

TOWN OF BEDFORD
February 25, 2019
PLANNING BOARD
MINUTES

A meeting of the Bedford Planning Board was held on Monday, February 25, 2019 at the Bedford Meeting Room, 10 Meetinghouse Road, Bedford, NH. Present were: Jon Levenstein (Chairman), Harold Newberry (Vice Chairman), Karen McGinley (Secretary), Chris Bandazian (Town Council), Rick Sawyer (Town Manager), Jeff Foote, (Public Works Director), Mac McMahan, Randy Hawkins, Charlie Fairman (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. Town Council Alternate Kelleigh Murphy was absent. Mr. Sullivan was appointed to vote for the vacant position.

II. Old Business – Continued Hearings: None

III. New Business:

1. **Don Wheeler Construction (Applicant) Susan & Edward Ranger and Heidi Ranger (Owners)** – Request for a time extension of a site plan approval granted November 20, 2017 for a proposed 1,600 square-foot equipment and maintenance building with office space for an existing open gravel pit and materials stock area at North Amherst Road, Lot 28-18, Zoned R&A.
2. **Encore Retail, LLC (Applicant), ER Bedford, LLC (Owner)** – Request to amend a previously approved sign waiver for Building A (Trader Joe’s) and a building setback waiver for the parking garage adjacent to Building A for the ‘Market & Main’ site plan, at 125 South River Road, Lot 12-33 & 12-33-1, Zoned PZ.

IV. Concept Proposals and Other Business:

3. **206 Route 101, LLC & Bow Lane Bedford, LLC (Owners)** – Request for design review of a lot consolidation and site plan for a restaurant and a proposed 93-unit workforce housing development consisting of three 3-story apartment buildings, and associated site improvements at 206 Route 101, Chestnut Drive and Bow Lane, Lots 20-22-14, 20-99-1, 20-99-2, 20-99-3, 20-99-4, Zoned CO. (*Continued from November 19, 2018.*)

Mr. Connors stated all applications have been reviewed by staff and staff would recommend that the Planning Board find the applications to be complete, the abutters have been notified, and it is staff's opinion that none of the applications pose a regional impact. Staff would recommend that the Board accept the agenda and in so doing find the applications to be complete.

MOTION by Vice Chairman Newberry to approve the agenda as presented. Councilor Bandazian duly seconded the motion. Vote taken – all in favor. Motion carried.

- 1. Don Wheeler Construction (Applicant) Susan & Edward Ranger and Heidi Ranger (Owners) – Request for a time extension of a site plan approval granted November 20, 2017 for a proposed 1,600 square-foot equipment and maintenance building with office space for an existing open gravel pit and materials stock area at North Amherst Road, Lot 28-18, Zoned R&A.**

Bob Kilmer of Sandford Surveying and Engineering was present to address this application for a time extension on behalf of the applicant.

Mr. Kilmer stated we have the approved site plan and they are having issues with the building as far as price-wise and some structural stuff, and they just have not gotten to the point of finishing a building plan to be able to submit for their permit. We are just asking for a 1-year extension so they can finish that up and hopefully in the spring pull their permits and get something going on the site.

Chairman Levenstein ask for comments or questions from the Board. There were none.

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

MOTION by Councilor Bandazian that Planning Board grant a 1-year extension of time for the issuance of a building permit per Section 344 of the Land Development Control Regulations for the site plan of Edward, Susan and Heidi Ranger to construct a 1,600 square-foot equipment and maintenance building at North Amherst Road, Lot 28-18, in accordance with the plan by Sandford Surveying & Engineering, last revised December 27, 2017 and signed by the Planning Board on January 30, 2018. Town Manager Sawyer duly seconded the motion. Vote taken - all in favor. Motion carried.

- 2. Encore Retail, LLC (Applicant), ER Bedford, LLC (Owner) – Request to amend a previously approved sign waiver for Building A (Trader Joe's) and a building setback waiver for the parking garage adjacent to Building A for the 'Market & Main' site plan, at 125 South River Road, Lot 12-33 & 12-33-1, Zoned PZ.**

Chris Rice of TF Moran was present to address this request to amend a previously approved sign waiver for Building A and a building setback waiver for the parking garage adjacent to Building A on behalf of the applicant. Terry Robinson of Encore arrived after the start of this testimony.

