

TOWN OF BEDFORD
February 24, 2020
PLANNING BOARD
MINUTES

A meeting of the Bedford Planning Board was held on Monday, February 24, 2020 at the Bedford Meeting Room, 10 Meetinghouse Road, Bedford, NH. Present were: Chris Bandazian (Town Council-Acting Chairman), Rick Sawyer (Town Manager), Jeff Foote (Public Works Director), Mac McMahon, Kelleigh Murphy, Charlie Fairman (Alternate), Priscilla Malcolm (Alternate), Matt Sullivan (Alternate), Becky Hebert (Planning Director), and Mark Connors (Assistant Planning Director)

I. Call to Order and Roll Call:

Chairman Levenstein called the meeting to order at 7:00 p.m. Chairman Jon Levenstein, Vice Chairman Hal Newberry, Secretary Karen McGinley, regular member Randy Hawkins, and Town Council Alternate Phil Greazzo were absent. Mr. Fairman, Ms. Malcolm and Mr. Sullivan were appointed to vote.

II. Old Business & Continued Hearings: None

III. New Business: None

IV. Concept Proposals and Other Business:

1. **Circle Drive Associates, LLC c/o Robert F. Smith, Sr. (Owner)** – Request for design review of a site plan for a proposed multi-family development to include 144 condominiums in two four-story buildings and 96 independent elderly condominiums (age 55+) in one four-story building with land reserved for future commercial development on South River Road and Autumn Lane, Lots 35-98-5 and 35-98-40, Zoned PZ (*Continued from November 18, 2019*).
2. The Planning Board will discuss proposed amendments to the Land Development Control Regulations, Section 235 - Storm Drains Design and Construction Standards for Subdivisions and Section 325 - Stormwater Management Requirements for Site Plans.

Mr. Connors stated the Planning Board already determined the Circle Drive application to be complete at its November 18, 2019 meeting. The abutters have been re-notified for this meeting tonight, staff would recommend that the Planning Board accept the agenda.

MOTION by Ms. Murphy to accept the agenda as read. Town Manager Sawyer duly seconded the motion. Vote taken – all in favor. Motion carried.

- 1. Circle Drive Associates, LLC c/o Robert F. Smith, Sr. (Owner) – Request for design review of a site plan for a proposed multi-family development to include 144 condominiums in two four-story buildings and 96 independent elderly condominiums (age 55+) in one four-story building with land reserved for future commercial development on South River Road and Autumn Lane, Lots 35-98-5 and 35-98-40, Zoned PZ (Continued from November 18, 2019).**

Ms. Hebert stated design review is an optional application filed with the Planning Board to review and discuss a plan with the Board intended to provide a free flow discussion between the Board and the applicant. It is a non-binding discussion; the Board would not be making any final decisions on the plan tonight. After discussion with the applicant, typically the Board opens the meeting for public comment.

Bob Smith, owner of Circle Drive Associates, Bob Baskerville and Katie Weiss from Bedford Design Consultants, and Russ Thibeault, President of Applied Economic Research, were present to address this application on behalf of the applicant.

Mr. Smith stated my son, Rob Smith, and I are the owners of Circle Drive Associates. My son is a Bedford resident and he has sent two of his children through your great high school. His daughter graduated from Merrimack and has a good job in Boston. His son is a senior at UNH and has already accepted a job at Fidelity in Manchester. Congratulations on your school system.

Mr. Smith stated I want to thank the Planning Board staff for preparing a very comprehensive report of our project. I think it was very conclusive. I will attempt to address each issue covered in the report, I will do some of that myself and I have asked Bedford Design and Russ Thibeault to help. Mr. Thibeault will conclude our review this evening with comments on a preliminary financial review of the project.

Mr. Smith stated my son and I are not developers. We purchased this property about 22 years ago with the plan of expanding Car Component Technologies, which at the time was located on the other side of South River Road on Iron Horse Drive, however, we sold Car Component Technologies before we had a chance to utilize. The land has sat idle for the past 22 years and in that period of time we have paid the Town about \$400,000 in taxes with no fire calls and no police calls and we didn't send any children to school from that piece of property. We have looked at many possible uses of the land. Mr. Baskerville told me the other day that he has 44 different drawings, none of which work, almost like the oil spray, WD-40, which finally worked on the 40th formulation try. The brook, the trees and our desire to maintain lots of green space all precluded these plans from being successful. We had a medical rehab firm look at the property about two years ago. Had they been successful in their endeavors, they would have utilized about 70 percent of the land, leaving only about 30 percent green. Our proposal has been carefully planned to maximize the impact of maintaining green space and to minimize the impact

on the environment. There is almost no wetlands work required and any work that does need doing has been approved by the DES. We have designed the property to, again, as I mentioned, minimize the impact on the environment. We have moved the roads and the parking further away from the water's edge and the brook edge than required, and our project will leave almost 17 acres of the 25-acre lot green. This project will almost be non-visible from Route 3 and we will berm and plant along the highway. Bowman Brook will report later that traffic does not appear to be problem, he will also speak of the Harvey Road issue, which has been raised by the Planning Board in the past. We also have designed into the plan future access hopefully to the south at some time if that gets developed. The buildings will be creatively designed and executed. I want a project that I, as well as the Town, will be proud of today and 25 years from today.

Mr. Smith stated we are not attempting to ring the last dime out of this project. We want to have a quality upscale, well landscaped development that everyone will be proud of. By reserving the top floor with deluxe market rate units and charging for indoor parking space, we will be able to offset some of the adverse effects that workforce housing and affordable housing have on the viability of a project like this. Larger buildings not only help construction costs but maintain a lot of green space. As I mentioned earlier, this project as laid out only utilizes about 31 percent of the land leaving 69 percent green. These items should allow us to build a quality 5-star deluxe project. If we were forced to go to more buildings, costs would not permit the construction of the deluxe upscale project as we have proposed. Most likely the added cost of additional buildings would not only eat up a lot of the green space but would make it impossible to build the quality project that we want and that the Town of Bedford deserves. Sure, you can build a lot of small buildings, it will cost more, they will be less quality and less desirable to the Town. The higher the quality of a project, the higher the tax base and the better financial benefits to the Town of Bedford. Mr. Thibeault will report later on this evening what our preliminary plans are to the Town and they look very good. We will follow the Planning Board staff's suggestions and place parking to the rear of the affordable housing building. This will result in better utilization of green space and place the building closer to the accessroad. We also plan to add a pool and a clubhouse and a walking path around the property so that we will have self-contained entertainment on the property where people won't have to leave it. This property does tie in nicely to the Sandhu property that is in front of it, and at some point in time it will probably tie into the south side as that will eventually be developed. This is the perfect project for this large plot of land. We used only 31 percent of the almost 25 acres. The land is almost in Merrimack, it is in no one's backyard and there are no residential neighbors, and it will be very beneficial to the Town of Bedford finances.

Mr. Smith continued the project has been reviewed and discussed with the Chief of Police, the Fire Chief and the Superintendent of Schools and it appears to have minimal effect on any of these major services of the Town. We are also prepared to carry our fair share of any costs that might be incurred by the Town.

Mr. Smith stated a condo project represents ownership and requires owners to become investors in the Town. Owners tend to improve what they own. Condominium ownership also produces less transits and most likely have a lower effect on the school as many people rent to send their children to the great Bedford high school.

Mr. Smith stated at the suggestion of the Planning Board at the last review, we have postponed asking for approval of the commercial development. We will continue to market this space and hope to bring first class businesses, such as maybe a Starbuck's coffee, to compliment the first class Range Rover dealership right down the road. At some point in time, hopefully sooner rather than later, an appropriate tenant will be found for the commercial use of the property.

Mr. Smith stated looking at Page 6 of 7 in the Planning Department's report, which discusses the five purposes of the Performance Zone, you will see that this project seems to answer all five, A-E, of that page. It attracts environmentally acceptable residential use, it includes diversity with workforce housing, affordable housing and future commercial development, it optimizes financial return, a very financial attractive project for Bedford, it will pay for its own water and sewerage, and it will assist the Manchester airport as it is only five minutes away and no tolls. There is no adverse effect on Route 3, I-293 or Route 101, it maintains 69 percent green space, no adverse impact on the environment, no clear cutting, and scenic views are very well maintained. We trust that by the conclusion of this evening, we will have answered most of your questions and can proceed to provide Board members any requested data at the final site plan application. Thank you very much.

Mr. Baskerville stated I have a preliminary report from Steve Pernaw who couldn't be here tonight on the traffic study. It is not final but we have some good numbers, and then I will cover a couple of subjects after Ms. Weiss has a chance to review her details.

