

TOWN OF BEDFORD
February 14, 2022
PLANNING BOARD
MINUTES

A meeting of the Bedford Planning Board was held on Monday, February 14, 2022, at the Bedford Meeting Room, 10 Meeting House Road, Bedford, NH. Present were: Mac McMahan (Chairman), Town Councilor Bill Duschatko (Vice Chairman), Priscilla Malcolm (Secretary), Hal Newberry, Charlie Fairman, Matt Sullivan, Steve Clough, John Quintal (Alternate), Matthew Nichols (Alternate), and Jillian Harris (Assistant Planning Director)

I. Call to Order and Roll Call:

Chairman McMahan called the meeting to order at 7:00 p.m. Alternate John Nelson was absent.

II. Old Business & Continued Hearings: None

III. New Business:

1. **Manor Building Development, LLC (Applicant) & PBL Properties, LLC (Owner)** – Request for a 10-lot Cluster Residential Subdivision, located at 72 New Boston Road and Roblin Road, Lot 1-44, Zoned RA.
2. **Jack Carnevale (Applicant) and Carnevale Spa Associates, LLC (Owner)** – Request for Lot Line Adjustment and Consolidation Approval for three lots, located on Olde Bedford Way, Lots 10-50-5, 13-40-1 & 13-40-2, Zoned CO & RA.
3. **Carnevale Spa Associates, LLC (Applicant & Owner)** – Request for Site Plan Approval for a nine-unit single-family age-restricted (elderly housing) development, located at 18 Olde Bedford Way, Lots 13-40-2 & 10-50-5, Zoned CO & RA.
4. **West Street Keene, LLC c/o Riley Enterprises (Applicant & Owner)** – Request for Site Plan Approval for a change of use to convert a 3,024 SF restaurant use to a personal service establishment, located at 28 South River Road, Lot 11-12, Zoned PZ.
5. **ER Bedford, LLC c/o Encore Retail, LLC (Applicant & Owner)** – Request for final architectural approval of six buildings (Buildings C1, C2, D, F, G and the Barn) in the proposed ‘Market & Main’ mixed-use development at 125 South River Road (former Macy’s site), Lots 12-33, 12-33-1 & 12-33-2, Zoned PZ.

IV. Concept Proposals and Other Business: None

Ms. Harris stated the new applications have been reviewed by staff and it is our recommendation that the applications are complete, the abutters have been notified, and it is the opinion of staff that

staff that none of the new applications pose a regional impact and would recommend that the Board accept the agenda and the new applications as complete.

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

New Business:

1. Manor Building Development, LLC (Applicant) & PBL Properties, LLC (Owner) – Request for a 10-lot Cluster Residential Subdivision, located at 72 New Boston Road and Roblin Road, Lot 1-44, Zoned RA.

Earl Sandford of Sandford Engineering was present to address this application on behalf of the applicant. David Hughes of Manor Building Development was also present. Mr. Sandford stated it has been a long time getting ready to come before you.

Mr. Sandford stated posted you can see on the plan New Boston Road not too far from the Route 114 intersection, maybe ¼ mile or so. On the left coming around a curve it would be before you hit McAllister. It is basically 40 acres that Mr. Hughes has purchased and there were plenty of challenges with this. We are naming it Cara Meadows, it is a 10-lot cluster and this is the basic design posted. There are eight lots that will be served off a curb cut off from New Boston Road and then two lots would be served off Roblin Road. There is a fair amount of wetland that I am showing in blue here and the most sensitive is the Bowman Brook that travels through the northwest corner of the property. We have looked at at least six to eight different concepts, including possibly doing a bridge to bring the road right in through the middle of the property. We finally chose 1.5 years ago to go with the existing curb cut. On the property there is a house, the Hallett's and then a garage and a barn; those will all be razed. We tried to use that same curb cut to come up but there was a sight issue that came up at the 11th hour in terms that we were looking over a guardrail, which we had sight distance, but then they said if they replace the guiderail, it is going to be 5 inches higher and then we wouldn't be looking over it, so we had a mountain of engineering that got put in the waste basket to redesign the whole entrance as you see it today. We redesigned it and the other big change over those months is that we are bringing in water from the street, so all of these eight lots will be served by municipal water. We aren't able to get it across the wetland, so these will be served by wells, the two lots off from Roblin Road.

Mr. Sandford continued, basically just going through some of the issues; it will mean a serious cut. If you were to go into the Hallett's basement floor and shoot a laser through to the road, you would be cutting around 20 feet to get that angle to work, but we are coming up through about where the basement of the house is now, but obviously as a road it has to meet the code for maximum slopes. This slope easement in yellow is the biggest one to the left, where the biggest cut would be, and then we also have a considerable amount of drainage treatment and collection that is going to be in this easement in green and then the rest of this is slope easement to facilitate the development. Shown now is the same as last but it just shows the contours; this also shows as part of the open space you are required to have a rectangle meeting a certain dimension, so we found that we could find that rectangle to meet, I believe it is 12.53 acres of open space. We have gone through all of

the calculations to make sure that it meets the amount of upland required and it does by a fair amount. I could go through those numbers if you wanted. For right now I am still trying to stay on the macro end of things.

Mr. Sandford stated two of the waivers that will be required: coming in to minimize the cut, we were coming in at a radius, which is less than the new regulated 333 square feet. It is near a stop situation, so I am anticipating that it shouldn't be a problem. Once we get into the main run, we do meet the 333 square foot minimum radius when you make the bend to get to the cul-de-sac. The grading to make that work at the end of the road, in order to leave plenty of room for the plow to push snow, instead of putting three driveways next to each other, we combined this to create a lot greater open space, which I think the plow guy will appreciate. So we have a short section of shared driveway before they split and that requires a waiver as well. Those are the two waivers that we are requiring. Posted now is showing the profile, which meets regulation. You can see where the significant cut, this line here is existing terrain, existing grade, and we will be cutting down into it. Of course, there is quite an exaggeration, it is maybe a 4:1, so it always looks worse on the profile.

Mr. Sandford stated another major part that we went through, which now is posted the waterline plan, where we will be bringing in water from the street. We are going to have it directionally drilled so that there will be no impact to the surface of the road, minimal impact to traffic during the installation. We have talked to Pennichuck Water Works and talked with Henniker Directional Drilling to kind of coordinate how that will happen.

Mr. Sandford stated posted now is the other major component. Through discussions, the end of Roblin Road is quite substandard; you have a designed limit of the right-of-way of the turnaround, that I am circling with the cursor, and then you have what was constructed, there are issues with trying to get it back to full blown. We have met with DPW and as a compromise, we are increasing by 10 feet all around the existing and creating a pad suitable for snow storage and that was found acceptable after throwing some turning radiuses on and that sort of thing. That also required a dredge and fill for just a little bit of wetland right at the end. We have acquired that, so that is in place, and that is a year old now, it has another four years before that expires. Shown now has a common drive going up to the two lots off from Roblin Road. We have done test pitting on each lot, we have made sure that each lot could have the proper square that the zoning and regulations require, the 20,000 square foot buildable area, that is all shown on one of the previous plans. The rectangles are the 4,000 square foot area. I guess what I am saying, I feel we have done our due diligence to make sure each of these lots meets the regulation for a valid lot. Shown now is the drainage where there will be a treatment swale that runs into a basin. This is patterned quite closely to the subdivision we did off from North Amherst Road, Wheeler Farm Development, if you are familiar with that. We designed that road several years back. We are using the same type of pond; it is different but if you wanted to know what it is going to look like it is very similar, except in that case the pond is to the left of the road as you go up Wheeler Farm Road. Also, now posted is showing all of the erosion control measures, the stormwater management plan, and we have graded in all of the lots, we don't know when they will be built, but the lots, they meet all of the sizing. Based on the yield plan, which will be posted. Posted now is the sight distance plan, where the yellow line represents a driver at a stop situation at the end of the road, and there will have to be some cutting. We got an easement from the other Hallett land to the right so that we can, there is

quite a steep embankment that will all be brought down with a 3-foot clearance, normally they require 1, but we are excavating it out so above your sight line there is 3 feet or more at all ground levels. We also did sight distances for each one of the driveways to prove out that there was no issue.

Mr. Sandford stated there were at least two ways to look at how many lots could we get out of this land. We had a high-intensity soils, we took the good soils, we deducted for roads and for other things and we came up with like 20 lots that it could support. Clearly we weren't going to get that for the geometrical constraints. We did one that pretty much had the geometrical constraints in it called the yield plan and we came up with 14 lots. It would require bringing Roblin Road further into a cul-de-sac and you would get an extra lot there, and it would also require extending the road quite a bit more up into the property. So the compromise was we will go for 10 lots, with an open space. We will be able to knock that road back several hundred feet and make a go of it that way. That is kind of a quick going through each one of the plans. We have calculations; I don't know how detailed you would want me to get, but I am happy to open it up for any questions.

Chairman McMahan asked for comments or questions from the Board.

Ms. Malcolm asked could you talk to me a little bit about the Quarry Trail and the Brook Trail? Mr. Sandford responded this was prompted after meeting with staff. What I have posted in green, this is the 12 acres, which is all contiguous. If you start here, you can walk around all the way to Roblin Road around the perimeter, but you also can walk through the middle, so even though there is a little break where the lot comes through, this is all contiguous because of the way it is designed. Each side of Aisling Lane, so you can either go left or right from Aisling, totally around the perimeter to Roblin, or you can go partway and down through the middle. Our first contention was every lot touches against the open space, so we didn't feel necessarily that it needed more network of trails, but after looking at it we agreed that there is a place where we can put an easement right off from the cul-de-sac and we kind of called it the Brook Trail, go right down the property line to Bowman Brook, but if you follow the contour over here, you can get over into the open space, you curl around and there is a whole bunch of, I will call it, farmer's mini quarries, micro-quarry activities where you can see they have chiseled some rock, nothing bigger than normal, a bathroom or something like that, so it is not like this is any sort of massive commercial quarrying that ever happened there, but there are clear signs. It is interesting to walk through. They chose where the rock was stratified, such that it immunized their cut to get a square stone, and it is quite interesting, so that is why we chose to call this the Quarry Trail to get you over and you can walk through what I think is ½ a dozen of these small holes. Some are about the size of this desk, so it is nothing massive, and I did make a call and a request to the Boy Scouts to see if they had someone as an Eagle Scout project or something that would like to lay this trail out in as practical a location as possible. It is about 30 feet lower than this house site, so out of their front yard so to speak, and then it is enough off from this house site that we feel that we are able to do this without that age-old problem of people not necessarily walking in their backyards or that sort of thing. We selectively chose this location to facilitate something by the terrain and by the vegetation; it will be pretty well hidden from any development. We were pressured and asked isn't there some way you can make it so you could have a good path through from Roblin to Aisling Lane. We looked at it, and because of the wetland and extreme slopes over here, also some extreme slopes here, anyone can hike it now, but as far as doing a trail where a family could stroll their kids

from one to the other, the terrain just didn't work. If we could have found a nice path, we would have gone with that idea with trying to make that connection, but we couldn't find a feasible location.

Ms. Malcolm asked are these going to be public trails or are they for the people who live in this cluster development? Mr. Sandford replied that is up to the homeowner's association. If it is like Three Corners near me, they are going to keep it private to themselves, but they always let us walk on them. It will probably be private but not posted. Mr. Hughes stated I would think so.