Mr. Rice stated I apologize being before you tonight and using the Board's time. I am here tonight for two items that have kind of slipped through the cracks on my end. The first one being an amended sign waiver for Trader Joe's. When we got all of the signage originally approved for the project, there were tenant signage guidelines; Building A was handled individually essentially as a standalone building, and we had gotten the two 100-square foot signs, Signs A and B, at the two endcaps of the building approved and then when we came before the architectural review in February of 2017, the architecture was approved for the building and there was a condition that we had to come back to the Planning Board for Signs C and D when the exact signage details were known. We honestly forgot to do that. Encore had proceeded with the lease agreements with Trader Joe's and it didn't become apparent until Trader Joe's went to go pull their sign permit and it became apparent that we had never come back to the Board for these two supplemental signs. As you know, Trader Joe's is slated to open next month and just due to timing, there is no pressure on the Board obviously, but at their own risk they put those two signs into production just so that they could be on the building by the time they opened. The two signs are just under 28 square feet, one is located here facing internal to the site and one is located in this corner just facing Route 3 and basically there is a detail that I provided for each one of the signs, which is this here at each end cap. Would you like me to keep going on the garage setbacks to just handle each one individually? Chairman Levenstein responded let's handle the signs first.

Chairman Levenstein asked for any questions on comments from the Board.

Vice Chairman Newberry asked that elevation is toward South River Road? Mr. Rice replied yes, this one is. The other one is a mirror of it facing internal to the site.

Mr. McMahon stated I have a comment on the number of signs. Coming from the north Sign C goes and then B customers are going to be able to see that it is Trader Joe's twice and then when they pull into the parking, if they use that one, they will see it three times. I wonder if there is any benefit of Sign D, and I realize that if I was a builder that I would want as many signs as I could possibly get, but I also wonder whether or not this is going to create sign envy for follow-on businesses that are going to want their four signs too. Mr. Rice responded as I mentioned, there are tenant signage guidelines which dictates how much signage all of the other buildings throughout the site are permitted to have. As to the Sign D location, I understand what you are saying relative to the signs; I think the intent is because there are so many more building areas on site, I think what they are trying to do is get a line of sight from elsewhere on the property for people to see that that is Trader Joe's building.

Mr. Fairman stated I took the time this afternoon and went down and drove by the building. I like the MM by the way, it looks good. Sign C is useless. There is nobody that is going to need or view that sign. If you are going south on South River Road, you see Sign A very nicely as you are coming up the road. If you are going north, you see Sign B. Sign C has no purpose. There is nobody that is going to need to see that sign or use the sign to come into the building or

anything else. So I agree with the staff that Sign C should not be approved. I have no problem with Sign D, but Sign C is useless. Town Manager Sawyer stated I agree with what Mr. Fairman said. Mr. Sullivan stated I would just say that Sign C would be visible as coming off from I-293 coming off that intersection. Mr. Fairman stated no. I-293 is down here and you see this sign, you don't see this sign. It is opposite the exit to where I-293 is and I specifically looked. Coming down there, you will see this sign, you won't see this sign way up in this corner.

Mr. Robinson stated I apologize for my tardiness. The Boston airport is backed up because of the wind. I got here as quick as I could. I will just add that I understand your position and for some reason this is a big deal to those guys so that is why we are here tonight. Obviously we will respect your decision but the signage on all four sides was an issue for them and that is where we are.

Town Manager Sawyer stated personally I would much rather wait to see the building get opened, the site be developed and then if there is still truly a problem with signage or visibility, we could reconsider it then, but I don't see the need for the signage at this point.

Chairman Levenstein asked for any comments or questions from the audience on the sign waiver. There were none.

Chairman Levenstein stated now go through the garage waiver. Mr. Rice stated again, going back to September of 2016 when we were dealing with the original approval for the project. We had obtained two waivers for the parking garages for the side setback on the Whole Foods property side. Where we had obtained a waiver to allow a side setback of 4 feet for Garage A, which is the one adjacent to Trader Joe's in this location, and then Garage C, which is the one kind of tucked behind REI and the cinema. Following that conditional approval, we worked with staff on multiple revisions to tenants and items throughout the site as they progressed and we had submitted an updated set of plans, which then was signed as well, however, that set of plans had shown that the garage grew in size to a 3-foot setback for Garage A and a 3.5-foot setback for Garage C. I am honestly trying to recall, I think what happened was when they did the final design for the garage, I think the wall thickness of the garage essentially grew a little bit. There are no new parking spaces or anything that were gained, it was just the final design of the garage was done. It was something myself and staff just overlooked, we just updated the plan, submitted them, and they were signed and then it became apparent that the waiver note that is on the cover sheet didn't match the dimensions on the plan, so we are requesting to amend the waiver so everything is consistent such that Garage A, which is constructed, has a 3-foot setback and Garage C, which is in design and development right now, would have a 3.5-foot setback.

Chairman Levenstein ask for comments or questions from the Board.

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

Town Manager Sawyer asked do you want to take each sign separately or do them as a package? Chairman Levenstein responded it depends on how the motion is made. Vice Chairman Newberry stated I am hesitating on what the suggested motion is and what the discussion was. Ms. Hebert stated staff drafted the motions so you could choose to either approve the two signs

that are requested on the east and west facades at 27.95 square feet or approve one of those signs. Staff's recommendation was to approve the one on the east facing façade because it was facing internal to the site, and then there is an option that we always do with sign waivers to disapprove all of the signs or disapprove one of the signs. So you have a combination of motions in these two recommendations.