Ms. Weiss stated posted is an overview of the site. As you can see, that it is a little different than the last time we were here. We now have three buildings, they are larger than the other buildings, the two smaller ones at the top are actually smaller than the Riverwalk building in terms of footprint, to give you an idea of size, and we also have an acre of open space so you can kind of help you see the size of the buildings compared to the open space in the center. As was mentioned before, these are going to be condominiums. We originally started this project with 300 apartments, then 270 workforce and elderly apartments, and now we are at 240 units with workforce and elderly condos, so it has morphed from 300 to 240 with a different type of unit, condos instead of apartments. The large building at the bottom is where the elderly will be. This is required to have 25 percent affordable, so that would be 24 of the 96 units. There are two 72-unit buildings, 144 condos, and 25 percent needs to be workforce housing, so that is 36 of the 144 units, that would be workforce housing units. As Mr. Smith mentioned before, the top floor in all of the buildings would be deluxe units; that helps offset the cost of the workforce housing, which is a lower cost to buy. These buildings are 4 stories in the front and then along the back there is open parking under the building, so the back side would be 5 stories and the front side of all of these buildings would be 4 stories. There is a gazebo in the open space in the front; Mr. Smith mentioned a clubhouse and we are not sure yet if it is going to be over here in the open space or if it will be located in one of the buildings along with amenities. As Mr. Smith almost mentioned, we have 31 percent impervious, where 75 percent is allowed, and that impervious number also includes this front portion of the commercial section. He also mentioned we are going to be doing a lot of landscaping here with berms and things along the property to help hide the buildings because they are larger, so having berms closer to the road and then you plant those with plantings that grow tall and the buildings are less visible as you are driving through.

Ms. Weiss continued with regard to density calculations, this lot is about 24 acres and of those 24 acres about 20 are considered used as net developable area, and of those 20 we are using 17 or so. We have about a 2-acre allowance, so we are not using up all of the density for this project; it is under the density that is allowed.

Ms. Weiss continued now shown is a conceptual rendering of the buildings. This rendering was done for another project but this is what we are thinking, something like this where different units in a row would have different types of facades. These are 4 stories as well to give you an idea of the scale. The rest of the accesses were the same as we had before. The crossings for the wetlands are the same and the wetland fills are the same from last time.

Mr. Baskerville stated I just want to mention for scale too is that when you have a big parcel of land and a big development, everything looks a little smaller than it does. For perspective, this center island as shown is an acre of green space in the middle, so some of these tree buffers we have along the highway, along the brook itself and then there is another buffer to the north, there is probably going to be about a 200- – 250-foot-wide buffer to the north, you have a tree buffer down between us and Sebbins Marketplace and a good buffer to the highway here. The only thing we have proposed to do, and partly it is due to State AoT reasons, is where we are close to the highway at the bottom, that is where we would plan to do a berm with some good plantings to give us a good buffer to the highway.

Mr. Baskerville stated we hired Steve Pernaw to do all of the traffic counts and to do the traffic study. Several months ago we met with the New Hampshire DOT and the Town consultant was present to talk about a scoping session. At that we were proposing 300 units and the commercial, so there was a bigger development at its first. What the State asked us to do was a bigger study than normal. In addition to this intersection, as you go down south of us, the next intersection is with Eastpoint Drive and the onramp for the highway, they asked us to study that with full counts. Then they asked us to go down underneath the highway and do the other entrance ramp to the highway. The eastbound off-ramp and the eastbound onramp, so they want us to do two intersections south of the site, our intersection, and then going north they asked us to look into counts for the intersection of Autumn Drive and Technology Drive, and then going further north, which was quite a bit north, all the way up to Commerce Drive and the other Technology Drive entrance, so they asked us to do all of those intersections. Mr. Pernaw has finished all of his counts, he hasn't finished the number crunching to analyze all of the intersections and say what the effect on them is yet. He was out of town this week so he asked me to present some of this. We asked him just for tonight to concentrate on our entrance, which is as shown on the posted plan, across from Iron Horse Drive. He did existing traffic volumes, and to give you an idea that in the AM peak hours he has 932 trips out in front, the PM peak hours he has 1,257 people passing by on Route 3, South River Road. When you go down to the trip generation manual, he analyzed this for 144 apartments and 96 age-restricted apartments. I think in the ITE book they don't have a difference between apartments and condominiums, it is the same rate for vehicles. For the entire day 573 in, 573 out. In the AM peak hour he has 68 trips, of which 20 are in and 48 are out. In the PM peak hour it is higher, which is 88 trips, with 52 entering and 36 exiting. So it is a little less than one per minute in any particular movement. He did a 2021 opening year projection and then they have you look 10 years into the future, so

he goes to the year 2031 projection. The State asked for a 2 percent annual background traffic roll. That is a little high; sometimes it is just 1 or 1¼ percent, so they are assuming that growth goes up by 2 percent every year on the highway even if we do nothing. He assumed for now that 45 percent of the people will take a left and head north, 55 percent will take a right and head down to the interstate highway exits. With it comes to total volume on Route 3 he goes a little bit north and a little bit south and he has an increase of 31 to 49 vehicles, which is an increase of about 3 to 4 percent of existing traffic. But, again, the State assumes it is going to go up by 2 percent every year even if we don't build this.

Mr. Baskerville continued he then did all of the warrants to see what is needed at the intersection, which is based on the existing traffic and the proposed traffic. When you are coming southbound to take a right-hand turn into the project, he says it does meet the warrant where you need a right-hand turning lane. When we had this built originally when the State widened this, that has already been added, so it doesn't have to be paved, it just needs to be restriped. There is no physical construction other than the paint striping. When you are coming north to take a left into the project, he also says you need a left-hand turn lane, no signals are needed. When we designed it, we worked with the DOT so this existing center island is wide enough where we can take out the curb, we can take out some concrete, pave it, restripe, so the left-hand turn lane can fit in the existing island, so none of the thru-lanes need to have any changes to them. All of this will be available and we will have Mr. Pernaw come in to go through the whole report. All of the turning movements going north and south from Iron Horse Drive and from ours all look good, with the exception of left-hand turns, but he says left-hand turns every place on South River Road where there isn't an exit he has a low count for during the peak hours. All of those will have a wait and his number has average seconds waited for all of those.

Mr. Baskerville stated going through Mr. Pernaw's findings and conclusions, 66 trips in the AM in addition, 88 trips in the PM get added. The traffic on Route 3 goes up by 3 – 4 percent, he noted that day-to-day changes are about 7 percent on the highway. Some days there is 7 percent more than others, and the annual growth is 2 percent. We need two turning lanes to go in, there is already room for those there, very little construction for that, a stop sign at the exit, and he says there is ample sight distance looking both ways. At a future meeting we will have him finalize this and get everything to you and he will do all of the other intersections at the same time.

Mr. Baskerville stated for the elderly housing building we have been talking to our attorney about how to do it, and we will talk with staff when we go to final, is that it will need to be in a different ownership than the apartment buildings because there are federal anti-discrimination laws. You can't restrict that to over-55 if you don't do the others, that has to be separated. So whether that is a condominium or subdivision or how we do it, there will have to be a separate form of ownership for the elderly component separated from the apartments. Mr. Smith stated I spoke with our attorney this morning and he said he will work this out and work with the Planning Board and we realize that we have to solve this issue and he is confident we will be able to solve it satisfactorily.

Mr. Baskerville stated the State was changing all of its wetland rules and it apparently is quite a mess up there because they have changed everything now. It is the first big change in 20 years. We submitted before the change and fortunately Jim Gove's work went through along with our plans. You almost always get a request for more information and they didn't ask for anymore. At the State level they have approved the wetland permit. We had gone up and met with them, so we knew that they didn't have any major objections. There will be a few small Army Corps changes. We had a discussion with the State regarding could we get another access from Harvey Road. Jim Gove has done a letter that we submitted to staff and he talked to them up there of the way this site works, this crossing down in between the two parts of the project doesn't even qualify as a stream. I think that used to be a stream, I am assuming it got filled when the highway got built, it only goes up about 100 feet past our project and just stops. There is really no watershed to it, it doesn't flow full time, so it is not even counted as a stream. The wetland board has tiers for stream crossings. Tier 1 is the most minor, Tier 2 is more major, and then at an upstream watershed of 640 acres, it goes to a Tier 3, which is the highest stream crossing that they have, that needs the most protection. We are just over that, we are about 690 acres, so this is actually a Tier 3 stream crossing, so it is the highest crossing that they have as far as the wetland rules. So they had approved the crossing in the front originally, he asked if we could have another crossing at Harvey Road, he was told verbally that the State sees no reason from their standpoint that would justify us getting an additional crossing over a Tier 3 stream. One thing that I didn't point out; the traffic guys have formulas for everything, so at the front entrance he uses those numbers for the apartments and determines if you need one lane leaving or two, and per his book of calculations you only need one. We have proposed two lanes out, so there will be a dedicated left-hand turn lane and thru-street, if anybody wants to go to Iron Horse Drive, and then a right-hand turn lane, so that if somebody is sitting there waiting to take a left-hand turn, he won't slow down the people who are going to take a right-hand turn out. So we have a very wide inbound entrance, we have done an attachment, an emergency access, which will fully meet the Fire Department's regulations into the Sandhu project, which will be gated. And then down in the commercial area, we will do at least one, perhaps two, attachments to the Steele project. One of the most attractive commercial options down there might be in coordination with them. They approached us before, they want to put a nice commercial building up in the front part of their site, they needed more room for truck turns and access in the back. Mr. Smith said he will keep marketing it until somebody comes in, but one of the possible liers would be somebody who buys the Steele property. it would make more sense to combine that with the Steele property to give them better access and that would give us a way for our people to leave to get out to Eastpoint Drive that has a signalized light and they could take a left-hand turn. Mr. Smith stated I just want to make sure that people don't confuse this crossing with this crossing. When Mr. Baskerville talked about this crossing here, this is not even considered a stream, but this one out here is a major stream, and that is why we went back to the State and asked can we cross again, and they said no because this is a major stream. You have a crossing here, you have a crossing here, you don't need a third one, so that is where the State is today. Mr. Baskerville stated I am not sure if Ms. Hebert distributed Mr. Gove's letter. Back in 2009 we had a big site walk with State wetlands, Karen White was there from the Town, Federal Army Corps, Federal Fish & Wildlife, State Fish & Wildlife and there were issues at the front that they wanted this restored and that was right before the State did their widening of the highway. Up in the front it is still pretty pristine; there was no damage, there was nothing close, so they were the ones who wanted the crossing here. I don't want to belabor that issue too much

