for road inspection fees and testing analysis in an amount to be determined by the Director of Public Works.**
- 10. Prior to commencement of work, a performance guarantee in an amount approved by the Town for onsite maintenance of erosion and sedimentation controls shall be placed on file.**
- 11. Prior to any construction occurring on the site, the applicant shall schedule a pre-construction meeting with the Planning Department and the Department of Public Works.**
- 12. Prior to any construction occurring on the site, the applicant shall provide a certificate of insurance in accordance with Section 240.4 of the Land Development Control Regulations.**

- 13. Prior to any construction occurring within the public right-of-way, the applicant shall apply for a street opening permit from the Public Works Department.**
- 14. Prior to any inspections of dwellings being performed, the road must meet NFPA 241 Section 7.5.5 access roadways. The road shall have an all-weather surface (compacted road subgrade) capable of supporting firefighting apparatus. Prior to issuance of any certificate of occupancy, the entire road must have base coat applied and be approved by the Director of Public Works.**
- 15. Prior to a certificate of occupancy being issued for each lot, a letter shall be submitted to the Planning Department by a licensed land surveyor certifying that all boundary monumentation has been set as noted on the plan.**
- 16. Prior to release of the performance guarantee for the Davies Street extension, as-built plans stamped by a licensed land surveyor shall be provided in accordance with Section 245 of the Land Development Control Regulations.**
- 17. Prior to the acceptance of the street, the applicant shall provide a warranty deed for the road right-of-way in a form acceptable to the Planning Director and Public Works Director.**
- 18. Prior to the issuance of a certificate of occupancy for a house on Lot 10-53-1, the School and Recreation Impact fees shall be paid.**

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

Chairman Fairman stated I appreciate the public being here. We do take your comments and we pay attention to them, listen to them and they will be carried forward into the next review for whatever becomes of this property.

4. Jack Carnevale (Applicant) and Carnevale Spa Associates, LLC (Owner) – Request for Condominium Subdivision Approval for 9 condominium land units, located at Olde Bedford Way, Lot 13-40-2, Zoned R&A and CO.

Tom Burns of TF Moran was present to address this subdivision approval on behalf of the applicant. Jack Carnevale, the applicant, was also present.

Mr. Burns stated this is related to a previous site plan approval for nine age-restricted single family homes that the Board acted on in February of this year. We are back before the Board with this plan as a follow-up that is part of more or less the technical process of this of creating the condominium units for each of the actual physical structures and then assigning the remainder of the land for the common space. Per the Town's requirements a condominium of this nature, of these individual units goes through the subdivision application process to come before the Board to get the Board's approval so that is why we are here this evening with the plan. There are no changes relative to the site plan that was previously approved. Again, this is just establishing the condo units around each of the nine residential units and the remainder for the open space.

Chairman Fairman asked for any comments or questions from Planning Board members.

Chairman Fairman opened the public hearing on this application.

Eldon Munson stated I am here to represent Bowman Place at Old Bedford. We are the next lot up from the proposed condominium development. We would like to say briefly that Mr. Carnevale and his operation have been exceptional neighbors to us, we think that this operation will be of the highest quality and will bring a very fine senior residential option to the neighborhood, and we are very much in favor of it.

Paul Harrington stated I am the Chairman for the Board of Trustees for Bowman Place at Old Bedford, and I guess I will just echo what Mr. Munson said that Mr. Carnevale has been a great neighbor. As you know, we built a 96,000 square foot building, and as you know, in Bedford there is a lot of land and a lot of ledge and we did some blasting. He was a very patient man, we communicated with him and I know that when Mr. Carnevale does his project, he will be the same courtesy to us when he wants to start blasting that he will let us know. Bowman Place is doing very well, thank you for approving that for our residents there, but we are in favor of this project.

Chairman Fairman closed the public hearing on this application.