Mr. McMahon stated I think the Town Manager's comment might want to be considered too, which is to table the two signs until it is built and we get a better idea of what it looks like. Chairman Levenstein responded I think his comment was really just for the one facing South River Road on the west elevation. Ms. McGinley stated before the motion is made I would also instead of rejecting Sign C at all, I would do as Town Manager Sawyer stated. Chairman Levenstein stated that would be to approve Sign D and table Sign C.

MOTION by Vice Chairman Newberry that the Planning Board approve a waiver from Sections 275-68, 275-74 H(4) and Table 6 of the Performance Zone Sign Standards, to allow one 27.95 square foot sign located on the east façade for the Trader Joe's store, at 125 South River Road, Lot 12-33 as shown in the materials submitted by the applicant, dated August 21, 2018, as the Planning Board finds that the applicant has shown substantial compliance with the purpose statements of the Performance Zone. Mr. McMahon duly seconded the motion. Vote taken; motion carried, with Town Manager Sawyer voting in opposition.

MOTION by Town Manager Sawyer that the Planning Board approve a waiver from Section 275-62(A) (Table 3) of the Zoning Ordinance, to allow the parking deck (adjacent to building A) to be setback 3 feet from the northerly side lot line where 12 feet is required and to allow the main parking garage to be setback 3.5 feet from the northerly side lot line where 20 feet is required. The reason for this motion is essentially that it is in complete compliance with the waiver the Planning Board granted before. Councilor Bandazian duly seconded the motion. Vote taken - all in favor. Motion carried.

Mr. Robinson stated just for clarification; on the sign that was rejected, can they come back later for that? Chairman Levenstein replied sure, if they show a reason. Ms. McGinley asked is there a way for them to design it such that it is not so large? Mr. Robinson replied I think everything would be on the table at this point, other than the fact that they have already had it made. Town Manager Sawyer stated there are a lot of Trader Joe's in the country that that sign might work for. Mr. Robinson stated thank you very much.

Mr. Fairman asked there will be a grand opening next month? Mr. Robinson replied March 29th is the targeted date for the Phase 1 opening. We will be getting you some additional information on that to coordinate.

Mr. Foote stated relative to the offsite improvements; can you give us a date. Mr. Robinson replied I can't give you an exact date. We have signed the order to begin the work, and I believe it is going to start the first of week of April. Mr. Rice stated I don't recall the date off the top of my head but I thought that Hutter responded to your email with a timeframe, but I can't recall

and I don't want to misspeak. Ms. Hebert stated Hutter was estimating mid-April for a start date, and we are looking to set up a preconstruction meeting with DPW and Town staff for that. Mr. Robinson stated we do have a deadline, which I think is July. Mr. Rice stated I thought everything had to be completed by September of this year; I believe it was around that timeframe. Mr. Robinson stated yes, but there was a portion of that work that needed to be done prior to that. Mr. Rice responded no. Mr. Foote stated the reason I ask is we let our project out in 2014, and as you know, we were scheduled to put the wearing course on South River Road in 2016 and now we are into 2019 and the prices of construction have increased since then, so I think we are going to need to have a discussion on the increase since 2016 that the Town is going to realize as a result of delaying this to you. I am going to be approaching you about this at some point. Mr. Robinson responded okay; that sounds good. Mr. Foote stated thank you.

3. 206 Route 101, LLC & Bow Lane Bedford, LLC (Owners) – Request for design review of a lot consolidation and site plan for a restaurant and a proposed 93-unit workforce housing development consisting of three 3-story apartment buildings, and associated site improvements at 206 Route 101, Chestnut Drive and Bow Lane, Lots 20-22-14, 20-99-1, 20-99-2, 20-99-3, 20-99-4, Zoned CO. (Continued from November 19, 2018.)

Mr. Sullivan stated Mr. Chairman, due to a social media post where I had questions of the financials of this project, the applicants have asked that I be recused from this discussion, so I will recuse myself. Chairman Levenstein stated Mr. Fairman is appointed to vote.

Chairman Levenstein stated Ms. Hebert, please go over what design review is. Ms. Hebert stated this is a continuation of a design review discussion that began on November 19, 2018. The application is for discussion and review with the Planning Board; this is not a public hearing, there are no final decisions that will be made on the application tonight. The purpose for the design review discussion is to open dialogue with the Planning Board about the plan and for the Board to be able to offer comments about the design. The applicant would then take those comments back to their drawing boards, finalize the design and submit a final application. State law also vests design review applications against changes to the zoning ordinance, so this project is vested against changes to the zoning ordinance provided a final application is filed within 12 months of the end of the design review discussion, so when the Board feels the design review discussion can close or end, there would need to be a formal vote to end the design review. Chairman Levenstein stated we are not voting on final approval tonight, there has been no request for a final approval or a final application submitted. Is that correct? Ms. Hebert replied that is correct. Chairman Levenstein stated they can change this plan before they submit the final approval. Is that correct? Ms. Hebert replied it can be modified to a certain extent, yes.