because I think Mr. Thibeault has a lot to say, and once Mr. Thibeault is done, we will be glad to answer any questions that you have.

Mr. Thibeault stated I have done work for the Town in the past. In fact, the first fiscal impact model I ever built as a spreadsheet model was under contract to the Town. I have tweaked it since then but I still use it. It is still useful; I use it in a lot of communities around the state. I also did work with Ms. Hebert and Town Manager Sawyer on the Route 3 corridor looking at development trends. I am not here to talk about that at all. I am really here to give you a 35,000-foot view of Mark Fugere's work quite literally because Mr. Fugere is on an airplane going to Colorado right now.

Mr. Thibeault stated originally I was going to do this analysis on behalf of Mr. Smith, but my workflow just doesn't allow it. I have probably had the busiest eight weeks in my life now. I told Mr. Smith that I could look over Mr. Fugere's shoulders and that is what I have done. The numbers that I am reporting tonight are not my numbers, not my conclusions, rather I am speaking to you on behalf of Mr. Fugere. When he comes back, he will be doing a narrative report, I will be looking at that narrative report, so I am here to share Mr. Fugere's preliminary figures as to fiscal impact with you tonight.

Mr. Thibeault stated Mr. Fugere tells me has interviewed the schools, Fire Department, Police Department, and in the course of those interviews, no major issues surfaced. His projection is, as you have noted, 240 total units, about \$70 million in property assessed valuation, generating around \$1.25 million a year in property taxes, \$75,000 a year in vehicle registration fees, so we are looking at a total by Mr. Fugere's figures of about \$1.3 million in additional revenue to the Town. He and I have gone back and forth about school enrollment and school costs, so he has come up with a range, which I think is appropriate to have a range because that is a key number in these types of studies. Including the school kids probably between 19 and 35 schoolchildren coming out of here. I know that sounds like a low number, but it is actually a little bit higher than the numbers that I have developed for the Housing Finance Authority. Remember that 96 of these units are age restricted, they will generate some children because kids move back with parents and grandparents today, but by survey not many. The numbers of between 19 and 35 schoolchildren is based on surveys of actual projects here in Bedford. Because he has a range of schoolchildren, which I have encouraged him to do, possibly to the chagrin of Mr. Smith here, but costs of between \$400,000 and \$700,000 a year and the net surplus to the Town annually of revenues over and above those assigned costs, primarily for education, is between \$650,000 and \$900,000 a year at this point; a net surplus. In addition to that, Mr. Fugere is projecting about \$570,000 in impact fees for school and recreation under your impact fee system. Mr. Fugere does anticipate a significant fiscal surplus. Even the net costs to schools depends on how many schoolchildren, depends on what ratio you use, but in my experience I think if you had five different analysts come in, they would all come in with different numbers, but if they did a credible job, I think they would all come in with a net plus to the system.

Mr. Thibeault continued I always say at the beginning of a presentations that I do, I say basically as an analyst of fiscal impact, there are three buckets and you are trying to tell the Planning Board which bucket does this fit in. One bucket is it is a significant deficit; the second bucket is it is about breakeven more or less; and third bucket is that it generates a measurable surplus.

This project, based on Mr. Fugere's work, which is credible by my experience, I think generates a significant surplus. Remember that 96 of the units are age-restricted, they are condos, they are going to be higher valued because they are condos than rental units.

Mr. Thibeault stated the last thing I want to say to each of you, and it is sincere, I want to congratulate the Town of Bedford for the work you are doing in creating more housing. This is not going to be low income housing, obviously, but it is going to create more housing at a time when I have estimated we have a statewide deficit of between 15,000 and 20,000 housing units. Just this afternoon I was meeting with Housing Finance Authority here in Bedford, I am going to be speaking to the statewide housing conference next Tuesday, and I will show you this chart quickly. You can see that this is zero, this is the projected population growth of New Hampshire by age. Now shown is under age 20, -1,300 in the state; between age 20 – 34, -10,000 in the state; between 35 – 64, -40,000 in the state, the aging boomers, people aging out of that middle age bracket; 65 – over, +65,000; 80 and over, +40,000. A major objective that planning boards and communities right across the board, Bedford, Manchester, Windham, he to think about having a balanced demographic in the community, a balanced community because these forecasts are basically just aging in place, say that we are not going to have a balanced demographic and part of the reason for that is that we are not building enough housing units for young people to move in. By building housing units, and like I said, these are not going to be low income units, they are going to be rather pricy units, which is to the benefit of the Town, but it is increasing the supply of housing, which I think is needed and is a good thing. That is irrespective of this project, but I did want to say that I know you have gotten some press to the contrary here in Bedford and I think that is unfortunate. I say are we going to be converting schools into nursing homes in New Hampshire or are we going to be exporting jobs to other states that have affordable housing for workers. That is sort of a policy dilemma; it is simplifying a great deal. Town Manager Sawyer asked what year was the forecast for? Mr. Thibeault replied the population change from 2020 – 2030. That is by the Office of Strategic Planning population forecast, which was done in 2016. It is really very dramatic. I am not speaking about Bedford specifically, but I think a lot of our communities are dealing with today's issues with yesterday's development controls. That is my view. That we are dealing with development controls that were imposed when we were building 18,000 to 20,000 housing units a year in New Hampshire; we are now building 3,000 to 4,000. So the problems now are much different than they had been.

Mr. Thibeault stated again, I am just reporting Mr. Fugere's interim results at this point. I suspect his numbers will probably shift around a little bit. I don't know that his conclusion will, however.

Mr. Smith stated I have known Mr. Thibeault 40 years, and I asked him to do this and he said I am too busy, so we got Mr. Fugere, but I want you to review Mr. Fugere's work. I know you are well accepted by Bedford Planning and I want you to critique Mr. Fugere's work and put your stamp on, so that is the reason Mr. Thibeault is here this evening, and at the final review he will be here also with his stamp of approval.

Town Manager Sawyer stated I just wanted to clarify that the numbers you have provided don't include any of the commercial valuation, only the residential. Mr. Smith responded that is

correct. I was going to comment on that. The commercial development will be developed. It is a question of when we get the right thing for that development and it will produce additional tax revenue.

Ms. Murphy stated I want to start off by putting out that housing in Bedford has sort of been a hot topic on the community boards and with a number of the residents throughout town raising their concerns, so you could perhaps not imagine my surprise but I am sure others that are watching this at home could perhaps imagine my surprise when I look out into the audience and I see only six people in attendance, two of whom are either present Town Council members or running for office. I think that some of this stuff is maybe not getting the attention of the public the way that I had thought that it would, and I am concerned and surprised that there is such a dearth of attendance in the audience.

Ms. Murphy stated I wanted to see that population chart upfront and close because I thought I heard you correctly and I realized that I did hear you correctly. I guess my first question is, if we are looking at an increasing population, a projected growth of 65,197 in the 65 – 79-year-old age range, why are we not looking at making all of this 55+ housing, thus alleviating that problem and, more importantly, not putting the strain on our Town resources. Particularly where I know that you said that the guy that you sat behind and looked over his shoulder in the course of those interviews no major issues surfaced, but I am not sure that is the case. We have had a Fire Chief who has commented frequently and consistently on all of these housing projects that he doesn't feel as though we have the equipment to deal with firefighting issues on the fourth and fifth floors and you are proposing a very tall building that would run into exactly the issues and the concerns that he is trying to raise. I get that you are in the direct line of fire by no other fact than you are sitting in this chair, so I am going to raise my concerns to you. I would think that is a major concern that perhaps is not alleviated if it becomes all senior housing and needs to be addressed separately, but here is what could potentially be alleviated, the concerns of the residents, particularly with respect to the impact on the public school system. Everybody talks about these low, low school enrollment numbers when we forecast and project these apartments and I just don't know that that plays out in reality or that I buy into it in a town with the kind of school system that Bedford and the kind of draw that I has.