MOTION by Vice Chairman Newberry that the Planning Board grant final approval of the condominium subdivision for 9 condominium land units, located at Olde Bedford Way, Lot 13-40-2, owned by Carnevale Spa Associates, LLC, as shown on plans by TF Moran, Inc., last revised May 9, 2022, with the following conditions to be fulfilled within one year and prior to plan signature:

- 1. The Planning Director and Public Works Director shall determine that the Applicant has addressed all technical review comments to the Town's satisfaction.**
- 2. All recording fees shall be submitted to the Planning Department at the time of recording.**
- 3. Condominium documents shall be submitted to Planning staff for review and approval, prior to plan signatures.**

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

- 5. Linda Degler (Applicant) and 379 S. River Road Owners Group c/o Rusty Talbot (Owner) – Request for Site Plan Approval for a change of use from an Event Center to a Commercial Recreation Center and Event Center, located at 379 South River Road, Lot 35-3, Zoned PZ.**

Tom Burns of TF Moran was present to address this request for a change of use site plan approval on behalf of the applicant. Applicant Linda Degler was also present.

Mr. Burns stated I assume everybody is familiar with this site. Back in 2017 I was before the Board when this was Noah's Event venue, and then two years ago it changed hands and became

Bedford Event Center and operates today as an event center, special event planning, business events, and things like that. What the applicant is proposing to do is to make a change of use to it to allow in addition to its current operations to allow for the opportunity to have a children's discovery program, a youth based program, for children to come in mid-days Mondays through Fridays 10:00am to 2:00pm working that around the event schedule of the current operations. It is basically partly a change of use, partly an expansion of what the uses are on the site.

Mr. Burns stated we are here before the Board because the children's discovery center portion would qualify as a commercial recreation use, and to that end, in addition to that change there would also be a waiver that is required based off from the parking density that goes along with a commercial recreation use. That one waiver is to allow 92 existing spaces on the site where 94 are required by the calculation. We are two spaces short on the site as it exists today.

Mr. Burns stated there are no proposed site changes at all involved with this proposal, it is strictly a change of the use of some of the interior space, the function rooms inside the space. The intent at this point is to maintain the existing signage that is on the building. There is a single sign on the front face of the building for the Bedford Event Center and that is to remain. The event center's hours of operations would continue as they are, and, again, the idea would be to introduce this children's program during those mid-day hours. They would not overlap with scheduled events. In the case that a different event is scheduled be it something that they are currently doing like a business luncheon or a seminar or something like that, they wouldn't have a children's program on that given day or during that time, so they wouldn't have that overlap or that concern with parking density.

Mr. Burns stated we have reviewed traffic for the site based on this change of use, again, because it falls in that 10:00am to 2:00pm time period on weekdays, it is outside of the peak hours where you would traditionally see your traffic peaks, however, we have submitted an application to NHDOT for an update to the driveway permit. Any time there is a change of use on a State road that has a permit, they look to get an update and we did contact them and they said go ahead and submit the application, submit the traffic numbers just so we have it for the file, and they are going to get us an updated permit number that will run with this site plan approval. Again, no changes to the site, it is just somewhat of an expansion or somewhat of an alteration of the existing program that is in there.

Chairman Fairman asked for any comments or questions from Planning Board members.

Ms. Malcolm asked how are you going to manage the overlap, or the lack of overlap, between when the children come in and when you will have the business luncheon, for example? Mr. Burns responded the events are scheduled in advance so they would have to work the scheduling as far as the timing of it, so they would know that if they have, and I'm using it as an example, say there is a seminar or a corporate training or a birthday party or something of that nature that comes in, they would have that scheduled so on those days they wouldn't be offering the children's program on those days. That way they wouldn't have that conflict of kids coming in and out at the same time as another function is underway.

Vice Chairman Newberry stated if I heard you correctly, the available hours for both uses overlap but the actual functions would not overlap. Is that correct? Mr. Burns responded that is correct.

Chairman Fairman asked what age children are going to be involved? Ms. Degler responded pre-school aged.

Vice Chairman Newberry asked for the children's programs, what is the ratio of staff to participants? Ms. Degler responded the children would be with their caregivers. They wouldn't be leaving their children there; they would be staying with them. Vice Chairman Newberry asked each child would have an escort? Ms. Degler replied yes. Mr. Burns stated it is designed that it is interactive with the parents being there with the children. Ms. Degler stated the intention is to support small children and their caregivers. Chairman Fairman asked how many do you expect at a time? Ms. Degler replied it is hard to know. I can't imagine that there would be more than 50 children at a time. Chairman Fairman stated every child comes with a car, that is a reason we look at parking. Ms. Degler stated I would be very thrilled if we could offer to 50 children a day. Chairman Fairman stated it doesn't sound like you will get the 90 very easily. Vice Chairman Newberry stated based on the program design, there must be a maximum number to have an effective program. Ms. Degler responded exactly, and we are working with Across New Hampshire to help design the program. Vice Chairman Newberry asked so the programs aren't designed yet so you don't really know what the number is yet? Ms. Degler replied that's right. Chairman Fairman stated at any rate, it doesn't seem like it would get any place close to the maximum parking. Ms. Degler stated and if it did, we would limit it. Chairman Fairman asked how many staff members would you expect to be there? Ms. Degler responded probably a trainee teacher, a trainer teacher and somebody to check the children in and out. Chairman Fairman asked less than half a dozen staff? Ms. Degler responded yes.