Bob Duval and other members of TF Moran, Dick Anagnost, lead developer, and Bill Greiner and Brian Michael, co-developers, were present to address this design review.

Mr. Anagnost stated you will be pleased to know that we are close to having a final plan. Hopefully tonight is the last time you have to hear from us until we go for final approval. We are here to get any final comments, but before we go any further, I want to let you know that we have heard you, we have heard the public, we have heard everything in the previous design

review meetings as well as the variances that we went for. The plan that you are going to see tonight is somewhat different than what you have originally been presented.

Mr. Anagnost stated the first major change is that we have gone from 120 units down to 93 units, we are now under the unit count that Ms. Hebert produced of 94, we have also reduced the number of buildings onsite from four to three with the reduction in unit count, as well as the reduction in buildings, traffic impact will be less, the number of school children will be less, impervious surface will be less, and the amount of landscaping will increase. We heard it loud and clear about the visual from the high school as well as Route 101 and we have reduced the building size from four stories to three. Based on our new design we no longer have a wetlands impact; we have resolved the traffic conflict at the intersection with CMC, which Mr. Duval will explain to you, we have met with the Fire Department, they have better access to the buildings as well as we have agreed to a 30-foot wide access into the site, which allayed their concerns of the single access, and Ms. Hebert has worked diligently with our architect to improve the visual of the architectural. Without further ado, I introduce you to Mr. Duval.

Mr. Duval stated as Mr. Anagnost pointed out there are a number of changes associated with this project with the set of plans in front of you, but all of these changes are basically reductions in impacts. At the last meeting we went through the infrastructure, we went through the drainage, we went through the traffic, so there is really nothing that has fundamentally changing in all of that except that all of those impacts are less. There is less traffic being generated, there is less sewer and water demand, there is less number of units thereby less school impacts, so I don't think we need to go into a detailed discussion of how this project works because we have already covered that ground, but I think it would be helpful to highlight on the changes.

Mr. Duval stated what you see posted in front of you is an overall plan that shows Shorty's on the left and three buildings on the right, whereas previously we had four buildings and maybe I will bring up that plan for comparison purposes. Posted is what we had showed last time, and as you can see, there are four buildings, the road essentially followed the 1979 easement that exists on the property and it requires a wetland fill because that road easement is basically following an old railroad cut that had some side ditches and there was about 9,000 square feet of wetland fill. You can see now the new layout avoids this altogether. There is a road entering on the easement here that then splits into two driveways essentially serving the three buildings. There is a 33-unit building, a 24-unit building and a 36-unit building adding up to 93 units, whereas before we were looking for a variance for 120 units where depending on whether Shorty's was to stay or not, somewhere between 94 and 115 units were permitted. Now we are seeking 93 units where even with Shorty's staying, 94 units would be permitted, no variance agreement with staff on that count. As I said, the first piece of the roadway enters the site inside the easement but there are no wetlands, all of the improvements stay out of the wetlands, and all of the structures stay well outside of the wetland buffers. Chairman Levenstein asked is the yellow seen on the plan the wetlands? Mr. Duval replied yes; yellow is the wetlands within the railroad cut.

Mr. Duval continued we just agreed today with the Fire Department where there was a request that they make this entering roadway, which is shown as 24 feet wide, 30 feet wide and the developers agreed to do that to simplify and improve access for fire and emergency vehicles into the site. That is one minor change. Then we also had a suggestion from the former planner to

move the parking lot to see if we could basically make these two parking lots parallel so there is a slight rotation of this one towards the west and that would allow more room for screening between this parking lot and the high school. One of the other things that Mr. Anagnost mentioned was that there is more room for landscape buffer on this plan, substantially more room, especially facing Route 101 here in the northwest, and facing the high school, especially now with this change here there is room to provide a planted buffer there, and I have some perspectives that I can show you. Maybe less important to the public but more important to our abutter to the south, there is now room for 30 or so feet of landscaping between the Dumas property to the south and this project, so more landscaping all around, which I am sure will make everyone a little bit happier.