Mr. Thibeault responded those are both good questions. As far as fire goes, I recall during the corridor study, driving the corridor with Town Manager Sawyer and Ms. Hebert, and I think you have a site for a fire station within the corridor. I wish that Bedford had a fire impact fee. I hope the horse isn't totally out of the barn. Councilor Bandazian stated long ago. The horse is dead. Mr. Thibeault stated it seems that if you did have now a fire impact fee, I know you have used Bruce Mayberry, who does a great job with impact fees, that would probably address your concern. I will pass your concern onto Mr. Fugere. I don't know the answer. I specifically said I think there is an issue with fire, and I was thinking the station, so I did mention that to Mr. Fugere in the course of our back and forth because I am in kind a review mode here, and what he said to me was the Fire Chief had not expressed a concern. I assume he is not misrepresenting what the Chief said, I know I am not misrepresenting what Mr. Fugere said.

Mr. Thibeault stated as far as should it be all elderly; I think probably not. Remember that some of the elderly would move out of existing houses, so I think it is good to have a diversity of

housing. The fact that you are having workforce housing here and you are in fact requiring it I think is commendable of the Town. I think that what we have to do is have more appeal to that middle age group that you see declining by 40,000, so that middle age group would be attracted to here. Some of the non-age restricted units would nonetheless be occupied by elderly. The survey work that I have done, and I did the last statewide housing needs analysis, say that 85 percent of seniors, and this is AARP that did their surveys, want to age in place, they don't want to move. I am living in a housing unit by myself that is much larger than I need and I don't want to move. A lot of seniors will stay in their same place, so they may buy into the condos when they are first downsizing at maybe 55 or 60 and then they won't move until they move to the Pleasant Street nursing home. It is something like 85 percent want to age in place. Some of the non-elderly units would nonetheless be occupied by elderly. It is not the kind of housing that is first choice for family housing. Mr. Smith stated let me comment also on your question about schooling. What Mr. Fugere did was he looked at the current enrollment of two of your workforce housing projects, and he took that ratio and he applied it to this development and that is how we came up with what Mr. Thibeault talked about it could be 19, it could be 36. Mr. Fugere took the higher ratio based on those units, which had mostly 2- and 3-bedroom units in it. This project only has 50 percent 2-bedroom units and it has one whole building as elderly. Therefore, if you took an applied the ratio of your current developments here in town to 1-bedroom units, you would come up with 19 people. If you applied it to the ratio of those units, which has mostly 2- and 3-bedroom units, you come up with 36 and that is why we put a range out there. When Mr. Fugere sat down with the Superintendent of Schools, he felt it was no problem using 36, the higher number.

Ms. Murphy stated on the issue of the apartments, my first question is, when you ran that ratio analysis on the other workforce housing developments for purposes of school attendance, did you automatically off the top exempt the senior housing or was that part of the calculation? Mr. Smith replied yes. We applied it to the unage-restricted, and then we went back and we looked and said we did an analysis of all other senior projects in town and found a very, very small number of students attending school and we applied that ratio to the senior end and came up with three more children. Ms. Murphy asked the second question is, because I didn't see it in the report and but apologize if I missed it, what is the breakdown of bedrooms in your proposal? Mr. Smith replied it is 50/50. In all three buildings there is 50 percent 1-bedroom and 50 percent 2-bedroom. We tried to be as fair as we can with the numbers and we have used the higher number. When Mr. Thibeault says it is going to be X hundreds of thousands of dollars benefit to the Town, that is using the high numbers. We are not trying to cut the numbers because the project is financially attractive whichever number you use.

Mr. Fairman stated first of all I want to say thank you for listening to us the last time you were here. We talked about condominiums, we talked about workforce housing, we talked about elderly housing and you have come back with a presentation that included all of the things that we asked for, so thank you very much. I like the layout; I think it looks very nice.

Mr. Fairman stated a comment to what Ms. Murphy was just saying, I have seen a presentation at the New Hampshire Planning Board that says in actuality elderly housing has more of an impact on Town finances than housing with school kids in it, and I thought that was interesting that that was the case today and something that is not well known. You also mentioned a swimming pool.

Could you show us where you are thinking of putting the swimming pool? Mr. Smith replied we haven't quite figured that out yet. We would like to put it right about there, but there happens to be a huge piece of ledge there and we have to look at whether we can get it in there or no. But there will be a swimming pool, we will have a clubhouse and it will probably be here or some other appropriate place. We will also have some recreation facilities in the senior building like a movie theater, so if they are older and it is raining out, they don't have to go outside of the building, they can be right there for some entertainment. We have some space in this larger building where we can probably have a small exercise room and some other entertainment, but the plan would be that there will be a swimming pool and there will be a clubhouse, and we want to make this a quality five-star project. Mr. Fairman asked there is parking underneath the senior building? Mr. Smith replied yes, there is parking underneath all of these buildings. We don't quite come up with the required number of covered parking but very close. I think there is like 170 or 176 parking underneath the buildings. The way Mr. Baskerville has designed this project is when you are looking at it from the front, it is 4 stories, and when you go around the back, it is 5 stories. That is where the open parking will be in the back of the buildings. The Planning Board, again, asked us to look at moving this building forward and we will do that. We will put the parking in the back, I don't know why I didn't think of that in the first place, it will make for better utilization of green space and it will make for bringing this building closer to this accessroad.

Mr. Fairman stated before you finalize this, I suggest you talk to the school bus company. They will go in private drives; they do not like picking up on a road like South River Road. They will go in if there is a good place to turnaround without backing and without chance of hitting cars that are parked obviously. You may want to include an easy place to turn a bus around in there some place. Just talk to them before you finalize your driveway plan. Mr. Smith responded that is a good point, and we have enough blacktop in this area someplace that we could turn the bus around. Mr. Fairman stated they go down Iron Horse Drive the present time but one thing they are trying to avoid is picking up and discharging students on roads like South River Road. Mr. Smith stated that's a good point.

Mr. Sullivan stated to echo the comments that you listened to the Board and included workforce housing and condominiums and everything is fantastic, but in a case of once bitten, twice shy, I am looking at the to be determined area of the mixed commercial use in the bottom right corner. Thankfully you don't have logos on the buildings yet, but in terms of phasing in this project, I would like to understand better is that something that would happen close to the completion of the residential buildings or is it completely contingent upon leases or tenants for that project. Mr. Smith replied actually what I would like to do is to have a tenant say they want to do this and I would start it immediately at the same time or before I started the rest of the project. We have been working for the last five or six years looking for something that would be appropriate for this site. As I mentioned, because of the brook, because of the trees, because of my desire to keep as much green space as possible, we haven't found something that would fit in there. We would like to put in this area here a Starbucks coffee if we could, which would tie in nicely with the Range Rover dealer right down here. Whether we can get that or not, I don't know. And then there could be some kind of a medical research building right here, if we could find a tenant. Basically what we have been trying to do and we have been actively working at it for quite a

while, is to find something that fit in there nicely. So far I haven't found it. If I could find it, I would start it immediately, as soon as I got approval.

Ms. Malcolm asked do you have an idea of how much you are going to charge for these condo units? Mr. Smith replied yes. There is an approved plan for affordable housing as well as the workforce housing, that has to be in accordance with State regulations, Town regulations, HUD regulations and the workforce housing units will sell for just under \$300,000 and the other units will sell for probably \$320,000 or \$330,000. Mr. Thibeault stated those numbers are the numbers that are behind Mr. Fugere's estimate of assessed values. Mr. Smith stated the deluxe units on the top floor would sell for more. What we want to do is take and on each corner we want to have a deluxe unit with a gas fireplace in it. Those will sell for more. By having the top floors deluxe units reserved for market rate, it helps you tremendously in your cost structure that you are putting together. It allows you to do a lot of things that make this a deluxe project. We don't want to have something that is not appropriate for the Town of Bedford. Ms. Malcolm asked what is the price differential between the 1- and 2-bedroom units? Mr. Smith replied actually for the workforce there is no difference, it is just a State regulation that says these units will sell for \$293,000 on average. Ms. Hebert asked is it \$237,000 for the workforce housing? Mr. Smith replied that is the affordable units, that is for the seniors, and we would ask for a waiver on that. It is strange; if you were to rent the senior apartments as affordable housing, they rent for more than workforce housing, but if you sell them, they sell for less than workforce housing. We would have to get a waiver to sell those affordable units for 80 percent of the workforce units because they cost more than that to build. Ms. Hebert stated in the fiscal impact analysis do you have a section that provides details on the unit structure and estimated purchase price for the various unit types? Mr. Smith replied yes. Mr. Thibeault stated Mr. Fugere has that and that will be in there. Mr. Smith stated it will be in the final report. Mr. Fugere unfortunately couldn't be here and he couldn't get everything done before he left. We thought we had enough to at least give you a taste of what it is going to be. We know it is going to be a favorable impact. We will have all of those T's crossed and all the I's dotted at the final review. Ms. Malcolm asked and the workforce units are also 50 percent 2-bedroom and 50 percent 1-bedroom? Mr. Smith replied yes. All three buildings will be 50/50.