Vice Chairman Duschatko stated in addressing that comment, in past larger subdivisions where there have been opportunities, there have been easements given for trails and pedestrian ways, even though there are homeowner's associations involved. Why would this be restricted and not made public? Mr. Hughes responded the Town of Bedford I think back to 1969 has a Heritage Trail of a sort that goes through the town, and it is actually on paper. If you looked deep enough you will find that stuff, but none of it was ever developed, and consequent to the other developments that have come since that time have actually had that impact where these things exist on paper but just never went anywhere. I am not sure that there is that much demand for it. A good example is where would you park if you came up and did a trail walk in this area, and would you be better suited using one of the current public areas, such as Pulpit or something like that instead of coming to a neighborhood and saying can I find the path or am I in the right place or the right time that you are not crossing over someone else's private property. It is a little bit interesting, but I do remember doing work in different subdivisions over the years and there are some interesting pieces that you could find that are existing trails that just didn't happen, they just never got developed. Vice Chairman Duschatko stated they are there and they just haven't been used because people didn't know about them. Mr. Hughes responded that's true, and they are big pieces too. I remember one particular one in 1969 that was an ambitious idea at the time, but nobody is here that would even remember what that was. Vice Chairman Duschatko stated I am just wondering why you even bring it up if that is the case. Mr. Hughes asked public access? Vice Chairman Duschatko stated if you aren't going to grant public access through the resident's association, why even bring up the trail idea? Mr. Sandford responded it is right in the regulation that you are required to have every landowner within the subdivision be able to enjoy that open space, so we are trying to comply with the spirit of the law. Vice Chairman Duschatko stated you are just basically giving it an access because you can't get through from the other side because of the wetlands and slopes. Is that a fair statement? Mr. Sandford responded the open space is there for them to walk in now; they have a 50-foot strip that goes around the perimeter of the property, so there is nothing to prevent them. If it comes to making an official trail of it, we decided that the most sensible place would be where the owners could enjoy, especially in the main cluster, which is where the cul-de-sac is, would be able to enjoy the amenities, which in a sense, again, everyone can walk off from their property right onto open space land and hike to their heart's content. We thought we were conforming with some of the suggestions of staff that encourage the areas, because typically if someone on the left side of Aisling Lane coming in wanted to go to those quarry places, they would have an awful long circuitous walk to get around. This way I am facilitating a little bit of a shortcut, not intended to draw in the public per say, like Mr. Hughes said, we don't have parking arrangements or anything like that, but we are doing a good faith effort to provide the best way to enjoy that 12+ acres of open space. Chairman McMahan asked so you have created a trail for whatever you needed to do to make things level, safer for the enjoyment of the people that are going to live in this particular development, and I wonder if that isn't exactly

what the staff was looking for? Is that right, Ms. Harris? Ms. Harris responded right, so that it would be usable and accessible for all of the lot owners. Chairman McMahan stated whether you name it or not or whether you put a post up or not, it is all private property.

Mr. Fairman stated I have a question on the cul-de-sacs, both the new one and the rebuilt one on Roblin Road. Have you verified that they are big enough for school buses to turn around without backing up? Mr. Hughes replied I don't think they come up there. Mr. Sandford replied we were given a radius to work with. I do know that it is miles better than whatever they have now, because they have to back into the driveway to make their turn. Mr. Fairman stated yes, that one is really a problem. The new one is too long to make the little kids walk all the way down to the corner, plus a stop on New Boston Road there is not particularly preferable. Mr. Sandford stated I would have to look at it again whether it is a 2-point turn to make the total turn. Mr. Fairman stated make sure that is big enough, even if you have to call the bus company to get them to verify it.

Mr. Newberry stated the primary parcel is being supplied by Pennichuck Water Works, are you and Pennichuck Water Works confident that the pressure will be adequate to drive up that grade? Mr. Sandford responded I am. Our elevation is several hundred feet lower than where they are pumping up to. As far as pressure-wise, gravity is not an issue. I have been talking with them and they didn't see a problem. We met with the Fire Department and they are only requiring a hydrant right there at the road at the entrance and there is already one there, so presumably the pressure was already checked for that one; it is just going to a smaller line to feed domestic water for all of the lots. To the best of my knowledge, there is no issue with pressure. I haven't seen a calculation to that effect. Mr. Newberry stated if you and Pennichuck Water Works are comfortable with it, thank you.

Mr. Newberry stated there were two waivers, I think from the staff memo, that were reviewed and supported by the Planning Staff and Public Works. Could you just kind of review briefly what those two waivers involve. Mr. Sandford responded the road geometry that you just passed requires centerline curve of a road to be no flatter than 333 feet, which this one is exactly 333 feet as shown on the plan, so the center point for that radius is somewhere way up in this lot. This one to make the geometry work and because it is at a stop situation, people are not tearing around that corner or when they are starting, they are just getting up to speed, if they are coming down, they are slowing down to a stop situation, so we felt that it was and we talked with DPW too, that this first radius, which is less than 333 feet, and the waiver spelled it out, but it is plenty safe. You wouldn't want to put a curve that tight in a long collector road; the other aspect here is that hopefully if anyone gets up to 33, they are immediately putting their brakes on to slow down for the cul-de-sac. This is only 600 feet to the start of the cul-de-sac. In some ways I feel like we could have even gone for a waiver for a curvilinear rural, just very localized, condition, but we didn't need to go for the waiver here, because if we went out square, it would bring it way into that lot and around and then it would have to be a straight shot to the cul-de-sac and we would then be into the 30 – 40 feet cut because of the way that hill is shaped. That was the first waiver.

Mr. Sandford stated the second waiver is for these two lots off the end we felt it prudent to have them share a driveway leaving ample room for snow storage because that was one of the issues that came up especially at the end of Roblin Road. More driveways are more obstacles to work around and if you can combine, it makes for a better situation for the plow truck. That is why we

are requesting that these two lots have an access just for the first 20, 40, 50 feet, whatever, and then split right off, going right into their respective properties. It is not like a long shared driveway with just a shared entrance. I guess that would also apply for coming off from of Roblin Road, they will be sharing up until they break through the 50-foot buffer. By the time they get through the buffer, they are split and they are going to their respective lot and house, but to try and do two parallel driveways up through there was not feasible without a huge retaining wall. It would be trying to fit two more driveways in from what is there. Again, because we are enlarging Roblin Road another 10 feet coming out and going around, we are also creating platforms to all sides for greater snow storage so it will be much easier than what is there now, rather than coming up and having to go into a driveway, back up, and then go up, they will be able to make the turn. Again, those are the two: shared driveways and centerline radius.

Mr. Newberry stated that brings up another question. Is there any issue associated with expanding the end of that cul-de-sac on Roblin Road? Mr. Sandford responded the issue is that we discussed, and part of the reason we weren't required to go the full boat of what it should have been back when it was built, is because this already has a ramp up to here for this existing driveway, if we brought the edge of the pavement out to like 10 feet off, we would end up with like a 4- or 5-foot differential in the driveway. So when we were out there, we discussed how can we make this work without it tearing up the existing driveways that are there, mainly this one as shown on the plan, this other one is not so bad, I think we could absorb something, but that was part it. And part of it was also what is fair when granted we are adding lots, but that cul-de-sac is serving a lot of lots that wouldn't be sharing in the cost of the improvements. The main thing was just the logistics and making sure we met what DPW had comments about, snow storage. We had to get the dredge and fill because when they reach the end of the road, the plow is continually digging in and it got to a low enough place where the groundwater was just filling it in and it started growing wetland vegetation, which is as shown on the plan, but it was a little tricky because that is within the Town land, so I had to have the Town sign off on the dredge and fill but we got it approved and that is ready to go. I don't know whether that answers the issues with the cul-de-sac. Certainly there are and I think we have addressed them. Mr. Newberry responded yes, thank you.

Mr. Nichols asked is there enough room on each lot for their own septic? Mr. Sandford replied yes. That little circle is a test pit on the posted plan, and then I have a 4,000 square foot suitable septic area with each test pit. Each one had to have a suitable test pit. When you go to build it, you are probably going to be 20 x 30, about 600 square feet or something like that, so 4,000 is not the size of the septic, that just says if you have 4,000 that looks suitable, then you shouldn't have any problem doing something that is even 1,000 square feet. And then each one of these shows a test pit there that we are attributing and all of the soil is similar in that area. We also did a test pit for the suitability for the pond itself to make sure we are going to be able to design in consideration of where the groundwater table is.

Mr. Newberry asked are those septic areas still adequate after you have graded in the driveways? Mr. Sandford responded yes. The one shown on the plan we actually did the conceptual driveway. Shown is the grading in of the driveway, these black lines next to and we are actually blending the grading of the driveway into the grading for that septic. This one shown had plenty of room, we didn't grade the septic. The dashed lines are existing contours at a 2-foot interval, every 2 feet of rise in elevation represents one of those lines, and then the dark lines are the finish contours once

you have excavated. For instance, coming in down below we are going to have to cut into the hill quite a bit before we get up to grade; we designed them all to be less than 10 percent, the driveways, and that requires a lot of cut in some situations. Mr. Sandford continued to review the septic area and grading for each of the lots. Mr. Newberry stated thank you; it just wasn't clear looking at the two different plans.

Chairman McMahan asked for comments or questions from the public.

Arthur Genest, 18 Roblin Road, stated I just want to make sure that the two houses that are going at the end of Roblin Road are not going to have access onto New Boston Road. Am I correct? Mr. Sandford responded yes; they are isolated. Mr. Genest asked and those two houses will not have access to the water from Pennichuck Water Works? Mr. Sandford responded that is correct as well.

MOTION by Ms. Malcolm that the Planning Board grant the two waivers from the Bedford Land Development Control Regulations as follows:

- 1. Appendix A – Bedford Road Construction Standards, 3. A. 1. – Rural Section, to allow for a design speed of 30MPH where 35MPH is required, to allow for curbing on a rural road and for deviations from the required centerline radius and straight tangent distance.**
- 2. Section 231.1.4 – to allow for two shared driveways, one on Roblin Road and one on Aisling Lane.**

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

Mr. Newberry stated I have a question before making the motion for final approval. I see there are 29 conditions associated with this, are any of those conditions that you anticipate having a problem meeting? I assume you are familiar with all of the conditions in the staff memo and my question simply is, whether you are okay with all of those conditions or whether there are any that you anticipate having a problem meeting. Mr. Sandford responded there are a lot of fee-generating things in there. Mr. Newberry stated and some of them are fairly significant conditions in terms of what appears to be required related to them, so I just wanted to hear that you are familiar with the conditions and that you don't anticipate a problem meeting them. Mr. Sandford responded the only one that we discussed earlier, but I don't think it is an issue, was they wanted us to do probes before we start, which we can but we would rather just get the excavation equipment there, find out where it is, and then we can report rather than have to have borings done. I have only found like 60 percent success rate with borings saying that it is ledge and then we dig it down and either it is movable with the machine or whatever. Again, we would just do the same strategy that we did for Wheeler Farm Road. I guess I am saying I don't have a problem with that being left in there, it is just that it wouldn't be the normal type of probes, we would just schedule the equipment to get there and do some holes. Mr. Newberry asked so you expect to meet the condition? Mr. Sandford responded yes. Chairman McMahan asked Ms. Harris, are you good with that? Ms. Harris replied yes, as long as they are meeting the condition that is all that would matter.