Mr. Duval stated I think at this point I am going to move to the perspectives, just so you can see what this thing is going to look like. This here is a view from the high school at about roof height of the high school looking essentially northeast across a parking lot to the apartment so it is standing approximately here looking at an angle across this parking lot and across the edge of the high school property across the parking lots to this building. That is the first perspective here and you can see that there is some existing vegetation, and we are probably being a little conservative here in showing less of the existing vegetation remaining than will be the case. I think we can probably save more than that and we are showing supplemental landscaping here behind that is going to help break this up. Now one important factor is that because these buildings no longer have parking under, that means they can be basically dropped a story, dropped about 11 feet, so the rooftops are 11 feet closer to the ground and the ground levels are actually a little bit lower in this plan as well. Vice Chairman Newberry asked the images showing there is based on the old design? Mr. Duval replied no, this is the current design; it is the old elevations but they were dropped in at the current perspective, the perspective of the new design and the layout of the new design. Chairman Levenstein asked that is showing what of the bulk of the building you are going to see as you are proposing it now? Mr. Duval replied yes; you can see what you see, this is the bulk of the building and the shape of the building and the orientation of the building from that view. Ms. Hebert stated I should just point out that the trees are very mature in that image, just so the Board has an understanding of the evergreens that are planted. Town Manager Sawyer stated right, the plan calls for 4- to 5-foot white pines, six of them along that line, and you have six showing there but they are probably 15 years' maturity at that point. Mr. Duval responded these are grown up a bit, these proposed plantings. The existing plantings, the oaks, and these tall pines, and I think those are actually denser than are shown and we now actually have more room, especially on this side, to provide some supplemental plantings. Ms. Hebert stated I think there is also a fence too. Mr. Duval responded a fence was proposed. The next posting shows the same building in the background, this is from ground level basically, with the same scheme of plantings and this is a worst case view, I will say again, there will be more existing vegetation saved to the extent that we can and there is more room, especially on the left side, for more plantings.

Mr. Duval stated the perspective posted is probably where the most significant change is. You can see there that the buildings are almost entirely screened by existing mature plantings that are to remain now, they are pulled back a little bit and reduced in height, so you are really just seeing this building peeking through under the current site plan. Posted now is shown from just down the street a little bit, and if you look carefully, you can see here that the building is almost

entirely screened. The first view was at the corner of Chestnut looking southwest and this view is from down below Fireside Living and almost to the Ethan Allen driveway and you can hardly see the buildings, screened by existing plantings, screened by height, dropped in height from Route 101 in this area. Here are some elevation views of the proposed buildings.

Councilor Bandazian stated as I went through these and I couldn't tell what Building 1, 2 and 3 were, so which one are we looking at now. Mr. Duval replied this is the 24-unit building. Councilor Bandazian asked what is that number? Mr. Duval replied that is Building 2. Building 1 is the 33-unit building, Building 2 is the one that we were just looking at from the high school, and Building 3 is the one on the west side of the property. Chairman Levenstein asked you have a breakdown of how many 1-bedrooms and others? Mr. Anagnost replied there are 68 2-bedroom, 7 3-bedroom, and 18 1-bedroom units.

Mr. Duval stated posted now is the elevation of the 33-unit building, this is actually Building 1, in the northeast corner. You can see the buildings are different dimensionally but they are basically representing the same look. Now posted is the 36-unit building that is in the southwest corner, along with the different views from the rear of the building.

Mr. Duval stated and lastly, this has not changed significantly from the first time we were here actually. This is the Shorty's restaurant facelift and this would be the view from Route 101 at the bottom of the view, and then side elevations left and right, and then the back view, which is really screened from anybody by dense woods behind the building. Chairman Levenstein asked do you plan on having a patio in back of Shorty's? Mr. Duval stated there is currently a small patio there now. Chairman Levenstein asked are you going to keep it? Mr. Anagnost replied I believe so.

Mr. Duval stated offsite improvements associated with this plan have not changed substantially since the last time as this has evolved, and we have accommodated some improvements to the CMC medical office building parking circulation here based on discussions about the use of these driveways near the front. I believe there was some discussion and agreement with Town staff that this improvement to the CMC property would be beneficial and would be a good way of ensuring that these close driveways will not cause any significant problems. You can see the existing condition is that this parking lot exists here but there is just a broad curb cut undefined all the way along the front and then there is another broader than necessary curb cut accessing side-to-side head-in parking halfway up the building and then of course there is the rear parking. This would be replaced with a 1-way driveway along the front of the building with some angled parking and then access out more or less in the existing driveway locations here and here but a lot better organized flow, defined driveway entrances, and much of the traffic being drop-off traffic or drive-thru traffic coming in at the back of the queue. These people are mostly handicap spaces parking in the front, also have the option of coming out here or going up to the top and coming up behind if it is a busy time and there is any queuing going on. You may remember that our traffic study, which has been reviewed and approved essentially with minor comments by VHB and by an independent review hired by the developer, Steve Pernaw, showed 40 – 50 peak hour trips and now that is reducing to 30 – 40 peak hour trips because there are fewer units, same type of trip generator but less traffic. And before the traffic study was showing, even with the 120 units that with the proposed mitigation here that we were showing, which is adding left and

right turn lanes, the widening of the existing pavement to match the proposed curb cut that DOT is going to be leaving, essentially they are turning the corner with their proposed improvements, they are stopping basically at back of the sidewalk here, we just keep that width and run it back 100 feet or so then start tapering down to match the existing roadway width in that area and constructing these dedicated left and right turn lanes, being a T-intersection, and that shows levels of service, delays and queues being much, much better than they are today and actually even better than the no-build condition once the DOT is complete. So if this project were not to go ahead but leave the existing roadway alone let's say the way DOT is going to leave it, you would have approximately 30-second delays, level of service C, and one or two car queuing. After these improvements are made, there is going to be less than 2-car queuing, a slight reduction and delays level of service C, a slightly better C, and overall the condition will be not just mitigating the improvement but improving slightly over no-build conditions, not to mention the better channelization of traffic on this side, which is going to lead to a lot less driver confusion and awkward traffic encounters as you enter Chestnut Drive.