Mr. McMahon stated for the staff; the Master Plan that you folks went through; does it reflect the same population bar charts of the State that was previously presented just for Bedford itself? Mr. Connors replied I can't recall each kind of demographic changes. I do know that it projects that growth will kind of level off in Bedford as it is supposed to do in the state as well. Mr. McMahon asked so Bedford could be different? Ms. Hebert replied the aging demographics are typically applied statewide and the Master Plan uses the similar demographic information from OSI. Mr. McMahon asked it wasn't unique to Bedford? Ms. Hebert replied no.

Mr. McMahon stated I would agree that from what we know of the Fire Chief's concerns it may not exactly be reflected in Mr. Fugere's evaluation. I know one of the things that listed in there that the Police Chief was concerned about the actual vehicles that would be able to do the work, and I think there was a comment in there that he has put in for a grant for two more fire vehicles, so that could be a concern. I am not really sure you have the right property to be able to do this considering the number of waivers. Listening to the people you said are unfortunately not here, but nonetheless, you will just have to take my word for it at the last election and how many

people came up to me, I don't know if anyone else experienced this, but they do not believe that a 5-story building is the best for Bedford. Just taking a look at what you're are planning on doing, it requires I think an awful lot of waivers and I am wondering whether or not that is the best place for it. I know there hasn't been many people who have tried to develop that, it doesn't mean that somewhere down the road someone might be able to do it and on a real far off idea if nothing ever happens to it, it might be designated as a recreational area for the Town itself, which it has done in the past.

Mr. McMahon stated you made a comment about DES approving the dredge and fill and that is, of course, in their purview. I don't think I really fully understood. Did you say that DES has already taken a look at the impervious areas and that the drain off into the 50-foot buffer and all of that they are in agreement with and have given you the approval? Mr. Baskerville replied that is two different permits at DES. We will also need a State DOT permit and an update. We applied for the wetland permit and that went through and they granted it. That allows us to fill the wetlands we had. For the drainage you have to do a State Alteration of Terrain permit. We had done it based on the original design review, met with the staff and there is some unpublished map having to do with PFAs and PFOs, all those things down from Saint-Gobain or whatever. They have asked us to do some special changes. The first is that none of the material will be trucked off the site, so some of the topsoil and stumps we will use in our berms. Some sites you bring some material off the site and some on, they want all the material to stay on the site, and that is for the whole area, not this site. They have a map of southern Bedford and Merrimack where they want this. And then in the drainage calculations they don't want us to infiltrate the normal amounts. It is everything we can do. We had designed the site based on the original 300 units and had everything work. Now we have fewer buildings, fewer parking spaces, more green space, so everything will work, but until I know a direction, we haven't actually submitted to the Alteration of Terrain department yet but we have met with them.

Mr. McMahon asked for the staff, did Ms. Elmer elect not to have them come back to the Conservation Commission? You met it once or was it enough detail for us to be able to any logical action on it. Are they to come back to the Conservation Commission again or they going to go to the State level? Ms. Hebert replied the State went ahead and approved the permit. Ms. Elmer submitted the Conservation Commission's comments saying they would like more time so that this can go through the design review process. The State went ahead and approved that permit and they note the Commission's comments in their approval notice. They also note that I believe you need to go back for an amendment if you are project is different from what was approved. Mr. Baskerville added the other thing is we have to come back. While you have a lot of waivers you are going to do, we are filling a wetland and I think we have to get a variance, so we have not submitted for the variance yet to Zoning Board and we will be back to you, I'm sure, to talk about that. All of our buildings are not in the buffers, but I think in one spot our road is, but that may change too. We will back at the Conservation Commission again. Mr. McMahon stated I would submit that you probably need to do that for the swimming pool also because it is rather close.

Mr. McMahon asked do you have anything that shows your cut line and also the schematic of your proposal to include the line for the 50-foot setback for the wetlands? Mr. Baskerville replied the dark green line you see here is really close to our cut line. Certain areas like this it is

shallow to ledge, so we intentionally avoided it, we didn't plan to clear it at all. We plan to keep all of those trees. Once I take this parking and move it out back, it will change a little bit, but I can move the building forward, but the dark green line that you see is intended to be our cut line. When we walked through with the Conservation Commission, we walked out and looked at this wetland here and this is the buffer for that. It is hard to see on this, but the 50-foot buffers are shown on that. Shown on the screen is the wetland I was talking about, this line here is the setback line, it looks like we nick it here but this isn't a final design, we go just a little bit inside it here, but for the most part, we have completely stayed out of the 50-foot setback even with the roads and this isn't a final design. Mr. McMahon stated it is a paved area so you don't need that. Mr. Baskerville responded right, but we are going to attempt to stay out completely. We put in a building a little larger than the contractor specified because I don't have a final footprint. If we get a favorable reading tonight, I do go back to him and say give me a real footprint with all the jigs and jogs, not like ours that is nice and rectangular.

Mr. McMahon asked could you scroll down to the southwest corner of Building #3? Do you anticipate having to cut a little bit more so that a fire engine could go around that area? Mr. Smith replied basically we are going to move that building forward and we are going to put the parking in the back so the fire engine will have access at that time. That was the Planning Department that mentioned that.

Town Manager Sawyer stated I am assuming the traffic numbers that you presented don't include any of the commercial space. Mr. Baskerville replied correct. Town Manager Sawyer stated so there is a possibility that fast food restaurants or other things might trigger a traffic signal need or longer turn lanes. Are you going to look at that now and make some assumptions so that we are not opening the road twice? Mr. Baskerville responded I want to sit down with Mr. Pernaw and go over all of the numbers. He got me these numbers but I didn't have a chance to sit down with him because I want to ask. Before I submit any plans to change stuff, I want to make sure we are not going to rip it up and change it again two years from now. So, yes, we will take a look at that.

Town Manager Sawyer stated I want to understand a little bit better why the State said you could make an emergency access crossing of that same larger wetland stream crossing but not the Harvey Road crossing. They are hundreds of feet apart, so why did they allow one and not the other? Mr. Smith replied my discussions with Jim Gove is that the impact on the wetlands is much smaller at that spot where we are proposing the emergency access. At one point in time there used to be a wooden footbridge that went across there. The terrain is very level and very easy to do. Unfortunately, we couldn't get you people up to see Harvey Road before it snowed, but the terrain is tremendously different there, and the impact on the wetlands to put a crossing at Harvey Road would be much greater and that is why the State said you have a crossing, we don't want you to do another one. Town Manager Sawyer asked but they will let you do the emergency one? Mr. Baskerville replied Bedford Design did the plans for Mike Sandhu for the lot next door that used to be one of those little 1-story strip hotels way back when, and at the time, we did a lot line adjustment. This lot went all the way back to the highway, and the owner of this had a crossing here with a pipe, he went back and he used to do a little bit of sand and gravel excavating, so there was an existing crossing. The sewer in this area is way down at the bottom of the hill over where the Circle Drive building is, it is not only really far away, it is way

down in elevation. Sewer was brought to Mr. Sandhu's property for that, so we worked with the Planning Board and there is an approved easement. The sewer was brought up the road and the sewer was brought all the way to the edge of the crossing, that is our only access to the sewer, water was brought behind Mr. Sandhu's property and also brought right here. So the water line was extended here so I can loop water through the whole project. This is my only access to sewer, and we are putting it right where there was an existing crossing and they looked at that as a manmade location now. It is only 10 feet wide, where in other spots it is really wide. Town Manager Sawyer asked the brook is only 10 feet wide? Mr. Baskerville replied yes. I think the brook is less than that. It is a very narrow impact. Town Manager Sawyer stated I have actually been there a number of times because we have had beaver issues at that location in the past and flooding of Mr. Sandhu's commercial property in the past. I have walked across that brook in that spot but I hadn't heard that in your presentation as to why they were allowing the crossing at one spot and not the other on the same major tributary.