Mr. Fairman stated on the same note, I would like to add a 30th condition that the cul-de-sacs be adequate for school bus turnarounds without backing. Mr. Sandford stated we did have a good gravel road, and I can't remember whether that could be used; that it is within the cul-de-sac for perhaps a 2-point turn, I just don't remember. I know we discussed the geometry and I sent it to DPW early on so that we could all be on the same page; they were okay with it. Mr. Fairman asked is there any problem with that? Mr. Sandford stated I would hate to find out that I would have to add another 10 feet of radius. I do agree that we want to be able to have them turn around safely without having to go onto anyone's driveway or lawn. I just don't remember whether we ran the radius such that they did make one back before they headed out, which they are doing a 3-point turn now to get out of there. Mr. Hughes stated I don't think the bus comes up Roblin now that I am aware of. Mr. Fairman stated I think they walk out of Roblin Road. Does the school bus go up Roblin? Mr. Genest replied no. They walk down to the end of Hickory Lane. Mr. Fairman stated that is a very different situation for the school bus to stop on than on New Boston Road. I would like to make sure the new cul-de-sac is definitely big enough. Mr. Hughes stated I think that is the difference. You are looking at an older street such as Roblin. Mr. Fairman stated I understand that, that you might not be able to do it there, so we will restrict a condition to the new cul-de-sac will be adequate for a school bus to turn around without backing.

MOTION by Ms. Malcolm that the Planning Board grant final approval of the Cara Meadows cluster subdivision at Lot 1-44, to create ten new residential lots and one open space lot, in accordance with the plan prepared by Sanford Surveying and Engineering, last revised February 8, 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 Director of Public Works and the Planning Director shall determine that the applicant has addressed all remaining technical review comments to the Town's satisfaction.**
- 2. The Applicant shall submit any outstanding engineering review fees.**
- 3. All recording fees shall be submitted to the Planning Department at the time of recording.**
- 4. In the event that the Planning Board approves the waivers, the plan shall be updated to list all waivers granted as approved.**
- 5. The subdivision and easement plan shall be updated to outline the 10 ft. wide pedestrian easement area surrounding the proposed trails from Aisling Lane to the open space.**
- 6. A Stormwater and Land Disturbance Management Permit shall be approved by DPW, including the Stormwater Operation and Maintenance manual.**
- 7. NHDES Septic Approval, State Subdivision Approval and NHDOT Driveway Permit approval shall be obtained and the permit number shall be noted on the plan.**
- 8. Prior to plan signing, the topographic and soils plan shall be stamped by the soils scientist.**
- 9. The final plan shall be signed by the owner prior to recording.**
- 10. The applicant shall provide a letter from Pennichuck stating that they approve of the construction plans and will be able to serve this project.**

- 11. A homeowners association shall be formed and final association documents shall be submitted to the Planning Department for review and approval and to be recorded with the plan. The homeowners association shall be responsible for the maintenance of open space.**
- 12. All requisite easement documents, including shared driveway easements, shall be executed by the Applicant and submitted to the Planning Department to be recorded simultaneously with the plan.**
- 13. The NHDOT shall approve the proposed drainage work in the NHDOT right-of-way and all remaining technical comments shall be addressed to their satisfaction.**
- 14. 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.**
- 15. Prior to commencement of work, a preconstruction conference shall be held with the Planning, Building, Fire and Public Works Departments.**
- 16. Prior to commencement of work, an engineer's cost estimate and performance guarantee in an amount approved by the Town for onsite maintenance of erosion and sedimentation controls shall be placed on file.**
- 17. Prior to commencement of work within the Roblin Road ROW, a street opening permit shall be issued from the Dept. of Public Works.**
- 18. Prior to commencement of work, ledge probes in areas of cut along the proposed roadway shall be coordinated with and provided to the Dept. of Public Works for review.**
- 19. The Applicant shall provide an engineer's costs estimate and 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. A bond 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.**
- 20. The Applicant shall file a check for road inspection fees and testing analysis in an amount to be determined by the Director of Public Works.**
- 21. Prior to a Building Permit being issued for each lot, the Applicant shall provide retaining wall design drawings (stamped by a licensed structural engineer) to the Town for proposed retaining walls 4 feet high or greater.**
- 22. Prior to a Building Permit being issued for each lot, the applicant shall require a driveway permit from the Dept. of Public Works.**
- 23. Prior to a Building Permit being issued for each lot, a septic permit if required to be reviewed and approved by the Building Dept.**
- 24. 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.**

- 25. 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.**
- 26. Prior to release of the performance guarantee for the development, as-built plans stamped by a licensed land surveyor shall be provided in accordance with Section 245 of the Land Development Control Regulations, including the as-built sight distance for the sight lines on New Boston Road.**
- 27. 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.**
- 28. Prior to a certificate of occupancy being issued for each lot, School and Recreation Impact fees shall be paid. A credit for the existing house will be given and the impact fees will be assessed for 9 new lots.**
- 29. Prior to acceptance of the Stormwater System, the Applicant shall provide a financial contribution per Section 236-14 of the Town of Bedford General Code for town acceptance of drainage and stormwater structures and systems.**
- 30. The new cul-de-sac shall be adequate for school bus turnaround without backing.**

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

2. Jack Carnevale (Applicant) and Carnevale Spa Associates, LLC (Owner) – Request for Lot Line Adjustment and Consolidation Approval for three lots, located on Olde Bedford Way, Lots 10-50-5, 13-40-1 & 13-40-2, Zoned CO & RA.

Jeff Kevan, civil engineer at TF Moran was present to address this lot line adjustment and consolidation on behalf of the applicant. Owner Jack Carnevale was also present.

Mr. Kevan stated the first item we have is a lot line adjustment and consolidation plan, and what that is, is that right now we have a condominium lot that was part of The Grand, it was in two pieces, this back land, as indicated on the posted plan, and then where The Grand Hotel is in the front. In addition, there is a single-family lot that is Map 10-50-5, as indicated on the posted plan. What we are doing is consolidating that with the other two and relocating the lot line on the condominium to run along this line to create this L-shaped lot on the parcel that we will be developing. That gives us frontage on Olde Bedford Way and allows us to get an independent road to the back land. We had received a couple of variances on the property, which is one for impact to the buffer between The Grand and the R/A zone lot, which is this parcel, which we are consolidating to allow a market rate elderly housing development without the affordable housing piece to it and to allow a non-cluster elderly housing that wouldn't be included on that R/A parcel where elderly housing is not allowed, and we have obtained those variances. Both lots that we are proposing, again, the remainder would be The Grand Hotel on this parcel and then the land that we will be developing with the site plan comes right behind this is this L-shaped parcel. Both meet the requirements for zoning. I will turn it over to you for questions.

Chairman McMahan asked for comments or questions from the Board.

Mr. Fairman stated I would like to be educated with the difference between a variance and a waiver. Mr. Kevan responded a variance from the zoning ordinance, that we have to go to the Zoning Board of Adjustment to get approved, and a waiver is something that is in the site plan regulations. Mr. Fairman asked so why are we doing the variances here? Mr. Kevan responded you are not doing them; I am just saying that we acquired those already. Mr. Fairman stated I didn't see that. Thank you very much. Chairman McMahan stated I had initially looked at it that way also. Mr. Kevan stated we are not requesting those, we already obtained those.

Chairman McMahan asked for comments or questions from the public. There were none.

MOTION by Ms. Malcolm that the Planning Board grant final approval of the consolidation and lot line adjustment between 12 Olde Bedford Way and 18 Olde Bedford Way, Lots 10-50-5, 13-40-1 and 13-40-2, owned by Carnevale Spa Associates, LLC, as shown on plans by TF Moran, Inc., last revised January 27, 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. 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 the boundary monumentation may be set and shown on the plan.**
- 4. Prior to plan signatures the plans shall be certified and stamped by the Licensed Land Surveyor, Soil Scientist and Wetland Scientist, as applicable. Plans shall also be signed by the property owners per the Bedford Land Development Control Regulations.**

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

- 3. Carnevale Spa Associates, LLC (Applicant & Owner) – Request for Site Plan Approval for a nine-unit single-family age-restricted (elderly housing) development, located at 18 Olde Bedford Way, Lots 13-40-2 & 10-50-5, Zoned CO & RA.**

Jeff Kevan, civil engineer from TF Moran was present to address this lot line adjustment and consolidation on behalf of the applicant. Owner Jack Carnevale was also present.

Mr. Kevan stated this is the parcel that was just created, which is 7.45 acres. The back parcel is zoned Commercial, this side part of the L, as indicated on the plan, is R/A or Residential/Agricultural, you can see here this road along here is Olde Bedford Way. What is being proposed is to create nine age-restricted single-family residences on a private road. The way this is set up you come in and you can see we are proposing to establish a gated access up at the

front end, right as you come off from Olde Bedford Way onto the private road, you come up and there is one residence on that R/A parcel and the other eight lots are in the back clustered up here and around some wetlands. The development will be serviced by municipal sewer, water by Manchester Water Works, underground telephone, electric and communication utilities, and gas by Liberty Utilities. We are proposing a water booster pump down in this location. We have gone through Manchester Water Works and they have provided a letter saying that they have reviewed the water booster pump and the water system and we are providing adequate pressure flow. We are proposing a hydrant down near that booster station and then one at the top of the cul-de-sac at the end of the development, as far as water goes.

Mr. Kevan continued the cul-de-sac is large enough to pass a school bus, fire truck and we have run a moving van up through here so that a moving van could come up, spin around and go back out.

Mr. Kevan stated it is a private drainage system and basically what we have done is we have captured the runoff from the development in the road and done a bioretention system at the bottom of the hill. There is a large drainage area to the west of this that comes down through and you can see wetlands that are shown within the site. Right now it comes in through there and makes it way down to three culverts right at the base of the driveway at Olde Bedford Way. What we have done is we have kept that in a separate system so that we are not running that through, treating it and detaining it, we have left it where we capture it in a pipe and keep that runoff separate and let it go where it has always gone.

Mr. Kevan stated there is a small dredge and fill that we need. Previously there was a house up in this location right behind this parking lot that had been razed and removed quite a while ago, and when that house was there, there were a couple of culverts that came off from that wetland and just day-lighted on the side of the hill here. We have been on the site probably for ten years and coming from those pipes before wasn't jurisdictional wetlands and over the last five years or so it has evolved where it meets the criteria. There is kind of like a little ravine or ditch that flows out of those pipes and down to this culvert system, so we are requesting a dredge and fill from the State for 1,300 square feet of impact on that ditch for this road and utility crossing right here through this point. We met with the Conservation Commission and they were supportive of the application.

Mr. Kevan stated as you come up, the terrain on this site slopes west to east. Basically on the high side of our site is elevation 350, there is a 90-foot vertical drop by the time you get to Olde Bedford Way, so the road design is such that you have a platform at the bottom, which is about 50 feet and you have a 9 percent grade as you climb the hill and get to this upper cluster. The road does have granite curbing and a concrete sidewalk on the southern side of the street that would come all the way down to Olde Bedford Way. There is lighting and we are proposing a decorative style light that is fully shielded and downcast where the poles are 16 feet tall, they are on a 2-foot base, so they are 18-foot mounting height. Basically, they are in these locations, as indicated on the plan, with our lighting symbol. It basically lights that road so that it provides safe lighting if somebody was walking down the hill and coming down to the bottom of the hill down towards this location.

Mr. Kevan stated that dredge and fill is located right in this location here, as indicated on the plan.