Chairman Levenstein asked what did you do with the sidewalk? I know there had been some discussion about what side the sidewalk was going to be on. Mr. Duval responded the sidewalk as shown, as was originally suggested, and I think there were some people speaking in favor of one side, some people speaking in favor of the other, so we just left it showing here on the east side of Chestnut Drive and where it matches actually a little piece of existing sidewalk, and that would just pick up where it leaves off on the east side and run down all the way down along the east side to Chestnut Drive, which to me is the logical place because the pedestrian generator I think is more likely to be the Bedford Village Shops than the more less dense uses on the west side of Chestnut. That is where that stays for now.

Mr. Duval stated we also show on this plan here the proposed utility extensions of sewer and water of two stubs that were left from Bedford Village Shops. Since this plan was developed we have actually run some water flow and pressure tests, had Pennichuck run some water flow and pressure tests, so we had very high, very encouraging results to those tests. We have shared those with the Fire Department and at this stage, of course detailed design of the building hasn't been completed, including the sprinkler system and so forth, but it looks like the pressure and demand are adequate to provide fire protection without any supplemental pumps for these buildings. Starting here where they tie in the water will probably be upsized above 8 in order to make that happen to avoid the need for pumps, it might be a 10, it might be a 12, but it starts at Nashua Road, runs behind the shops, turns the corner onto Chestnut, and then runs up Chestnut and then once it gets onto the site, it is running to the new building locations but it is essentially running as before. Mr. Foote stated you are showing water and sewer on that posted slide. What standards are you building the water main to? Mr. Duval asked how do you mean? Mr. Foote asked is it going to be per Pennichuck, per the Fire Department, the building codes? Is that what is going to dictate it to a certain standard? Mr. Duval replied because this will be a Pennichuck owned or maintained water system. Mr. Foote stated I see you have the 8-inch water line or whatever it is going to be hugging tight out of the pavement as it goes up Chestnut, that water line is likely to be 6 feet to the bottom of it, do you own that property going up through or are you going to obtain easements to put that water line in as shown? Mr. Duval responded the idea is to put the water line within the right-of-way but at the same time we are trying to keep it out of the middle of the road because we will be building the sidewalks anyway. We are going to try to

hug that side of the right-of-way. At this scale it is kind of a large scale plan, and you will notice that we also show the line as a straight line between fittings and when we get to final design of this plan, we will make sure that it can be installed without getting outside the right-of-way. We do want to hug that as tight as we can though to that side.

Mr. Anagnost stated one of the things that I would still like to point out is that the last time we were here the plan showed the water and sewer coming from the school. One of the conditions of being able to do that is to bring gas. We are still working with the gas company and endeavoring to bring gas, so the plan that you see when we come for final approval may still show water and sewer coming from the school. Okay, this is the alternative, but the main condition is the gas company, and I have met with them twice already and I have another meeting scheduled next week. We are still working on bringing gas through.

Town Manager Sawyer asked just to clarify; that water main would be a public water main then through the Village Shops and an easement and then public water main on Chestnut? Mr. Anagnost replied I don't know. Right now it is private. There is no easement that has been executed to make it public. Town Manager Sawyer stated I am just not aware of Pennichuck ever agreeing, and this is just thinking about it while you talked, of such a line being that long and that configuration in public rights-of-way being private. If Pennichuck is okay with it, I guess they are okay with it. And then you have a fire hydrant shown, a couple of fire hydrants possibly shown, maybe off the public right-of-way. Those would be interesting if those were private hydrants within or along the public road. Mr. Duval responded I would say this is an agreement that has to be flushed out. It would be potentially serving this user but possibly also serving other users along the way, so it remains to be seen. Obviously the developer will be paying for it, who will own it in terms of maintenance and allowing connections to others. Town Manager Sawyer stated this is 100 percent different than the sewer. The sewer I totally understand what you are doing and private force main and so forth, but the water I think they have a different system that Pennichuck usually works with. Mr. Duval stated to Mr. Foote's point though, I think whatever agreements are put in place about who is maintaining it, who is controlling access to it and so forth, I am sure that Pennichuck is going to insist that it is built to their public water main standards and that is understood. Town Manager Sawyer asked don't you usually show those 8 feet off the edge of pavement? Mr. Foote stated 8 feet off north and west inside of the centerline. Town Manager Sawyer stated they are usually further into the road than what you are showing. Mr. Foote stated that is the standard. Town Manager Sawyer stated and that is Pennichuck's typical standard as well as ours, I believe. Mr. Anagnost asked you said that was 8 feet off centerline? Mr. Foote stated north and west. So with the private sewer line are you proposing to build that to Town standards at this point or not? Mr. Duval replied it is a force main, it is 100 percent force main, so it would be built to 100 percent compliance with DES standards. I don't know Mr. Foote if you have any specific force main standards that are different than DES, but if you do, we would certainly follow those. Town Manager Sawyer asked you are showing a 6-inch force main? You need all of that for your 93 units? Mr. Duval replied no, but the design that was left behind Bedford Village Shops calls for a 6-inch force main. There is a 6-inch stub left in this manhole here, so I think it makes sense to leave it at 6-inch throughout and design to a 6-inch force main standard in terms of velocities and pump rates and so forth, because at least the last bit of it is going to be 6-inch heading out to Nashua Road and then up Nashua Road to the gravity manhole at the top. It just makes it easier hydraulics, but