Town Manager Sawyer stated for Mr. Smith, I think it will be critical if you can provide anything, any correspondence with the abutting property owner to the south about that future connection, a vehicle connection, for the record that shows any kind of commitment that they would allow access through their property to a traffic signal. Mr. Smith responded unfortunately we have already spoken with him, and he has declined to let us. We actually said let us do a cross there and he has declined to do that. I think the only chance we have of getting that in the future is when that property gets developed, just kind of demanding that there be another access. We have tried, we have had no success with the current owners. What we have done is we have right here in the commercial part of the lot, have left a spot so that, we won't build anything there, so it can be accessed quite easily. Town Manager Sawyer stated I understand. Everybody on your team knows what I am getting at. This Planning Board or former Planning Board spent many meetings having discussions about allowing access to South River Road at all and a lot of the discussion focused around getting this site to a signalized intersection, which current the plan would call for that to be via the Harvey Road connection in the back. So giving up that so that the buildings can be built where they are shown and not having access to a signalized intersection, doesn't conform with the Route 3 corridor Master Plan. As much as I believe what you are doing might be the right thing for you, we still need to address that question somehow in the final application.

Town Manager Sawyer stated one other thing for the finance team when it comes back, it is highlighted in the staff report, I think I was the one that asked it the last time as well, it is the second to last bullet, is to things that were asked to have a response to, which is more of an understanding as to why this back land can't be used commercially or it is not the highest and best use to use it commercially in the back. Hopefully that will be included in the final application. Mr. Smith responded yes we will. I would like to comment a little bit on that now. Part of it is own fault because we could have probably gotten that medical rehab facility to come in here and probably could have gotten approval from the Town to do it, but they would have used 70 percent of the land there would be virtually not green land left, they would have had to go and try to fill this wetland in. The wetlands that we are doing, as Mr. Baskerville said, this crossing isn't even considered a stream, this one is very low impact, and the only piece that is being filled at all is a manmade hole here. This used to be a gravel pit at one time and there is a manmade hole there. The impact is so small on the wetlands that we didn't even get hit with an

impact fee because when we built this crossing here, the impact fee was quite high. The wetlands looked at this and said it is a no brainer and they didn't even charge us an impact fee. We are conscience of the environment, we are conscience of the green space, we think that this here is a very good use for this piece of property. This building won't even be visible from Route 3; it will be from the highway but we will spend the money and adequately landscape the property so that it won't be an eyesore to the Town. We will address that in the final application, but I think I have told you in my opinion why it is not going to work.

Mr. Smith stated the other problem we have is that this is highly wooded over here and that hides any retail from the traffic on Route 3. It makes it much more difficult to get a coffee shop to come in here because they say you can't see it; you have to know that it is there. That is one of the reasons why is it taking so long to market this property, but we just haven't been able to find the right use for that property. Mr. Baskerville stated I will add that through the years you have used several of the prominent commercial real estate companies to market it. There have been several agreements. They have come to me with 20 ideas and none of them were we able to find a buyer. Mr. Thibeault stated we just evaluate what the proposal is. We don't look at alternatives, so I think Mr. Smith has kind of addressed your point. Just for the record, we are given a plan and we try to estimate its impact.

Mr. McMahon stated you mentioned the fact that Building #3 is going to have to have different ownership because of the nature of the seniors. Could you expand as much as you can with your knowledge on how that transition is going to work? Also, what risks are involved in that? Mr. Baskerville replied I want to say about 20 years ago, maybe a little more, there was a big law suit and there was federal legislation that buildings were built, people said you would only allow people over 55 in and they lost in court and younger people got the right to move in. So the federal government did guidelines with one for over 55 and one for over 62. But if all three buildings were in the same ownership, we couldn't restrict one of those to over 55, then you would cross that anti-discrimination law. What we have done with other projects is you do a condominium of either the lot or just the building. There is one entrance road here so the whole site will have a master condominium association. Under that master association there will be a second level of condominium associations, so there will be one for the apartments, one for the over 55, and it is too early to say, but probably one for the commercial. So they will need their own condominium sub-association under the master. We haven't talked about it with Planning, I just haven't gotten to talk to them. Is there a way to subdivide the land and they actually own the land, they would then own the building, and they will just allow them to have a separate name and separate mortgage. So it is strictly for federal reasons. Mr. McMahon responded I think I understand that. If they own the land and they are going to own the building, do you have control over what they build and how they build and how big they build? Mr. Baskerville replied yes. Mr. McMahon asked so there will be a legal agreement in between you and the new owners? Mr. Smith replied actually there won't be new owners until we develop the property. At the final review we will have this covered legally. I talked with our lawyer this morning and said there is some interest and he said we will work it out. We will develop this property and then it will be condominiumized and be sold to people that want to buy it. So it is not we are selling it off. We plan on developing this ourselves and probably the easiest way to handle this would be to subdivide the over 55 as a subdivision so everything in that pertained just to that one

building, but the lawyers will cover that in the final review and it will cover the Town and it will cover us as developers as well.

Mr. Foote stated I mentioned this at the last meeting. I have concerns about the Town conveying land to the developer to make this happen, and based on last year's election where voters were very adamant about the number of units per building and not only are you seeking a waiver for that, you are also requesting the Town grant their right-of-way to you as part of this. I have concerns about that. Mr. Baskerville responded I think when we did our density numbers, we did not assume that land was part of it, so our density numbers were based with the Town keeping it and we don't show a building on it. Mr. Foote asked so are you requesting an easement to build a parking lot in it? Mr. Baskerville replied it is something we are going to have to take a look at. That is still owned by Mr. Smith, there has been a dedicated right-of-way. The land has never been deeded as the construction was never completed. Mr. Smith stated the zoning requirements of this entire property, Ms. Weiss and I worked very closely on to make sure that we were not over utilizing the density. So the density as required is for this piece of property, and this piece of property here is not included in the density calculations. Does that answer your question? Mr. Foote replied I was just stating my concern. Town Manager Sawyer stated Mr. Smith, what Mr. Foote is talking about is the Harvey Road right-of-way easement that would need to be released or some kind of approval from the Town Council to allow you to build within it on the top of the site where the parking is shown. That is what he is talking about. Mr. Smith responded okay. I thought he was referring to the density. Town Manager Sawyer stated no; just the cul-de-sac bulb at the top of the site. Mr. Smith stated which is right about here as shown on the plan. Town Manager Sawyer replied yes.

Acting Chairman Bandazian stated there were other concerns raised at the previous meeting including that this is essentially a residential island with no connectivity to any other amenities for residents, no sidewalks or crosswalks or anything provided for people who are going to be residing there. That is just a comment. If you bring something forward in a final application, I would certainly want to see that addressed.

Acting Chairman Bandazian stated just a general comment. I attended a demographics presentation at the Carsey School of Public Policy, while you see averages it varies tremendously in New Hampshire from community to community and I suspect we won't really know the trends until we see the census results, but it is very possible that Bedford will get younger as empty nesters vacate their 4-bedroom homes and young families move in with children. It may or may not be true but I think it is very difficult to make projections based on general trends in the state.

Acting Chairman Bandazian stated to echo some other comments that have been made. Elderly housing is not permitted in the Performance Zone, massing of residential buildings for workforce housing of the extend proposed here is not allowed in the Performance Zone, and personally this is a greater ask than I would be willing to grant by waiver. I would suggest, it could be a great idea, but I think if there is something better brought forward by a petition for a zoning amendment and if the voters agree with you, best of luck. I think it is a very attractive proposal, you have obviously done your homework. Those are my concerns.

Mr. Smith stated one of the things we have talked about and I have talked to Ms. Weiss about it, and that is to have a walking path around this entire property so that people could not have to leave the property and with a clubhouse and a swimming pool, it could be a pretty self-contained recreation area, and we will address that further in the final presentation.

Ms. Malcolm stated we were going to have a site walk and got snowed out. Is there any possibility of a site walk for the Board before we move any further with this? Mr. Connors replied yes; we could schedule a site walk for maybe in later March when we are more confident that we might not get more snow. We could coordinate with the applicant for a date and I could notify the Board by email. Ms. Hebert stated Mr. Baskerville, you had mentioned earlier that you had 40 some-odd sketches for this property for housing development. Mr. Baskerville replied some more developed than others. Ms. Hebert asked do any of them stick to the 12 units per building, because it would be interesting to see how that would lay out on the site. Mr. Baskerville replied that wasn't included in the 40. We started working on that. I remember one of my early jobs was going to Army and Navy bases to take out all of the old base housing. It looked like an old Army and Navy base of lots of small, 12-unit buildings. You can't do upscale, you can't build parking underneath them because of fire code problems, so it was brought up by some of our consultants that the only way to do it is to build them really low cost like an old Army or Navy base. And then you weren't talking about doing 25 percent affordable, you are talking about doing 100 percent, and Mr. Smith just said stop right there. He said I am not doing that. Some of the people may not remember some of the old base housing. I spent a lot of time on Navy bases and it didn't last. Mr. Smith stated you would almost have to go down to the quality of a Section 8, which is not what Bedford needs. You would pepper this entire property instead of 69 percent green, you would have 31 percent green and you would have little buildings all over it. Ms. Weiss did a sketch by hand and I wouldn't even present it because I wouldn't want to do it. It is nothing the Town of Bedford needs.