Chairman Fairman opened the public hearing on this application. There were no public speakers. The public hearing was closed.

MOTION by Mr. Sullivan that the Planning Board grant the waiver from Section 322.2.1, to allow for a reduction in the amount of parking provided onsite from 94 to 92 spaces, of the Bedford Land Development Control Regulations. Vice Chairman Newberry duly seconded the motion.

Vice Chairman Newberry stated I would comment that the difference between 94 and 92 is really not significant. I don't think we really dug too deeply into the criteria for a waiver in the Performance Zone, but in this particular instance, I don't think that it is a major issue. Mr. Sullivan stated I agree. I believe that this is the type of empowerment this Board has to grant this type of waiver when it is so minimal of an impact that we don't have to take that type of deep dive.

Chairman Fairman called for a vote on the motion. With all Planning Board members voting in the affirmative, the motion carried.

MOTION by Mr. Sullivan that the Planning Board grant final approval of the site plan for a change of use from an event center to a commercial recreation center and event center, in accordance with the site plan by TF Moran, Inc., last revised June 6,

2022, with the following conditions to be fulfilled within one year and prior to plan signature, and the remaining conditions of approval to be fulfilled as noted:

- 1. The Director of Public Works and the Planning Director shall determine that the applicant has addressed all remaining technical review comments to the Town's satisfaction.**
- 2. Notes 4 & 9 shall be updated and/or combined for hours of operation consistency.**
- 3. Prior to building permit issuance, building plans shall be reviewed and approved by the Fire Dept.**
- 4. Future signage proposed shall be reviewed by the Planning Dept. for compliance with applicable sign regulation standards.**
- 5. Plan notes shall be updated for a maximum occupancy of 250 for any event or any event plus discovery program use as previously approved for the site.**

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

Other Business:

Chairman Fairman stated at the beginning of the meeting we did the election of officers, but we still need to attend to committee assignments.

Ms. Hebert stated the Planning Board has a representative appointed to the Conservation Commission as a Conservation Commission liaison and also a liaison to the Historic District Commission. Mr. Clough has been the Conservation Commission liaison and Mr. Quintal is the current Historic District Commission liaison. We have heard from Mr. Quintal that he would need to be stepping down this year from the Historic District Commission position. There is also an appointee to the TIFF Advisory Committee. This committee meets very infrequently but does discuss the status of the TIFF District on South River Road and Jon Levenstein formerly filled that position.

Ms. Hebert stated the Planning Board also needs to make a recommendation to the Bedford Town Council for appointments to the Southern NH Planning Commission. We have two members whose terms are set to expire at the end of June and that would be Bill Jean and Danielle Evansic. Mr. Jean is a full member on the Southern NH Planning Commission and he would like to be reappointed, and Ms. Evansic is an alternate member and she is also interested in being reappointed. The Southern NH Planning Commission will have two vacancies that the Town Council will need to advertise, and as applicants or interested folks come in, those nominees will be forwarded to the Planning Board for their recommendation. Chairman Fairman asked will we now have three vacancies with the passing of Mr. Duschatko? Ms. Hebert replied yes, we have an existing vacancy. Chairman Fairman asked there is nothing on the Southern NH Planning Commission for us to do tonight. Ms. Hebert responded I would like a recommendation to the Town Council for Mr. Jean and Ms. Evansic to be reappointed. Vice Chairman Newberry asked

do we know if Ms. Evansic is interested in becoming a full member or does she prefer to be an alternate? Ms. Hebert responded I think right now she prefers to be an alternate.

MOTION by Vice Chairman Newberry that the Planning Board recommend to the Bedford the Town Council the reappointment of Bill Jean as a full member and reappointment of Danielle Evansic as an alternate member of the Southern NH Planning Commission. Mr. Nichols duly seconded the motion. Vote taken - all in favor. Motion carried.