the 6-inch could handle a lot of flow, a lot more than would be generated by these apartments or even other potential users in the immediate vicinity. Mr. Foote asked does the Bedford Village Shops know that they are going to be pumping your force main? Mr. Duval replied yes; that was their intent. When they designed this, they left a valve manhole with a couple of check valves, one on their side and one on the future tie-in side. I have talked to the North Point engineer who designed their system and we have sort of married up our approaches to make sure we are in sync with one another. So, yes. And also, I just want to remind everybody that there is also a pump station on the Shorty's side. There will be a section of a couple of hundred feet that will be jacked under Riddle Brook, going back up the back side of the development, so it will be a second smaller pump station that only handles the Shorty's flow, that will jack across under Riddle Brook and then up the back of this Bow Lane site and then join up with the sewer from these three buildings out to Chestnut and then back to the plan we were just looking at down Chestnut and behind Bedford Village Shops onto Nashua Road, up Nashua Road to the gravity at the top of the hill, and back into the municipal system. But by far the apartments are the major contributor to that, probably a 25,000 or 30,000 gallons a day versus perhaps 1,500 – 2,000 a day for the restaurant.

Mr. Foote stated going back to Route 101 and Chestnut. Is there going to be signage or anything prohibiting folks from coming out of the medical office building and cutting through there? Mr. Duval responded this could be made 1-way-in and there would certainly be a way for these handful of parking spaces here to get out that way, but I personally don't think that there is going to be any congestion caused by allowing people, at least when there is no traffic here, to come out that way. So my preference would be to leave it open, but if the Town felt that it was a problem, we could certainly make it signed to be 1-way-in only and the out driveway would be up there, but keep in mind, our study shows that even at peak hour we are talking less than two cars, 95th percentile, stack here, so that doesn't even block that driveway. Mr. Foote stated it only takes one left-hand going westbound to bring that to a little bit of a log jam and that is why I asked. There is a large vehicle trying to make a left-in while someone is trying to make a left-out or if someone is going eastbound and wants to take a right onto Chestnut, they are going to have to go into the left eastbound lane to make the right-in I would guess because the radius is so small. Mr. Duval responded all I have to say about that is the absolute numbers of the traffic that are actually involved here, and we have the counts and it is a dozen cars or less in the peak hours that are making these moves, so there is five – six minutes between trips or more, actually 10 minutes on the right-hand side. The volumes are so slow, the conditions out there now are terrible in terms of congestion and queuing and backups and delays and yet the accident experience out there based on the crash analysis we did is favorable. It is less than average or less than expected, so it is working now quite well despite all kinds of built in problems, or adequately well, and by the time we make these improvements, it will be working even better, so I don't see the need to put this artificial restriction on. By the same token, we can work with the owner of the building and the tenants of the building and make sure that they don't have any heartburn and if that becomes a sticking point.

Mr. Foote stated going back to the sidewalk location. I think it would be best if it was on the west side. You are going to have some utility pole conflicts if you put it on the side you have it on now. I still think it is a better alternative, especially at the top of the hill coming out of the

development where sight distance may not be as good as it is down at the intersection. Mr. Duval responded okay.

Mr. McMahon stated although I can't find it now, I thought somewhere in the VHB report there was a comment about showing the turning radius for larger vehicles. Mr. Foote responded I don't see that anywhere. Mr. Duval stated yes, we have checked turning radiuses; we don't show this on the plan, but we certainly can provide that for review with the final application. Mr. Foote asked what WB can make a right-in off from Route 101 to do that? Mr. Duval replied a WB-50 can make it within the lane, I believe, larger 62's and 67's have to turn wide, but of course they would be infrequent. That is not uncommon for standard city intersections, and this is what the DOT is leaving us too. We are kind of constrained to that.