Acting Chairman Bandazian asked for any comments or questions from the audience.

Ed Comsky, 15 Cooper Lane, stated I was just looking at the layout of the property and it looks like a nice design and well use of the property, but one of the things as I am sitting there and thinking about its location and its height, and that is a direct compass point for Runway 624 at the Manchester airport, which means you are going to have from the smaller regional jets to the 737s and 320s flying right over that property. It is something that when you are marking the property to make sure you have the flight schedules out of Manchester so that people don't hear all of the noise. Highest and best use it may well be, but it is something where you are in that direct line it could be a marketing issue. I am just wondering in all your design have you considered that and what the extra soundproofing that you will probably be required in the build. Mr. Smith replied thank you for that comment. We have reviewed this and that is an emergency approach only. The planes generally land on a different runway and we have clearance from the FAA saying that that is not in their normal runway plan. We will however insulate them because we used to own Car Component Technologies right across the street and occasionally a plane would fly right over my office and I could hear it. So we will insulate it properly but that is the exception rather than the rule. Thank you. Mr. Baskerville stated just because Mr. Smith had mentioned it, just to be on the safe side, the airport has a process through the FAA where you can submit projects and ask for their comments and we did do that and they approved this with no

comments. It is kind of outside their jurisdiction, but we just wanted to be sure, and anybody who goes there will hear those noises, the best way to do it is to a very high quality project with good sound insulation. Ms. Hebert stated on that same note, the FE Everett Turnpike is scheduled to be widened and they do not add sound proofing after the fact. Mr. Baskerville stated that is the onramp at Exit 13 right by the tolls. One reason this had to be addressed before when they added the Wieczorek access to the airport, they needed to take a strip of land in the front, so the DOT did a taking in the front to widen Route 3 here at it approached the accessway. Then they took a big strip in the back and this is not the turnpike behind the property, this is the onramp, the brand new onramp that they just built. I think the widening you are thinking about is from the tolls down to two lanes and that is the part that needs widening. This was just recently widened and they took this land behind us, so we had to react to them taking land front and back from our site at that time. Town Manager Sawyer stated it is not widening the road but adding lanes. I don't think they are taking anymore right-of-way, but they are adding lanes south and north of this site. Mr. Smith stated when the State took this property from us, we also owned a house across the street because we owned Car Component Technologies and they took that house also. They took the house, they took a piece along here and they took a piece along here, which was several years ago. Mr. Thibeault stated I worked on the widening project as part of that team and it is south of the tolls, but right now the study area for that is south of the tolls where it narrows down to two lanes down through Merrimack and then it widens back out to three or four lanes. There is a pinch south of the tolls. The abutting part here is the onramp from Ray Wieczorek Drive and that is already two lanes itself, and then when you get to the turnpike itself, it is three lanes on this side already. Ms. Hebert asked so you already have the noise impact from the third lane? Mr. Thibeault replied yes. I think it is probably already there, but there is no more widening.

Kathy Shartzter, 7 Roblin Road, stated my first concern is that there was some concern at the last meeting that this was being sold as mixed-use and it really wasn't mixed use. It was really a residential section and a commercial section, and now at this meeting it seems that the commercial section might not even happen any time soon, so how is this still being considered mixed-use? It looks like this development is just a residential development and is just a residential development approved of in the Performance Zone? Ms. Hebert replied the workforce housing is permitted in the Performance Zone; right now the zoning is there cannot be more than 12 units per building and the site can't have frontage on the FE Everett Turnpike or South River Road. So this site would not qualify unless there was some subdivision that created a lot that did not have frontage on South River Road or the FE Everett Turnpike, and then there is the unit count that is also non-conforming. They would need waivers for those aspects of the design.

Ms. Shartzter stated I do have a question because they did talk about the advantage of ownership versus rental, and I am just wondering in the condo agreement, would it be owner-occupied or could condos be bought as investment properties and then just rented out? Because different condo associations have different rules. Is that something that you are thinking about where they have to be owner-occupied? I am not talking about workforce but just the regular condos. Mr. Smith replied we actually haven't thought that through that far. I know that in Florida some of the condominiums are very restrictive where you can only rent for certain periods of time or you can only rent them once a year or something like that. That is something we haven't really

focused on, we will have to as we draw up the condominium association rules and regulations. Ms. Shartzter stated okay; I think if you are making that argument that ownership is a much better situation for Bedford than rentals, then that should be something you should think about. Mr. Smith responded we planned it that way that it would be ownership and that the buyers would be invested in the Town of Bedford and they would not just be buying them as an investment property. Ms. Shartzter responded but you don't know that. Mr. Smith replied we haven't gotten to that point yet, is what I am saying. I am not going to tell you that I have drawn up the condominium association bylaws. Ms. Shartzter responded no, but that is something you should think about.

Ms. Shartzter stated the other thing is that I would greatly encourage you for the building that is elderly housing to make that somehow different an appropriate for people age 55+. You talked about maybe a workout room or something different there. To me if that is specific for that age, then that building should reflect that. It shouldn't be identical to the two other buildings. Mr. Smith stated I agree with you 100 percent.

Ms. Shartzter stated the other thing that I have to ask is with this green space that you have, you are going to have children in those houses and some of that green space has to be appropriate for kids. Is there some thought to how that green space is going to be appropriate for kids that may want to play? I brought this up at a different development about green space and I was told we can sit in the gazebo and have a cup of coffee and that wasn't really the answer I was looking for. Mr. Smith responded I agree with your comments and there should be a place for the children to play.

Michelle Ditomaso, 6 Colonel Daniels Drive, stated with regard to the tax impact on the schools. I did the calculations and it should be about 40 kids for the entire unit, not including the elderly. I am just afraid of the are we going to wait and see when the schools are over capacity, then we are going to have think about building. We are adding 40 here, 20 there, 30 there and it is on and on and on, and these are just slight projections. You don't know what all these other buildings we have going on in town, the huge project down my Marshall's and then we still have the one on Bow Lane, and then you are asking for this, that you need variances for. My kids have graduated but I am afraid of what it is going to do to our taxes and if there are more children than the calculation, the 0.27 per unit. There is a huge development that has just gone in down the street on Route 3 in Merrimack and that isn't even rented completely yet, they are not even full. And then right off from Exit 11 there are five huge building, there is so much building going on in this area, so is it going to get filled, I don't know. I am just afraid as a resident what is my property going to be worth in the end when our taxes have gone up so much because we have to support the schools, and we can't even get our school budgets to pass, and people are upset, and there is just so much going on, and it just really worries me and I makes me think that I want to move. I think our schools are just going to get overcrowded and we have had one of the best schools in the state and it is just going to decline over time. If people aren't vested in the town and you are not paying taxes and you really want the best for your town and you are coming and you are rending because you want your kids to go to the best schools. Our schools aren't going to be the best anymore. I don't know what the answer is. I think we are just overbuilding way too fast. I just started coming to the meetings a year ago, and I am listening and listening and listening and I wish I was more involved before the big project went on that was approved that is

going up now, it probably would have gotten approved anyway, but it just makes me really sad moving here 22 years ago and how much it has changed. I moved here knowing I had to drive 10 minutes to go to the mall, everywhere was a drive, there is nothing down the street, you had Vista, that was it, and now everything is right at your fingertips. In the beginning it was great, but now, not so much. The traffic is bad. I think there is a lot more property and Hollis isn't overdeveloped, Amherst. There are a lot of nice towns out here but Bedford just seems to be getting everything. Everyone wants to come here because of our access to the highway, maybe, I am just really disappointed with what has happened over time. Mr. Smith stated one of the reasons that we suggested going with condos is to make people invested in the Town as you are and make them put up money and own the property. People that own their property take better care of it than renters do. There is less transient and in my opinion it would be fewer children going to the schools as a result of it. What we did with those 39 children, whether it is 26 or 39, they get spread between four schools. So when you stop and look at it, the impact on the high school I think is 11 kids and Mr. Fugere did sit down with the Superintendent of Schools and went through it and I believe his net result was that we needed to add 1.5 teachers, that there was plenty of capacity in the buildings to take care of those students. I think we have covered your points and I agree with you points. My son lives here, we ran a business here, it is a nice town, and we are not trying to do something that is going to downgrade the Town. It is going to be good for the town, it is going to be a very positive impact financially on the Town. Ms. Ditomaso responded it is just one more project, everything is coming all at once, and we don't know what the impact is going to be in the end until everything is built. A lot of that is in the Peter Woodbury and Memorial district it seems. Mr. Smith stated the other thing that you should really look at is that the enrollment in grades K – 8 and if you look at the high school, the high school has been fairly stable, it has increased and decreased slightly, which I think because people are bringing their children in to go the high school. Looking at K – 8, K is significantly lower than 8 and the latter is going this way. Those kids are going to be going into high school eight years from now and there are going to be a lot fewer of them than there are today. In other words, the eighth grade has a lot more enrollment than K has. The demographics of the whole country are going to later marriages and fewer kids. If you don't some of this, you may be laying teachers off 10 years from now. Ms. Ditomaso stated no one is thinking about the actual future and you don't know what the actual numbers are, but then if everything starts to decline, then our properties are going to decline. There is a lot to be thought about than just saying you want to live in Bedford, come, we have a place for you. We worked hard to save, it was like a buy-in, to come here you bought into town, you had great schools, Riddle Brook wasn't even built then, and slowing over time it has gotten bigger, bigger, bigger and then now we are getting into apartments. I am saying the same things over and over but that is how I feel. Mr. Thibeault stated I would say thank you. I can say that these concerns are very legitimate, they run to the core of where the Town is headed. I can tell what you are feeling is sincere. I don't know how to answer specifically but I am going to make sure that Mr. Fugere is aware of your comments so that when he comes back hopefully he will be able to alleviate some of your concerns. I think maybe that is the best I can do tonight. Mr. Chairman, you are absolutely right. The demographics of Bedford are not the same as New Hampshire. I wasn't even going to bring that chart and it just occurred to me as I was sitting here that it might be informative and it was part of the congratulatory to the Town for taking a roll in solving the state's housing issues. You are right, the demographics of Bedford are not the same, hopefully, they are not the same as that. Thank you.