Chairman Fairman stated the Historic District Commission meets once a month maybe and there are many times it does not meet each month. I was on it for several years. It is interesting because it does get into some discussion on the older homes that are in the center of town and what is going on. Is there any interested member that would like to volunteer as the Planning Board liaison to the Historic District Commission? That could be an alternate or a regular member. Mr. Clough asked how often do they meet? Chairman Fairman responded the first Tuesday of each month and some months they don't meet. They are usually pretty short meetings. Mr. Clough asked that doesn't conflict with the Conservation Commission? Mr. Clough stated I will volunteer to serve on the Historic District Commission unless someone else is interested in doing it.

Chairman Fairman asked is there anyone interested in serving on the TIFF Advisory Committee? Mr. Nelson responded I have an interest in serving on the TIFF Advisory Committee on behalf of the Planning Board. Chairman Fairman stated pretty soon that bond will be paid for, in the next year and hopefully the Town Council will use the money appropriately.

Mr. Clough stated I would be interested in continuing as the Planning Board liaison to the Conservation Commission.

Mr. Nichols nominated Steve Clough as the Planning Board liaison to the Conservation Commission, Steve Clough as the Planning Board liaison to the Historic District Commission, and John Nelson as the Planning Board representative to the TIFF Advisory Committee. Mr. Sullivan duly seconded the motion. Vote taken - all in favor. Motion carried.

VI. Communications to the Board:

Ms. Hebert stated the Housing Working Group held their first meeting on June 23, 2022. We had a great discussion. Mr. Nichols and Vice Chairman Newberry both participated. Vice Chairman Newberry stated I thought we got a good start. I think we identified a few things that we want to do for first steps, and I think that Ms. Harris is working on scheduling the next meeting in July. We also had Jon Levenstein sitting with us. I think he is going to be a citizen participant. I think as most people know Mr. Levenstein is recently retired Chairman of the Planning Board so it is good to have somebody like him involved with a committee like that also. Ms. Hebert stated it was a great meeting and our next meeting will be in July. Those are public meetings and we do post them; they are posted on the Town website and in the government calendar and we will continue to update the Planning Board as the work continues with the group. Vice Chairman Newberry stated I would just add that if anybody on the Board thinks of something that they think

we and the subcommittee should be looking at or considering, please feel free to contact Ms. Harris or Ms. Hebert with any suggestions you may have. I think maybe once we get a little further along, we can kind of update the Board as we go along just to facilitate feedback from the Board as we are trying to navigate this.

The next Planning Board meeting is scheduled for July 18th. During the months of July and August the Board goes down to one meeting a month, with your August meeting on the 15th. Let us know in advance if you are going to be missing a meeting. Because of vacations it can sometimes be difficult to get a quorum in the summer.

Chairman Fairman stated I would like to make a comment relative to the Southern NH Planning Commission, which you heard will be advertised by the Town Council. I have been a member there for about three years, and it is an interesting group. They meet for lunch the third or fourth Tuesday of the month in West Manchester, but the presentations are good and you get a good feel for what is going on in the region. Manchester and a whole bunch of towns around Manchester that are involved in this; it is going to be interesting going forward at this point as we look at the infrastructure bill that was passed and as that money becomes available, how that is going to get spent. This Board will have a lot to say about that. It is very involved in the 10-year highway plan for the region and working that plan in detail. We get some interesting presentations about a variety of things. If anybody is interested, please step up. It is an interesting Board?

V. Approval of Minutes of Previous Meetings:

MOTION by Ms. Malcolm that the Planning Board approve the March 28, 2022 Planning Board minutes as written. Vice Chairman Newberry duly seconded the motion. Vote taken - all in favor. Motion carried.

MOTION by Ms. Malcolm that the Planning Board approve the April 18, 2022 Planning Board minutes as written. Vice Chairman Newberry duly seconded the motion. Vote taken - all in favor. Motion carried.

MOTION by Ms. Malcolm that the Planning Board approve the May 23, 2022 Planning Board minutes as written. Vice Chairman Newberry duly seconded the motion. Vote taken - all in favor. Motion carried.

VII. Reports of Committees: None

VIII. Adjournment:

MOTION by Ms. Malcolm to adjourn at 8:55pm. Vice Chairman Newberry duly seconded the motion. Vote taken – all in favor. Motion carried.