Mr. Kevan stated the utility plans; all utilities are at Olde Bedford Way, there is power here right now, an overhead line, we are going to upgrade that to 3-phase power and then from that point we go underground through our development. Gas is located over here as well. There would be a directional bore under that road and then brought up to our development. Posted now shows the road plan profile. Posted now is the landscaping plan. What is intended here is to do relatively small yards around the houses, not to have a big cleared area to maintain as much of the natural vegetation and treeline as possible. You can see this is where that wetland on the side comes in and there is a little wet pocket here and there were a couple of pipes that left that, but we are replacing the pipe, but maintaining and preserving all of this wet and all the forested area. When I say wet, it is forested wetland so you can walk around it a good part of the year. You can see what we have done is we have added landscape screening in various places. The intent around the road is to make it low maintenance to reestablish more of a natural vegetation in and along the road so that there isn't a bunch of grass to mow and whatnot as far as the road maintenance. As you come up, you can see the upper cul-de-sac and what we have done is these house footprints are an example, so the intent is to sell the envelope and somebody would have their house designed and the footprints may vary depending on the individual owner, but we have basically shown landscaping. This shows the entrance as you come in, the gate is located in this location, and what we have done is have a break in this island so that if somebody came in and needed to turn around, they could pull into this pull-off area and leave the site. There will be electronic communication with each unit so as you come up to the gate, if there was a UPS or somebody like that, they would be able to contact somebody at the house and the gate would open remotely. Now for an example, we provided a landscape plan that just shows some general landscaping around the unit. Again, this is for an example of how this would be landscaped, but it will vary depending on the house footprint and so forth.

Mr. Kevan stated we provided a traffic memo, where, again, you have nine age-restricted homes that came to basically two or three new trips during any of the peak hours. Basically, it is a negligible impact on the surrounding roads, in both the roads and intersections nearby are sized to accommodate this development and the existing traffic.

Mr. Kevan stated the waivers that we have requested pertain to the entrance road. The Town standards are that this driveway can't exceed 25 feet wide. We have an 11- or 12-foot lane on each side and a middle island that is 5 feet wide to accommodate that electrical control and the gate equipment, so our road is about 29 – 30 feet wide versus the allowed 25, and, again, that is accommodate this design for the secured entrance. The second waiver pertains to the geometry of the road. We have requested a waiver to have a curve, in our case the curve had to be a minimum of 200 feet radius with a tangent of 100 feet. Again, we have a fairly steep grade and in order to accommodate that, minimize our impact on this wet channel here, we have smaller radiuses as you come in to the site here, these are 100-foot radiuses. Again, this is a private road, you are coming into a gated accesspoint or leaving through a gated accesspoint, speed limits will be well below 25 MPH because you approach a stop right in this location. I don't believe staff had any issues with that. We have discussed these with Public Works as well.

Mr. Kevan stated as far as services for the development; again, it is a secured community or association with nine lots and a gate. It is proposed that these nine lots will have rights to use the pool, spa and gym facilities at the hotel. That will be part of the association documents.

Mr. Kevan stated we have provided an example of architecture. It will be based on the individual homeowners and I believe I have covered what I would like to and I will turn it over to you.

Chairman McMahan asked for comments or questions from the Board.

Ms. Malcolm asked since the residents for this development will have access to the spa facilities and the pool, etc., where is the sidewalk going? Are they going to drive to these facilities or are they going to walk down? Mr. Kevan responded right now we have shown the sidewalk and coming down and it actually breaks off and comes to the street as shown. Mr. Carnevale and I have discussed running a sidewalk along the top and bringing them around to the parking lot on the west side of that, so we have talked about adding a path in that location. Ms. Malcolm asked keeping them off from the street? Mr. Kevan responded yes. Chairman McMahan asked talking about it, does that mean you have come to an agreement and it is going to be constructed? Mr. Kevan responded yes, we will include that on a final plan.

Mr. Fairman stated with the lighting plan. Are you planning street lights at all? Mr. Kevan responded yes. Posted is the lighting fixture that we are showing, and, again, we are looking at similar but alternatives to that, but it would be a decorative stout and we are looking for kind of a modern look, not just like an acorn, but this is a similar fixture that we are looking at using. Again, it is fully cut off and downcast. The actual pole is 16 feet tall and it is on a 2-foot base. You can see what is posted is the photometric plan and we have positioned lights down here that would light the actual entrance into the facility and then we have spaced them, we didn't want to have a row of high dense lighting as you went up, you can see we have spaced them and these lines represent the photometrics of it and you can see that there are some gaps in it where the lighting wouldn't be half a foot candle or so, but what we have done is light the road as you come up and then there would be house-mounted lights on those that would create some lighting around those driveways and so on. Mr. Fairman asked if needed, I would assume you would add some more lights along this additional sidewalk. You need them behind the parking lot. Mr. Kevan responded yes, we would have to have either bollard lighting or pole lights. Mr. Fairman asked and you will keep the sidewalks plowed as appropriate? Mr. Kevan responded yes.

Mr. Newberry asked can you describe this proposed gate and how emergency access will be handled and what would happen with no power? Mr. Kevan responded we actually have a generator that would be tied to emergency power. I have talked to the Fire Department and we have agreed that we would work out whether they would have some code access or a means of opening it if they had to get in in an emergency. Mr. Newberry asked that would be police also? Mr. Kevan responded yes, definitely. Mr. Newberry asked is this gate just an arm type of gate? Mr. Kevan responded no. What I have put on this is something I have used before, so it would be a double gate on a column and the two gates would be roughly 6 feet wide and would swing open in the middle, entrance side and exit side. Mr. Newberry asked how will that deal with the heavy snow? Mr. Kevan responded it is going to open within the roadway, so it is not like it is a receding

gate that runs downline, so it basically opens within the roadway. You would have to make sure that the sides of the roads were cleared.

Mr. Newberry stated I think in the staff memo there was a condition about relocating the mailbox. Could you just show what you anticipate will be done on that issue? Mr. Kevan responded right now we had shown mailboxes down here, as indicated on the plan, close to the public road. I will incorporate it someplace up near this turnaround so they could actually pull off, pick up their mail and then pull back in, and probably utilize that pull-off for both like a pull off for the mailboxes as well.

Mr. Newberry stated then there was a condition about making sure that there was maintenance vehicle access to the pump station. Could you just review how that is being handled? Mr. Kevan responded this is the location of the pump house and that will probably have equipment for the gate and so forth in it as well. If you notice, the comment says that we may want to provide a parking space. You are talking about a booster station that will be maintained where somebody will come by once a month and do some normal maintenance of it. My feeling is that instead of providing additional pavement for that, is that they are going to be there for an hour or so once a month and this is nine houses, very low traffic that they could pull their vehicle off to the side here and traffic could go by. If that is not acceptable to staff and/or VHB, then we would do an indentation for a parallel spot and pull the walk over in this location. Ms. Harris stated I'd like to add that the updated recommendation was that the turnaround be large enough for the vehicle parking for that. The turnaround that is on the plan be sized appropriately so that a vehicle could park there and that would include the maintenance vehicle. Mr. Kevan asked are you indicating here on the plan? Ms. Harris responded yes. Mr. Kevan responded the only thing is the gate is in this location. We could put them there and we could look at either one of those. Mr. Newberry asked so you expect to be able to come up with an appropriate accommodation? Mr. Kevan responded yes, I can work with staff and resolve that. They are going to come into the development and probably go up to the cul-de-sac, spin around, they are going to probably want their vehicle here so that they have their tools and everything close by, they are going to go into this facility, do the regular maintenance, get out, and leave. If staff and VHB or you feel a parking spot is necessary, we can accommodate it there. Mr. Newberry asked so Manchester Water Works will need an access code also? Mr. Kevan responded this is private but they would have the right to come in and access this as well.

Mr. Newberry stated the other question I had was, is there a maximum square footage footprint for the proposed houses? The reason I ask that is just that you some way of controlling that somebody doesn't want 10,000 square feet and upset the apple cart. Mr. Kevan responded the association is going to have rights to review the architecture as they come in, and if you look at the site, it cannot accommodate a huge footprint like that. Mr. Newberry stated that is why I was asking if you had a maximum that you were going to apply to your purchasers. Mr. Kevan responded I don't know if they will do it that way or just control it by limiting the architecture in some fashion. Mr. Newberry asked does it work for the proposed site? Mr. Kevan responded that is right. If you are looking at this again, there are significant steps, these houses aren't on a flat plane, so each house as you are looking at this is stepping up that hillside, so you are working with grade as well. A lot of them will have a lower level buried on the uphill side with first level walkout. Mr. Newberry asked but these are all going to be slab, no full basements? Mr. Kevan responded again, depending

on what you want to call a basement, there won't be anything with a full basement completely below grade. Mr. Newberry stated a slab slightly below grade. Mr. Kevan responded yes.

Mr. Sullivan stated Mr. Newberry beat me to it. I was wondering about the size of the houses based on some of the renderings that were included with the staff memo and just to understand what the size limitations would look like. I am happy.

Chairman McMahan asked for comments or questions from the public. There were none.

Mr. Newberry stated I have the same question as earlier this evening. There are 25 conditions associated with this. Some of them are fairly significant. Do you anticipate any problem meeting any of those? Mr. Kevan responded no.

MOTION by Ms. Malcolm that the Planning Board grant the two waivers from the Bedford Land Development Control Regulations as follows:

- 1. Appendix A – Figure 1 – to allow a road design at the entrance of the site to be greater than 25 feet. This is to allow a “private road” with gated entrance, and allow for turning movement of the town Fire apparatus.**
- 2. Appendix A – Figure 1 – to allow a road design with a centerline radius less than 200 feet and tangent lengths less than 100 feet. This is to allow a road design to fit the topography and natural features of the land. This will be a “private road” that will be maintained by the homeowners association.**

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

MOTION by Ms. Malcolm that the Planning Board grant final approval for the Site Plan Application to construct a nine-unit single-family age-restricted (elderly housing) development and associated site improvements at 18 Olde Bedford Way, Lots 13-40-2 and 10-50-5, in accordance with the plans last revised on January 27, 2022 by TF Moran, Inc., 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 Director of Public Works and the Planning Director shall determine that the applicant has addressed all remaining technical review comments to the Town's satisfaction.**
- 2. The NHDES Sewer Discharge Permit number shall be noted on the plan.**
- 3. The NHDES Alteration of Terrain permit approval number shall be noted on the plan.**
- 4. The NHDES Dredge and Fill Permit approval number shall be noted on the plan.**
- 5. The Applicant shall submit any outstanding engineering review fees to the Department of Public Works.**
- 6. The plan shall be updated to note the removal of the existing house, garage and abandonment of the existing well at 18 Olde Bedford Way.**

7. The plan shall be updated to appropriately size the turnaround space near the entrance to accommodate a maintenance vehicle for the water booster pump station.
8. The plan shall be updated so that the stormwater management system is constructed completely within the project site.
9. The plan shall be updated to relocate the mailbox for the development completely within the project site.
10. The operations and maintenance plan for the stormwater treatment system shall be approved by the Dept. of Public Works.
11. The associated subdivision and lot consolidation plan along with all necessary utility easements shall be recorded.
12. The landscape plan shall be updated to note the 50-foot residential buffer area is a no-cut and no-disturbance zone and signage labels shall be installed in the field.
13. A narrative outlining compliance with the requirements of Section 275-21(B)(2) for elderly housing shall be submitted for review and approval by the Planning Director and referenced in the associated Condominium documents.
14. The proposed water system shall be reviewed by a qualified third party civil engineer and a fire protection engineer to ensure that the proposed water system can meet all NFPA standards for fire suppression and domestic water use. The Town shall select the third party reviewers and the cost shall be paid for by the applicant.
15. Arrangements shall be made with the Planning Department regarding payment and coordination of third party inspections.
16. Prior to issuance of a building permit, the associated Condominium Subdivision plan shall be reviewed and approved by the Planning Board.
17. Prior to work within the right-of-way a street opening permit shall be obtained from the Dept. of Public Works.
18. Prior to receiving a building permit, payment of the fair share road contribution shall be made to the Department of Public Works, as applicable.
19. Prior to a building permit being issued, a driveway and sewer permit shall be obtained from the Dept. of Public Works.
20. Prior to a building permit being issued, the Applicant shall provide retaining wall design drawings (stamped by a licensed structural engineer) to the Town for proposed retaining walls 4 feet high or greater.
21. Prior to commencement of work, a pre-construction meeting shall be held with the Planning Department, Department of Public Works, Fire Department, and the Building Department.
22. 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.
23. Prior to the issuance of a certificate of occupancy for the first unit, the sewer accessibility fee shall be paid.
24. Prior to the issuance of a certificate of occupancy for each unit, the applicable school and recreation impact fees shall be paid.