Ms. Hebert stated we can schedule a site walk by email and coordinating with the applicant.

Mr. Fairman stated I would like to suggest that if the applicant is in agreement, that we close the design review and move onto whatever the next phase that they wish to go through. I don't think that I have heard any questions from the Board that indicates we ought to keep the design review open.

MOTION by Mr. Fairman that the Planning Board close the design review on this application of Circle Drive Associates, LLC c/o Robert F. Smith, Sr. Ms. Murphy duly seconded the motion. Vote taken - all in favor. Motion carried.

Acting Chairman Bandazian stated we had a site walk raised but I gather that is not necessary if design review is closed. Ms. Hebert replied you can wait until a final application is submitted, and if you choose to schedule a site walk then, we can set one up. Mr. Fairman stated that is what I would suggest.

Ms. Murphy was temporarily absent from the meeting.

2. The Planning Board will discuss proposed amendments to the Land Development Control Regulations, Section 235 - Storm Drains Design and Construction Standards for Subdivisions and Section 325 - Stormwater Management Requirements for Site Plans.

Mr. Connors stated the Town is under an MS4 permit that was issued by the EPA back in 2017, and we are one of about 50 towns or cities in southern New Hampshire under this permit. The permit was authorized under the Clean Water Act and it requires the Town and all the other towns that are under this permit to implement a stormwater management program to more rigorously account for stormwater runoff into water bodies. It is very comprehensive; the Town Council adopted this Chapter 236 of the Code of Ordinances and part of the Ordinance includes stormwater regulations for new development. The regulations are more stringent than the ones that we currently require as part of our site plan and subdivision review. Although, I will say the Town for many years does require a stormwater management report to be submitted with site plans and subdivision and it is an important part of the review process. The regulations that were adopted that are being enforced by the Department of Public Works are more comprehensive. I have outline in the staff report some important components of the new regulations.

- A requirement that Low Impact Design (LID) features, such as rain gardens, are utilized.
- A requirement that an Inspection and Maintenance Plan be completed to ensure adequate maintenance of stormwater management facilities to ensure they continue to operate as designed.
- A requirement that water runoff be treated to achieve at least an 80 percent reduction of Total Suspended Solids and a 60 percent reduction in both total nitrogen and total phosphorous.

- Regulations and enforcement mechanisms for inspections of stormwater management facilities during project construction.
- A requirement that the Stormwater Management Plan and Inspection and Maintenance Plan be recorded with the Registry of Deeds making clear that stormwater maintenance responsibilities run with the land and are incumbent upon future property owners.
- A requirement that Annual Reports be submitted by a qualified professional to the Department of Public Works by January 31 of each year confirming that the stormwater management facilities are operating as designed.

I think the biggest change over what we are currently doing is that there is a much greater focus on post construction. Once the development has been built, over time the facilities unfortunately aren't maintained properly sometimes and they no longer become functional and they are not therefore capturing the pollutants as they were designed to do. The new regulations will require that the stormwater management plan be recorded at the Registry of Deeds so that if a property changes ownership, the new owners are aware of the regulations and the regulations are incumbent upon them as they were to the previous owners. The owners of all properties under this permit will be required to submit an annual report to the Department of Public Works certifying that the facilities are operating as they were designed to do.

Mr. Connors continued the language that we are proposing for the Planning Board is just to clarify that all new subdivision or site plan applications that meet the minimum thresholds that are outlined in the DPW regulations, which pretty much include all applications that we see here because they are pretty small thresholds that they would have to comply with the new Department of Public Works regulations. And the review process would be incorporated into our existing review process, so there wouldn't be a separate review process for applicants. That would kind of streamline the process for applicants. It would still be bound by these new regulations but we would do our best to incorporate into our existing practices and the language that we are proposing would clarify that the permit would have to be granted by DPW before the plans could be formally approved and signed by the Planning Board.

Mr. Foote stated essentially what we are doing is that we are codifying why the federal government is mandating that we do. That is a short answer to what Mr. Connors just said. We are being forced to do this by the federal government so we can maintain our federal permit or our ability to discharge waters into the waters of the United States. Ms. Hebert stated we are also trying to streamline this for the applicants because right now we do the third party engineering review and VHB is the consulting firm that completes those reviews. If they are reviewing the stormwater and land disturbance management regulations at the same time they are designing their site, they are going to be able to capture all aspects of those regulations and we will have VHB reviewing the plans for compliance with both the Planning Board's Land Development Control Regulations and DPW's Stormwater and Land Disturbance Management Regulations. The applicant will get one set of comments that will be comprehensive to both the site plan permit and the stormwater permit.

Mr. Fairman stated Mr. Foote, these annual report are being submitted to you. I don't like to have reports come in that nobody looks at. How many reports do we expect and is that a workload for your people? Mr. Foote replied you have touched upon an area that we all have

concern about and we talked about this at length. Yes, any time that we are required to take an additional step and do additional duties, it takes person hours. It is a concern absolutely. Acting Chairman Bandazian stated and our annual reports have to be forwarded to the EPA.

Acting Chairman Bandazian stated I just want to commend staff on working collaboratively with the other MS4 communities and the Southern New Hampshire Planning Commission and Nashua Regional Planning Commission districts. All of the towns around here are struggling with these new obligations that we have to meet and we are subject to among things, third party law suits, including the award of attorney's fees and costs if we don't comply with these regulations or we may have an end result, or we won't I hope, like South Portland, Maine where they have to pay \$1,500 per acre of impervious usage and do that annually and do that indefinitely. There is a very high price for not meeting these technical requirements. Again, I commend staff on putting this together. Mr. Fairman stated I second that commendation.

Town Manager Sawyer asked is there a date you are looking to hold the public hearing? Ms. Hebert stated the March 23rd agenda is a fairly full agenda. I would recommend scheduling the public hearing for the first meeting in April, which is April 6th.

Acting Chairman Bandazian stated there is an article on the ballot for approval of a no interest loan, which if passed this time would make the sewer district eligible for \$30,000 and the Town eligible for \$30,000 in reimbursement. That is sort of a convoluted program because it is a loan, but it is no interest, so hopefully that passes and we will at least get some of the cost this one year.

Ms. Murphy returned to the meeting.

MOTION by Town Manager Sawyer that the Planning Board schedule a public hearing for amendments to the Land Development Control Regulations for the two articles as proposed in the staff report, at the April 6, 2020 Planning Board meeting. Mr. Fairman duly seconded the meeting. Vote taken - all in favor. Motion carried.

IV. Approval of Minutes of Previous Meetings:

MOTION by Town Manager Sawyer to approve the minutes of the February 10, 2020 Planning Board meeting as written. Mr. McMahon duly seconded the motion. Vote taken; motion carried, with Ms. Malcolm abstained.

VI. Communications to the Board:

Ms. Hebert stated at the last meeting when the Planning Board discussed the Market & Main project, she continued that design review discussion to March 9th, and I know this project has a lot of public interest, so I wanted to be sure to announce it at tonight's meeting. The applicant has requested to continue to March 23rd, rather than March 9th, and the abutters would be re-notified.

Ms. Hebert stated we are working very closely with TPUDC to complete the Master Plan public draft and expect to have that out in the next couple of weeks. We are working hard to see that that project gets released in draft form to the public for an extensive review and comment period. We hope to have that at the end of March.

VII. Reports of Committees: None

VIII. Adjournment:

MOTION by to Ms. Murphy adjourn at 9:03 p.m. Town Manager Sawyer duly seconded the motion. Vote taken – all in favor. Motion carried.

Respectfully submitted by
Valerie J. Emmons