25. Prior to the issuance of a certificate of occupancy for the first unit, all site improvements depicted on the plan shall be completed.

Mr. Newberry stated suggested an amendment to the motion to add a Condition #26 as follows:

26. A plan be developed for the installation of a sidewalk on the west side of the parking lot of the hotel as discussed.

Ms. Malcolm accepted the amendment to the motion. Vice Chairman Duschatko duly seconded the motion as amended. Vote taken on the motion as amended – all in favor. The amended motion carried.

4. West Street Keene, LLC c/o Riley Enterprises (Applicant & Owner) – Request for Site Plan Approval for a change of use to convert a 3,024 SF restaurant use to a personal service establishment, located at 28 South River Road, Lot 11-12, Zoned PZ.

Chris Riley of Riley Enterprises was present to address this request for site plan approval for a change of use.

Mr. Riley stated this is for a simple change of use over at 28 South River Road. For a brief history; for many of the Board members who recall what was there prior to. There was an existing residential structure in disrepair that was there for quite a while. It was eagerly taken down and a new structure put in its place. This parcel is adjacent to the new Bank of New Hampshire that recently opened, so we see some new development now from the corner of Hall Road and hopefully in the future right to the corner of Colby Court.

Mr. Riley stated the application before you tonight is to change the approved use, which was granted initially prior to construction. The Board granted approval for a high-service restaurant use at the location. We have since that date procured a tenant for the site; we have procured a national franchisee tenant that is in the wellness business, it is not a medical use, but personal services and wellness. Restore Hyper Wellness is the name of the organization. They have just over 150 locations from California to Massachusetts. The closest two facilities would be in Newton and in Hingham.

Mr. Riley stated there were a couple of items that needed to be addressed on the site so basically just changing the notes verbiage to allow for the new use. Sandford Land Surveying and Engineering has worked with staff to make those modifications and adjustments to the site plan; they have also updated the site plan to reflect the updated conditions and easements on the site so we have a current plan as it exists today. If you have any questions, I would be happy to answer them.

Chairman McMahan asked for comments or questions from the Board. There were none.

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

MOTION by Ms. Malcolm that the Planning Board grant final approval of the Change of Use from a Restaurant to a Personal Service Use for West Street Keene, LLC, 28 South River Road, Lots 11-12, Zoned PZ, as shown on plans prepared by Sandford Land Surveying and Engineering, last revised February 8, 2022, with the following precedent conditions to be fulfilled within one year and prior to plan signature:

- 1. The Planning Director shall determine that the Applicant has addressed all remaining technical review comments to the Town’s satisfaction.**
- 2. All conditions of approval of the April 9, 2018, Site Plan approval shall remain in full effect.**

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

- 3. ER Bedford, LLC c/o Encore Retail, LLC (Applicant & Owner) – Request for final architectural approval of six buildings (Buildings C1, C2, D, F, G and the Barn) in the proposed ‘Market & Main’ mixed-use development at 125 South River Road (former Macy’s site), Lots 12-33, 12-33-1 & 12-33-2, Zoned PZ.**

Andrew Enright and Chad Leahy of Stack & Co. were present to address this application for final architectural approval of six buildings on behalf of the applicant. Past presenter Andrew Keating of Stack & Co. was not able to be in attendance, nor were Mike Nelson with Encore and Ted Chryssicas with Newmark. We are excited about presenting the architectural review for these five buildings plus the barn.

Mr. Enright stated what you see posted are the five buildings and the barn, indicated in white. We are not looking at the hotel potentially or the office spot, but the five buildings and the barn. I think it is valuable to quickly go over the nine renderings that you have seen before but there are some slight changes. There are a series of renderings, there is a site plan, which we can review, and then it gets down into the details of the colored elevations and samples, and we are happy to answer any of your questions.

Mr. Enright stated the overall posted view that you have seen many times before, there are some updates to the barn that we look forward to showing you in more detail, and then the largest change is here at Mountain House, where this is a new design that has been worked out closely with the owners and the tenant and looking forward to going over that in more detail when we get to that portion. I will point out improvements or visions since then, and here you are getting a sense of Mountain House in the background looking north from Main Street, this view is essentially unchanged adding some more detail for materials and things like that. Similar to this posting you are seeing the end of Mountain House and here you are getting a more close-up view of Mountain House and we will get into it. The overall big moves here are that they preferred an entrance on the south elevation rather than on the corner and we will explain those reasons as we get into it. Then posted is the barn that is essentially the same with no changes here. Posted is the barn and there have been some changes as far as proposing that the fireplace actually moves back within

the structure itself. Before we had proposed that it was sort of out as a beacon but feel like there is a lot more potential having it sort of sunken in within the barn itself and something to draw folks in. We will go into more detail at the elevations and materials.

Mr. Enright stated the posted signage element we are still very excited about. We are not here to present the signage formally, but this is something that the owners are still very excited about and we look forward to coming back and presenting and proposing the signage at a later date. This is more of a reminder.

Mr. Enright stated to orient ourselves to the site plan posted, we will start out with Mr. Leahy reviewing Building C2, Building D and then Buildings F and G and then I will come back and we can talk about Mountain House and the barn towards the end. Before we get into that, are there any questions on those overall renderings? Mr. Fairman asked could you go back to the very first one that shows the whole site? Back by the hotel, what is that structure in front of the hotel? Mr. Leahy asked this one indicated? Mr. Fairman replied that one and the one to the left that says a cement wall or something. Mr. Leahy stated what you are seeing is the second story portion of Building D. Building D is this entire footprint here, but the first floor is kind of hidden behind the trees. This entire footprint is one building. The second floor portion is the southwest corner and then the northwest corner, both 2-story. This indicated is the back of a tall parapet wall that you obviously wouldn't see in normal applications, just in this one particular helicopter shot. Mr. Fairman stated thank you. Mr. Enright stated it is a little taller than usual. The idea is that potentially from the highway, you may see that if there is a signage moment, so that is why we are asked to sort of asked to have it. Somewhere it is a little abnormally it is all parapet but we can look at that more closely. Mr. Fairman asked there is no real place to see this view though? Mr. Enright responded that is correct. Mr. Leahy stated these two returns are sized to prevent the impression of seeing to the back side of the parapet from anywhere on site.

Mr. Enright stated Mr. Leahy is going to walk you through the exterior elevations of C2, which is just south of Mountain House. Mr. Leahy stated starting with some close-up renderings just to get the flavor of it. Posted is the Main Street facing side, this is the side that faces one of the two pedestrian cut-thrus, kind of a signature feature of the project, these cut-thrus that help break down the mass of the buildings and create connection between the parking areas and the more pedestrian and retail focused areas, including in part the open green area just west of C2 and this cut-thru that connects the passage between Building G and this end of Building C2.

Mr. Leahy stated I am going to start with the Main Street façade. This is kind of a characteristic building for the site, which is why we wanted to start with it. It is a mix of kind of slightly more vernacular or traditional forms, the gabled roof here at the major endcap that looks directly onto Main Street as you enter from Route 3. That kind of more traditional form is made slightly more contemporary by these kind of clean approaches to finishes, sharp defined forms and then a big expansive glass that will allow that corner to be really activated and to draw people towards that part of the project. Between the two endcaps we have a kind of common language of this fiber cement frame element, which is this fiber cement grained material, it is a vintage wood bark by Nichiha. That frames that tenant in the fill area where tenants can place their own signage and depending on what the tenant wants to do, can develop that façade into something more characteristic of their work. The endcaps at either side are clad in a product called NuCedar, which

is a PVC cedar shingle that has a natural grain to it that is achieved by a kind of vibrating wire so it is not actually like a cast or prefab material. It has a certain natural grain to it. The grain of the fiber cement products is all kind of elements of kind developing a language of warm, neutral, durable, natural grained elements to frame and give identity to the space that unifies but doesn't overwhelm the individual expression of the tenants. Another characteristic feature is this awning element, which is a galvanized black steel awning with an infill of red cedar slats to create a shade structure and to create site organization and guide people around to the various features. Mr. Enright stated as I am sure you all know that western red cedar starts out as this, and the idea is that it would weather to a neutral warm gray. Mr. Leahy stated that is also a shingle product that we are just using for the material sample. The slats will be a lumber piece. Now jumping across the street to Building D. The first floor accessible and activated to retail activity on all sides and we are really limited back of house space kind of tucked away here and another one here. This is the pedestrian cut-thru that would go towards to the potential hotel site and Upjohn Street, Main Street over here on the left, so flanking C1 across the way. The two second story pieces are broken down to keep this mass from feeling like a big wall. We have one space, as discussed, in the northwest and one in the southwest, both have potential access to outdoor roof deck type areas either for dining in the case of a restaurant tenant or a potential outdoor retail space or display space in the case of retail. With Building D, similar to Building C across the way, but kind of inflected where we are taking these forms and using them in several different ways or similar gabled endcap with the new cedar PVC shingle, but here we have kind of a second floor cutaway highlighted on the renderings as shown. This interior product is Prodema, which is a laminate wood, a veneer wood product that is meant for exterior applications. Mr. Enright stated the idea is that almost all of these are durable, don't need a lot of maintenance, things that aren't finished, like the cedar, would weather and are meant to do that over time. Mr. Leahy stated equally low maintenance but in a different way, not meant to be repainted. The same kind of frame element in the fiber cement with tenant infill above, more of that fiber cement and more shingle. On the southwest side; this is that higher parapet, potentially an office type application, and that is where we start exploring using different colors of the same vintage wood product, this is vintage wood ash that is intended for that application, just a lighter gray. To be clear this product, and you can see it on the renderings, but it has a built-in embossed joint every 6 inches, so that would be applied horizontally and then this actual panel is 8 or 10 feet, so you would have a natural vertical joint kind of breaking down those long horizontals. The other sample doesn't show it, but we have it and it is just because through a different portion of the panel. Mr. Enright stated and as we go through these as well, I am not sure if we did on the one before, but we are proposing the different light fixtures. There is a small sconce and a larger sconce and then the catenary lights that hang through the cut-thrus. You can't really see them because they are off the façade, but I can talk about where they are and we can certainly go look at the renderings. Those are all intended to comply with the night sky regulations of COFF. Then the other side of Building D; these are the two second story volumes here, this one is clad with a traditional endcap shingle, which flanks across Main Street with the one on C2 and then this second story volume is clad with the vintage wood spruce in a kind of basket weave pattern, as shown on the plan. Mr. Enright stated as we continue to pass these samples around, getting a sense of the warm, neutral pallet overall, that we think would be sort of elegant, somewhat contemporary but also regional as well. Mr. Leahy stated now moving onto Buildings F and G. Posted now are the floor plans together. Building G across the street positioned roughly as they are in actual layout with Main Street between them, and they are unified by the cut-thru that connects the parking lot behind C1, with the potential hotel site on

the south of the site and that is where you see those catenary lighting structures as well, the hanging lights that activate that pedestrian cut-thru. These are simple stand-alone buildings, relatively small serving to further break down the scale and create a pedestrian sense. Building F faces onto Main Street with a stucco façade and we are using some highlights of this bronze aluminum composite material, which is basically just a metal panel but that has a texture to it to create some kind of highlight panels onto the sides. The sides of the elevation have facing onto the cut-thru onto a potential outdoor seating area facing, which would be on the east toward the barn, have operable partitions, so these are glazed or glass partitions that can open and create a continuous space between the interior and outdoor dining or towards the cut-thru itself. Building G across the street, kind of a hybrid between the stand alone style of Building F, and the more kind of characteristic of C2 or D with a flat-roofed shingle endcap and the fiber cement siding for the rest of the building. I should also be calling these out as I go but it also has an awning element, the same kind of black metal with red cedar slat infill. I know that was pretty quick, and I am going to hand it off to Mr. Enright for the last couple of buildings.

Mr. Enright asked are there any questions so far? Ms. Malcolm stated this project is right at the intersection of I-293 and there is a lot of truck traffic here. How are these things going to stand up to exhaust in 20 years? Mr. Enright responded those shingles are an aesthetic product, so essentially all of these products, with the exception of the natural wood we would say, are durable, very washable, power washable. There are different sorts of detergents that can clean wood that is not sealed as well if they need to get those wood elements more clean. I would say that about 95 percent of the materials are represented by what you see here that is very durable, very cleanable. Mr. Sullivan stated to piggyback on that; would a lot of these materials to be PVC or composite, how do they weather in terms of sun washing, UV impact over a period of time? Are they just going to fade and kind of all blend into one monochrome gray? Mr. Leahy responded I can speak a little bit to the PVC product. I think we only have one PVC product, which is the cedar, the other ones are fiber cement, which typically do not fade. I have spoken to the manufacturer of this product, or their local representative, about aging. We don't expect it to significantly age or yellow. If it is positioned across from a highly reflective surface, it can curl, but there are ways of dealing with that, specifically more adhesive. We will be watching out for that and making sure that it ages well.

Mr. Enright stated going to C1, Mountain House, first. This is probably where the most change has happened. The design that you saw before had the entry facing south, the tenant would much rather have it be on the west side as indicated and have their primary parking lot be the one that is to the west that is shared with Whole Foods and Trader Joe's. They don't feel like they are going to overflow. Certainly they can park further to the east as well and walk through the cut-thru to come around. It just works a lot better with their internal layout. To sort of reach a compromise, the owner, Encore, and we felt that really activating this corner was still something that we wanted to push for as it relates to Main Street to the south and Market Street to the west. This is not an entrance but it is a roll-up door where indicated where they may have their bike repair, shop, etc. sort of in that area, something that is sort of fun to look at and activated. The door comes up and bikes could be pulled out or displaying kayaks or canoes, etc., so that is the reason for having this corner, even though not a main entrance, still somewhat activated. As far as the materials themselves; this darker metal is proposed as this sample shown. This would be the finish on sort of a corrugated steel, which it is not the rounded corrugation, it is sort of a faceted corrugation that

has sort of an elegant look to it that Mountain House uses quite a bit, so that is what we are proposing here as well. That is warmed up as you then come in towards the glazing there would be a natural wood soffit and a natural wood return that you can see here where the cursor is tracing. An Alaskan yellow cedar, which is very similar in tone to this once we seal it, so we think that this would sort of be the color pallet that we are proposing. What goes in between the main entrance and the endcap is another sort of tenant standard is this ground-face CMU. Imagine this is in an 8-inch by 16-inch block, but this is the proposed finish sample for most of where you see the light color. Where you see the darker color of gray, the 3-foot base would potentially be this sample, a little darker, similar ground-face concrete block. Mr. Leahy stated all of these materials are in keeping with the potential tenant's national standard. That is something we are kind of working with their pallet. Mr. Enright stated lastly sort of echoing what we were thinking about before, was that they have their own version of murals, so this tenant typically uses sort of abstract mountain forms that are painted onto the CMU, so that is what you are seeing here in the rendering. Ms. Malcolm asked those are painted on? Mr. Enright replied yes; they are painted. This shown here you see the main west elevation, again, the main entrance here, and then this is an employee only entrance to the southwest, and then as we wrap around, we have the overhead door that would open up here and this is that pedestrian cut-thru as well. Going to the other elevations, where before we had proposed essentially a fairly austere concrete block elevation with a future mural, this is the proposed design for the north and then the east elevations. This articulation of the darker gray CMU coming up in these piers, is similar to what this tenant has done in the past as well, but it does a nice job of breaking up the scale, we think, adding in some clear story windows here at the north we think is a good move that they would like to do, more of the mountain graphics here. Are there any questions specifically with this? Mr. Fairman stated it is one story and it looks like two, it is higher, it almost looks 2-story, but it is not. Is that correct? Mr. Leahy responded that's correct. Mr. Fairman stated a great array of solar panels. There is a fair amount of electronics that will go with that, have you dedicated to have a room someplace in the facility where all of that will go? Mr. Enright responded they are actually not certain that they are going to have the solar panels. It is more that they are going to go for a series of skylights. Mr. Fairman stated I will be very disappointed if they don't go with solar panels. Mr. Leahy responded we will share that with them. The intention with the solar panels is to make up the lighting load, the electricity use by artificial lighting, so they typically take one of two approaches. One of which is to use artificial lighting and then make it up with PV array or to just naturally daylight their project to begin with, via skylights, however that is noted. Mr. Fairman stated we need to reduce the greenhouse gas for this development as much as we can. Mr. Leahy responded I strongly agree. Mr. Fairman stated you don't do that with skylights, you do that with solar panels. Mr. Enright stated that would go a long way. Is there anything else specifically on this building C1? This is the one, again, that had the most change from before.

Mr. Enright stated the last one to discuss in detail is the barn. There have been some developments here, and I think I will actually start with the plan, initially we had proposed that the so called fireplace, etc. would be out front, sort of facing the sidewalk, and the more we went through design, etc., it is just going to be a stronger and better used space if we actually pull the fireplace literally back into a sort of hearth. The decorative chimney element is still there and now it is actually really doing something where it would be a wrapper for a metal flue for the gas insert fireplace that is proposed. One of the changes were we will be developing the structure here as well, we are proposing it will be a timber frame with exposed steel connectors, and then that is set off against

this chimney, which is made out of proposing Gabion Cages, but typically they are used for landscape retaining walls, but they are cages that come in different sizes, and you are basically just filling them with rubble. In this case it would be beautiful New Hampshire granite and these cages would be a thinner veneer around a concrete block core, that is the structure, but essentially it is a decorative feature nod towards a little bit more contemporary in using the cages to hold the granite. It is well represented here in the rendering, as shown on the posted rendering. The idea that these cages would be broken up in an aesthetically pleasing way and they would surround a blackened steel fireplace surround, and that within that is a gas insert, which is basically a glass piece that seals that. Safety-wise no one could ever come up and touch that flame. There is a hearth in front of it that we are proposing that is up by 18 inches, could also double as an impromptu stage; we are thinking of making it large enough, 6 feet by 10 feet, that if there were someone giving a speech or a couple of folks who were playing bluegrass, that they would be up on that portion as well, but proposing that as a fixed element, not something that is temporary. Chairman McMahan asked obviously there would be a power outlet there? Mr. Enright replied yes. We would bring gas to this area and we would also bring power. Chairman McMahan asked how close to the fire box to the glass protection? Mr. Enright responded it is all actually part of one unit, so it is actually a manufactured zero-clearance fireplace that you could put in your home, although it would be on the larger side. Chairman McMahan asked with the fire going, is that glass going to be warm or hot? Mr. Enright replied it does get warm to the touch but not hot to the touch. We would make sure that that is crystal clear with you all and accepted. That is also part of for raising the hearth to give a little bit of sense of that you have to work a little bit to walk right up to it. Chairman McMahan stated a 4-year-old could do it every day. Mr. Enright responded we are going to make sure that the 4-year-old definitely does not get burned by that glass, for sure. Mr. Sullivan stated I noticed that you had the placeholder of signage on the rear side of the chimney. With that piece being such a focal point looking down Main Street, are you going to consider putting signage on the inside of the barn as well? Mr. Enright responded that is a great point. We have considered it, we did review it with the owners and they felt it was stronger to just have it on the highway side, so for now this is what we are proposing.

Mr. Newberry stated just a comment on the fireplace. It seems kind of small to scale. I don't know if making it a little larger or not or whether that is worth considering, but if it is a visual magnet to the structure, you may want to look at the scale of it to the chimney, maybe even bringing it up would also address the issue of it being physically accessible to a random 4-year-old. It is just a thought. If you brought that a little higher and maybe were able to make it a little larger, it might make a nicer scaled visual attraction. Mr. Enright responded that is great advice. I think that answer to that is that we would love to do that. It is something that some of that research is ongoing to find sort of the largest stock fireplace, but just thinking about some of the budget. Mr. Newberry stated the barn warrants custom made. Mr. Enright responded your point is very well taken and it is great to get the advice of make it bigger rather than make it smaller. I think that is something we would like to pursue. Mr. Newberry stated that might help too with your vista down Main Street. Mr. Enright responded absolutely. The idea of having the surround and the blackened steel was sort of a nod to that to sort of making the whole portal of the fireplace larger, but to your point, yes, if we can make the box itself bigger and/or raise it up. Mr. Newberry stated bigger and higher I think might be desirable. Ms. Malcolm stated higher would be nice. Mr. Leahy stated I don't know if we have the dimensions showing on the thing. It can be a little deceptive because it is a substantially large hearth element. Mr. Newberry stated I was just kind of looking at it in

relation to the rest of the structure. Mr. Leahy stated in the realm of it, you are right, in relation to the structure, it is one the more petite side, absolutely it is close to 6 feet wide. Mr. Newberry stated I wouldn't make the structure smaller.

Mr. Enright stated I don't want to move on from that comment at all, I want to leave it kind of hanging there, but just to sort of fully explain the rest of it. What we are proposing for the shell is a board and batten type siding. It would be using a Boral, sort of cementitious, almost wood-like product that kind of acts like wood. We have used it in a lot of projects. It takes paint very well, and we are proposing basically 2-foot on center to have a batten, a piece of wood that covers the joint between the panels behind it, and that paint color is proposed as this sample. It is a warm medium gray. We are proposing that the interior of the shell of the barn is one of these fiber cement boards that is a bit more of a warmer tone than the others, it would up high. We would propose that the timbers themselves have a similar sort of warm gray stain to it, working with the gray of the outside. Anecdotally, structurally we are working with our engineer to fine tune it but we are likely going to use cross-laminated timber, CLT panels to form the shell of the barn; that is going to work structurally very well with the timber frames themselves, and then that would get wrapped inside and out.

Ms. Malcolm asked are you going to have any seating inside the barn? You have blocks of granite or something outside, are you going to have something for people to sit on inside? Mr. Leahy responded no; the previously submitted and approved site plan includes benches around the outside, but we don't have anything planned for the inside. I think we want to leave that space as open, as flexible as possible. We could talk about potentially movable seating there, some spaces to just provide nice, colorful metals chairs that are durable and can be moved around and should one of them walk off, it is not that big a deal. Ms. Malcolm stated I guess I am thinking of this office building over on the left. People might like to come out and have their lunch outside in this structure. It is easier to do that when you are sitting down. Mr. Enright responded that is true. Mr. Fairman stated I don't think I would like to see anything in there as permanent structures for sitting inside. I think it is best to leave it empty so that it can be more versatile. Mr. Leahy stated we did look at bench layouts that included either slipping into that space or kind of framing it along the line of the columns, and we found that we felt it was more important to maintain a sense of porosity through there, of easy movement. It is flanked with benches. Mr. Enright stated we do have benches outside. A point well taken. I think we would like to pass that onto Encore and maybe there is a way to store temporary seats somewhere that could be moved out in warmer weather. Ms. Malcolm asked and you decided not to have grass around the outside to pave it all? I am just thinking of how much the people who go to The Friendly Toast love that lawn. They go out on that lawn all the time. Mr. Leahy stated we have heard that loud and clear, we totally agree. As part of the site plan review, there was a comment to increase the, just out of view on this particular snip, but to increase a grassy area between that and the parking to the right of this image, which we did. The best way to see it is on the approved site plan. We definitely wanted to capitalize and expand on the grassy area associated with The Friendly Toast via, our kind of just across from there, but the turnaround associated with Market Street. We added grass area there to compliment and extend that. Mr. Fairman stated we also talked about having a skating area back there, a grass area or a park area that could be made into a skating park in the winter next door to the barn, which actually made it to the papers. We are in trouble now if we don't have that. I just think that would be a tremendous addition and draw to the use of the barn. Mr. Leahy responded

yes, I think that is something that I think Encore has talked about potentially, I shouldn't say anything for them for certain, but being a module demountable element basically, which is how in my experience all of those ice rinks work well as that they are seasonal and are set up and demounted when not in use. Mr. Fairman stated you need to have the location ready for it. Mr. Enright stated we have been thinking about this area. Mr. Fairman stated until we see the hotel, that parking there isn't critical, and there is an entrance in there that goes out back and it would need to be moved, I believe, to be able to do it correctly, but maybe not. I just think that in that area the idea of a skating rink, a lot of people in this town ice skate on a variety of different ponds. The one thing this whole development is missing is the recreation, anything recreational, other than the corn hole up by The Friendly Toast. Originally we thought of a movie theater obviously, very early on a bowling alley even, so I think that some sort of recreational venue as part of this would enhance it tremendously and skating is the one thing that I think could be done pretty easily. Mr. Leahy stated I want to take one quick note here, I apologize, this site plan, which is not technically to be submitted is a little out of date. The civil engineer has already updated based on previous feedback from the Board to include a green area expanding here and I think we eliminated two parking spots in order to make sure that we still had access to that maintenance road, so this has been expanded. And then as far as a recreation tenant, I think that was something that, I can't speak for the client, but I think it would be a great opportunity for some kind of recreation tenant to come and be part of this project. I don't think that is at all a closed notion. Mr. Enright stated no, I know that Mike Nelson heard that loud and clear as far as having a third party that would come in and potentially set something up. It is definitely on his radar and our radar.

Chairman McMahan stated if I heard you right, did you say that the grass around the barn has been approved and is going to be used or just considered. Mr. Enright stated as Mr. Leahy was mentioning, this part of the site plan has not been updated versus what TF Moran presented a few months ago and did get approved, but essentially there is a wedge of grass that was added, as shown, just to the south of the barn. We are proposing that the hardscape has come out somewhat to envelop two areas for benches but that there is grass all in this area all around per the approved TF Moran site plan from November. Chairman McMahan asked how wide of a swath of grass will it be? Mr. Enright responded it is approximately from this area here over to where the "office" would start. It is this expanse right here. Ms. Malcolm asked and on the other side? Mr. Leahy responded it is about two parking lots width. It is a triangle and at the widest point it is about the width of two parking lots, so 18 to 20 feet. Ms. Malcolm stated I am just looking at this picture that you handed out that has no grass at all. Mr. Leahy responded that is unfortunately a framed photo. I would really have to reference to the site plan from TF Moran. Chairman McMahan stated as you said it has been updated. Mr. Leahy responded right. We are not trying to propose anything new or anything changed versus the approved site plan. Ms. Malcolm stated that looks to me like parking lot. Mr. Enright stated just beyond the red hood there, there are some bushes. Mr. Leahy stated I wish we had that to put up. Ms. Malcolm stated not reminiscent of The Friendly Toast. There is not grass, those are just shrubs. Mr. Enright stated we don't want to make light of it at all because I think it is very clear that we heard your feedback on we have proposed that the hardscape does go beyond the barn and if there is strong feedback to the contrary, it would be great to hear about it. Ms. Malcolm stated that is a nice picture of the grass there and that is actually quite typical of what we see out there in the summer. Mr. Enright asked as far as people populating it? Ms. Malcolm responded yes, by The Friendly Toast. Mr. Enright asked is that real grass or

turf? Chairman McMahan replied it is turf. Mr. Leahy stated I am just highlighting this for our kind of contribution to capitalizing on the success of that space by expanding it.

Mr. Enright stated we have talked about the barn, finished up with Mountain House, and I think we have presented all of the samples that we have with us.

Mr. Newberry stated I have a couple of comments. I think what you have shown is pretty sophisticated and subdued. The renderings that we go in our packet of Mountain House did not show the proposed graphics; I think those help a lot especially on that north elevation. What we had seen was just one huge monolithic wall, and I think what we saw tonight is a good way of addressing that wall. I think there were a couple of other elevations that we saw this evening, I didn't know the specific buildings, but a couple of them did seem to have some fairly monolithic wall portions, and I would encourage that you look at some way of at least visually breaking those walls up a little bit. That I think is a nice way of treating what otherwise would be a pretty monolithic thing, and granted there is not going to be a lot of traffic over on that elevation, but there were a couple of others that I think would be good to look at being able to do something along that line with, I don't know if we made a condition that you work with staff on that. I don't know if that is something acceptable to staff and to you or not, rather than trying to design it here, just make note that you do, I think, on some of the other buildings have sections that, at least in these renderings, look to be pretty large. Same tones, they could use a little something to break them up visually. Mr. Enright responded we agree, and this is actually one, we made a few additions just this past week, not in design, but in the representation where specifically where Mr. Leahy's cursor is, this is one of those pedestrian cut-thrus that isn't livened with benches and trees, so we put them in the rendering of the pdf that we have unfortunately back in the office, but it does help to enliven this particular elevation. There is also a notion that the owners have of bringing the storefront around here, if you can see where my hand is tracing, so essentially more glazing to look into this retail store there. If the Board would permit, we would like to work with Ms. Hebert and Ms. Harris on an administrative basis if we have sort of some of those minor changes to some of these areas that are potentially more austere than you guys would like. Mr. Newberry stated not speaking for the Board, but I think that would be an excellent idea, and this particular elevation if that is a walk-thru, that really needs to have something in it that is going to make it a place that somebody is going to want to walk through. Mr. Enright responded yes, and it is a little confusing; I want to show the aerial. Mr. Leahy stated the elevation is reductive unfortunately to see that isolated by itself, but your comment is entirely well taken. Mr. Enright stated for instance we are seeing a peek into it with the lights and the trees. The other elevation of that one is heavily glazed, it is that one on that one side. This shown is that elevation here that we are very likely going to propose that the glazing wraps into it and brings a little more life on this side. I think that would be our best response to that would be more glazing. Mr. Leahy stated corner glass like that wall so that it will create infused through, the space has the effective shortening, the cut-thru instead of being between two walls for a long period. Mr. Newberry stated I think over on this south building there, there was one or two elevations that had some walls that looked like they might benefit from being visually broken up a little bit.

Mr. Newberry stated another comment I had was that as you are working with the tenants, it seems to me if you can work in a few pops of color might be desirable also. Again, not to design it. I

think what we have seen tonight to my eye is very sophisticated but a little bit of color here and there I think might be good if you could work that in with your tenants.

Mr. Newberry stated the other thought I had was on the barn. On the siding, have you considered a subdued barn red to play with your barn motif? Mr. Leahy asked on the exterior? Mr. Newberry responded not on the pitch but just on the vertical, not a garish red, but a subdued brown or a brownish barn red might be worth considering there. Mr. Enright responded yes, I think we would agree. Something that still kind of pulls from some of the warm tones here. Mr. Leahy asked do you mean the vertical of the exterior of the barn? Mr. Newberry responded that was my thought, yes. Mr. Fairman stated that is a good thought.

Vice Chairman Duschatko stated on that south elevation of the blank wall we were just talking about, if you didn't do glazing, could you break it up with perhaps some changeable graphic displays like posters and regional advertising? I am thinking almost like billboards for a Broadway play or something like that, just to give it some interest, because it is really pretty dull right now, and you have two buildings there. Mr. Leahy stated right, this is 30+ feet back or whatever. Vice Chairman Duschatko asked how long is that structure right now? Mr. Enright replied that is about 32 feet to there, so I would say 60 – 70 feet. Mr. Leahy stated there is precedent for murals and these things can be kind of a fun thing with like a hidden mural, not hidden, but you see it only from a short distance or potentially community bulletin boards, if they would be used. I think it is something you don't want to leave untouched. Vice Chairman Duschatko stated something of a public sight. Mr. Enright stated yes; point well taken. I think we are hearing you loud and clear that there are a few certain areas that need a little bit of embellishment.

Mr. Sullivan stated you mentioned the glazing, the potential about wrapping around that corner and it had me thinking there is a lot of glass throughout the entire development. Is it going to be consistent, is there idea of potentially using tints or various color for glass based upon tenants or are we looking at a consistent glass theme? Mr. Enright responded I think it would likely be consistent glazing though there might be an opportunity in certain areas if tenants wanted to control the sun for instance, that maybe there was a light. If you are familiar with a ceramic frit, like a little light or dark dots that can kind of change some of the glass, there may be some of that. At this point we haven't really explored any changes to the tint or the color so far. I think we would like to sort of have that as if the tenant is requesting it, that we come back and check in with the Board and see how that goes.

Ms. Malcolm asked do you have a timeframe for when you are going to build this hotel and build the office building? Mr. Enright responded we do not. We have not been hired to design the office or the hotel, though we would love to. We have done a couple of small studies for the office building. I think they want to follow-up certainly relatively soon after this first phase is done.

Mr. Clough stated I think everything I have seen is well done and the color pallets are beautiful. My first impression when I saw the barn was less like a barn and more it looks like the covering to an outdoor hockey rink, and the sides, to use Hal's term, is monolithic. I don't know whether you have entertained any other designs for the barn, but I guess, and I am not an architect, but is there any way to make it look less monolithic and more like a barn in the true New England flavor. Or maybe somehow breaking up the sides with some other architectural features or see-thru,

something transparent, get more sunlight into that interior, I don't know. I just feel like the covering to me looks like sheet metal, this is the least expensive way to cover it, if you know what I mean. It is just a comment. Mr. Enright responded just a bit on the history of it because we have spent quite a bit of time on it, we know to get it approved by you all and to get the owners excited, we knew we needed to spend some time on it. It was sort of a new program that they didn't ask for. We did take a look at some studies of having some apertures along the sides. Our sense was that the concept being of one to create more of a sort of restrained wrapper that then the structure of the barn can really read within it, and to present something that the form of it is fairly simple in the way that it will sort of not take away from the fireplace on the inside or the signage to the highway, so we did sort of make an effort to kind of restrain the form. It is a little hard to tell but maybe you can see it on the model, but the two peaks do get pulled out, sort of echoing the hay hoods or the hayloft of some traditional barns. We feel like that actually adds quite a bit of the dynamism to it on either end. It may be something that we would look into where you could vary the spacing of the battens or a variety there, but, again, the idea was intentionally making that as fairly simple and restrained to let the inside really be the focal. Chairman McMahan asked do you like Mr. Newberry's idea to have the vertical with a material that looks like old red? Mr. Clough responded yes; I do like that idea. Aren't barns kind of like five sided? Mr. Leahy stated a gambrel roof. Mr. Clough stated I think that is what I am thinking of, it can still be simple but a little bit more barnish. Mr. Fairman stated I think Mr. Newberry's comment about barn red but also if it was horizontal on the side of it versus vertical might make it an even more barn look, but the barn red will help a lot.

Mr. Fairman stated I have a couple of quick comments. The first is if we are obviously approving the architecture, yet there is going to be a tremendous amount of architectural changes as you get tenants to each one of the places. I am thinking that maybe we need a condition that says once they firm up individual tenant architecture, that they come back in for a least administrative approval, and if you thought it was big enough to come back to the Board, you would. I haven't been to Lynnfield, I have seen that, and I think it is great that individual stores are so different from each other. It adds tremendously to it. I don't want to constrain that at all, but I do think that perhaps as you get to that part of it, it ought to come back for approval.

Mr. Fairman stated solar panels are part of this architectural approval, they are on the roof, that is what we are approving, so any elimination of those solar panels has to come back to the Board. I just want to make sure that is clear as part of the architectural approval that we are making. Chairman McMahan responded you made a suggestion for solar panels. Mr. Fairman responded but they are on the roof of the Mountain House. Chairman McMahan stated but I don't remember that ever being approved. Mr. Fairman stated we are approving the architecture of that building and it includes solar panels. Chairman McMahan responded but that wasn't approved, that was your idea. Mr. Fairman stated no, it is on the building, so if we are approving the architecture for the Mountain House, that includes solar panels because that is what they have demonstrated. Those are solar panels. Mr. Enright responded I think, if you could permit us, it is frankly a mistake. It was a mistake to have them on the rendering. They were supposed to come off. Mr. Leahy stated at the point that we created this rendering, it was a not known outcome based on the tenant's desires, so we did not update this particular rendering based on the final outcome of the tenant's conclusions. Mr. Fairman stated then I can't approve that architecture. Mr. Leahy stated in either case, however, this would be a tenant fit-up feature. It wouldn't be part of this

construction any more so than the restrooms or other features. Mr. Fairman stated it was included in the site plans that we approved that solar panels would be on this building, and if we are not going to have solar panels on that nice big flat roof, I can't approve the architecture of that building. Chairman McMahan stated Mr. Fairman, I would go back. I don't believe that I remember the Board voting on solar panels on the building. Mr. Fairman stated we approved a site plan with solar panels on the building.

Chairman McMahan responded well I stand corrected if that is true, but I do not remember that. You have written a lot down, Sir, we appreciate that, other people are writing down things, not some of the ideas, possibly not all of the ideas that are brought up and they were good ideas or valid and something that needs to be considered. We are asking for a tremendous amount of time and effort by staff to be able to try to coordinate back and forth. They have asked for a final architectural review, I would ask the Board whether or not we are prepared at this time to give a final architectural review, and if we are, that is fine, we can proceed, but with the amount of things that I have heard, what is the feeling of the Board to have them come back with the answers to all of those things so we all know that we are on the same page. Any comments on that? Mr. Newberry stated I think we should approve what was presented tonight because I think it is 90 percent or more of the way there and that gives the developer and the applicant something that is approved that they can work with their potential tenants and any further changes I would be comfortable with staff determining whether it needs to come back to the Board or not. But I think the basic elevations here, we should approve with the understanding that there probably will be some minor variations to it. As far as the issue of the solar panels, if the solar panels are specifically addressed in the approved plan, then that would be the determining factor, not whether or not they are shown in the rendering that we are looking at tonight. And I don't think solar panels would be part of an architectural design process. I think if the original plan specifically addresses solar panels, then there will be solar panels. If it doesn't, then it is still an open question whether there will be any solar panels or not. I agree with Mr. Fairman that it would be very desirable to see that, but I don't think that it makes sense or is appropriate to tie the solar panels to this architectural review and approval. Chairman McMahan stated good point. Ms. Harris, could you help us. Ms. Harris stated Chairman McMahan, it is my understanding that the panels were on the site plan as an option for the tenant, it wasn't something that was noted as required when the site plan was approved, so it would be at the option of the tenant if they wanted to install them. Chairman McMahan stated that is my memory also. Mr. Sullivan stated there was another proposal that night or another applicant for the Wire Belt, where there were conditions about solar panels in their approval, but looking at meeting minutes from that meeting, it was not part of the Market & Main conditional approval. Chairman McMahan asked there any other thoughts on that? Mr. Fairman stated I will comment on that. I thank Mr. Newberry for his comments; I think I agree with you that it shouldn't hold up the architectural approval. Overall I think these buildings are well done and the presentation is good. I am kind of hung up, as you know, on the solar panels, but I agree on hearing you speak that it should not hold up the approval of this architecture tonight. Chairman McMahan stated thank you, Mr. Fairman.

Mr. Newberry stated I would just ask staff whether making a condition that they review the anticipated minor changes as tenants get signed up as being something that they can take on reasonably or not, and if staff is comfortable with it or if they find that it becomes more of a burden than is reasonable, then I think staff can come back to the Board and say this is not working, we

need to figure out a different way of managing this. Chairman McMahan stated that is a much better option than not addressing it tonight.

Chairman McMahan stated just so that the Board knows what you wrote down and the type of things that the staff will be dealing with, can you give us back what we gave you or the things that you were writing on some of the suggestions that we had. Mr. Enright responded sure, just checking them off. There were certain elevations that would be worth looking at again to sort of break down the scale of them, specifically that C2 north elevation and the cut-thru. There is Mr. Newberry's comment about potential color pops at the tenant storefront, which we sort of are already allowing for here and proposing that it would be, again, an administrative review if a tenant wanted to choose from an array of color choices, which we do have listed down in the thumbnails typically. Checking in with Encore on the rink and the third party sort of nature of that to have a space where something like that could work. Looking into a bigger fireplace and the scale of that opening overall. Evaluating the color of the barn, potentially in more of the red nature from the warm gray. Those are the big ones that I wrote down. Mr. Fairman stated the fireplace higher as well as bigger. Mr. Leahy responded yes. Mr. Leahy stated potentially breaking down the monolithic sense of the barn.

Chairman McMahan stated to be able to help staff, when you come back with the renditions, one of the things that was missing and we certainly did ask for it when we talked about large spaces that are blank, would it be possible for you to be able to show staff what the changes are or what the proposals are what you agree to on both sides, and then also show that same graphic with what you believe the trees will be so that that may be a natural break. I don't know if you can go that far, I don't know if that has been planned far enough. Mr. Enright asked at those cut-thrus? Chairman McMahan replied on the buildings themselves you obviously have planned for strips. I don't think we have seen a view of where those would be, but the buildings certainly will not look like that in all cases and in some cases perhaps you would rather use plantings and even trees to be able to break up the sides. I don't know; that certainly is outside of my expertise, but that would allow staff to take a look at not only what you come back with here for your proposed changes, but a second graphic on each one of the buildings and the sides that say this is what we look, we believe that we are going to do with landscaping. Mr. Enright responded that is fairly easily done. Mr. Leahy stated we can absolutely provide that based on the landscape plans previously approved. We will take those and extrapolate on the elevations. Chairman McMahan stated that might be helpful. Mr. Leahy stated and we certainly pledge to help staff in every way we can to make this as seamless as possible.

Chairman McMahan asked anything further from the Board. Mr. Newberry stated not for further conversation tonight, but do you happen to know or are you involved with either any sign criteria or the development of criteria for signage within the development? Mr. Enright responded yes; we are about to hire the same consultant to develop the guidelines and then the specific elevations for round one or two, so to speak, back in 2016. So we are going to hire the same company who is going to develop an updated set of guidelines and proposal and then we would use that to present to the Board. Mr. Newberry stated I think that would help everybody. Mr. Enright stated that is in the works and we are trying to push that through as quickly as we can. Mr. Newberry asked that will come to the Board for review? Ms. Harris responded yes.

Mr. Leahy stated I don't mean to delay anything any further thanks for your time so far, when we are talking about tenant fit-outs and reviewing those changes with staff, this is not a rhetorical question, I am curious when a tenant fit-out happens five years from now, a tenant leaves and a new tenant comes in, because that wouldn't be part of our review at that point, it would just be part of a normal permitting process potentially with no architectural design review. Ms. Harris responded yes, if they were minor changes, it could be reviewed administratively. If there were major changes, it would be something that we would bring back to the Planning Board. Mr. Leahy stated like if some brand came in and said we want to take off the façade of our little portion and make it yellow or whatever, it would come in and get approved. Ms. Harris responded yes. Mr. Leahy stated I was just curious about how that would work. Chairman McMahan stated the scope would determine on to whom that goes.

Chairman McMahan asked for any comments or questions from the audience. There were none.

MOTION by Mr. Newberry that the Planning Board grant final approval for the architectural design of buildings C1, C2, D, F, G and the proposed “barn” structure as prepared by Stack & Co., for ER Bedford, LLC (Owner) and Encore Retail, LLC (Applicant) at 125 South River Road, Lot 12-33, 12-33-1 and 12-33-2, Zoned PZ, shown on plans dated January 24, 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 site, grading, landscape and utility plans shall be amended to take into account minor changes in the building footprint, doorway locations and loading areas. The amended plan shall be reviewed and approved by the Planning Director.**
- 2. All conditions of the November 8, 2021 and November 22, 2021 approvals shall remain in full effect.**
- 3. The applicant will work with Planning Staff to make minor changes to buildings to accommodate tenants and to address some of the larger wall structures as discussed previously.**

Ms. Malcolm duly seconded the motion.

Mr. Fairman asked do we want another condition relative to coming back for individual tenant architecture for the building? Mr. Newberry stated I would accept that at staff's discretion.

Mr. Newberry and Ms. Malcolm approved an amendment to the motion to add Condition #4 as follows:

- 4. Any individual tenant architectural change requests shall be presented to Planning Staff and the staff shall address those changes at their discretion.**

Chairman McMahan called for a vote on the motion as amended. Vote taken on the motion as amended – all in favor. The amended motion carried.

V. Approval of Minutes of Previous Meetings:

MOTION by Ms. Malcolm to approve the minutes of the January 24, 2022 Planning Board meeting as written. Vice Chairman Duschatko duly seconded the motion. Vote taken; motion carried, with Mr. Clough and Mr. Quintal abstained.

VI. Communications to the Board:

Ms. Harris stated there is no business for the February 28, 2022 meeting, therefore, that meeting will be cancelled. The next Planning Board meeting is scheduled for March 28, 2022.

VII. Reports of Committees: None

VIII. Adjournment:

MOTION by Vice Chairman Duschatko to adjourn at 9:47 p.m. Ms. Malcolm duly seconded the motion. Vote taken – all in favor. Motion carried.

Respectfully submitted by
Valerie J. Emmons