Ms. McGinley asked can you give us a little bit more detail about the number of cars in and out from the apartments as it would impact Route 101? You mentioned two cars so could you describe that better. You have people going to and from work, to and from school, and vice versa in the afternoon or evening. Mr. Duval responded the basic trip generation for 93 units of multi-family housing midrise in the AM peak hour, and remember that is the highest volume peak one hour, typically between 7:00am and 9:00am, is 9 vehicles in, 25 vehicles out, 34 total trips in the AM. In the PM it reverses, not surprisingly, 25 vehicles in, 16 out, for a total of 41. So about one per two minutes coming or going in the morning and about one car per 1½ minutes in the PM. Ms. McGinley stated so that intersection will have been improved by the DOT, probably completed before your project is completed, and you have cars traveling in and out, a lot of those based on work schedules. Do your calculations cover that? That there will be a concentrated period of time for cars in and out and can you describe that for the Board so the people here can understand that? Mr. Duval responded the way this works is the ITE, which is the Institute of Transportation Engineers, as their trip generation manual, I am sure the Board has heard talk of this hundreds of times, and these trip generation rates, in this case Land Use Code 221, are based on studies across the country and across time and they come up with averages. Some land uses are better studied than others, and this is one of the particular land uses that is represented by a number of trips as good correlation, number of studies, so the numbers are pretty good. And generally speaking, the peak hour of the generator, meaning the apartments, more or less coincides with the peak hour of adjacent streets because typically people are working at a job, a day shift type job, and they are leaving somewhere between 7:00am and 9:00am and they are returning somewhere between 4:00pm and 6:00pm. So these are pretty widely accepted averages. What it might mean in the hour just before this, in this particular case I think the peak, I don't remember exactly what it was, but for the sake of the argument, let's just say the peak hour was 7:30am to 8:30am, the preceding peak hour of 6:30am to 7:30am maybe had instead of 34 trips it had 24 trips and then the following peak hour, that would be 8:30am to 9:30am, maybe had 30 trips. So there is a bit of a bell curve there, but the worst case, and perhaps more importantly the worst case that coincides with the highest volume in the street that you are accessing is that 34 trips, and that is what we used and plugged in the peak hour volumes of existing Route 101 and existing Chestnut, for that matter, we superimposed that 34 on top of that. Does that answer your question? Ms. McGinley responded it does answer the question but it also put it in a way that people may not be able to check your numbers but they can understand what you are saying and that is really what I was asking. Mr. Duval stated the numbers actually are checkable. Ms. McGinley stated I don't mean lay people will try to check it.

Mr. Foote asked does the ITE count for the two driveways adjacent to Route 101? Mr. Duval replied ITE doesn't but we have actual counts. Mr. Foote asked so what is the queue if you just had one lane coming out of Chestnut, the max queue? How far back? I guess where I am going with this is you said there is only 34 vehicles max in the morning coming out and that is one vehicle every two minutes, so why do we need a right and a left? Mr. Duval replied the simple answer to that question is that it effectively mitigates the impact of adding those 30 and 40 trips. So that returns the queues and delays level of service back to better than status quo prior. The actual impact if we didn't do that, we did calculate that. If we just left things the way they are and it is not that bad really, the queue in future year of 2029, 10 years out, the queue without these apartments would be about four cars and if the DOT improvements were made, the queue would be 1.5 cars. If the DOT improvements are made but this project doesn't go ahead, it is about 1.5 cars and that increases to about two cars, so it is not a substantial change. The delay goes from about 32 seconds with DOT improvements, no apartments, to about 42 seconds DOT improvements with apartments and that is the AM I am reading from, which is the more critical case. In the PM it is less impact. It goes from one car to slightly over one car in queue, 27 seconds of delay to 30 seconds of delay. So it not really necessary to do this because these numbers that I am talking about future year build conditions, two car queue, 30 second delays, they are acceptable intersection performances, but I think that the actual operations of the intersection would be much improved by separating left turners because there is a high right-turn volume, it allows those people to get out without having to wait behind the left-turn people. So I think operationally it actually offers more benefits than the numbers would show. Mr. Foote stated except for when it is busy and then you have the lefts and the rights competing and everyone kind of jogs for position to get sight distance. Mr. Duval stated I would still recommend making this because I think the operational improvements and reducing queues to a minimum, especially given the fact that you have this existing close proximity of driveways, you are just better not to have cars waiting there as much as possible; it is better for everybody and that is what separating these movements does. It allows those right-turn people to just free flow. And another second benefit, and this is a point that Ms. McGinley brought up at the last meeting, you were asking about cut-thru traffic, and there is, I don't know what you would call it, a moderate number, or whatever adjective you want to put on it, but we did count cut-thru volumes there and it seems to be largely driven by school destination, school drop-offs in the morning and school pickups in the 2:00pm to 3:00pm peak hour. There is about 20 trips more or less that are going back and forth, 20 to 30 trips, that go back and forth along this back driveway of Chestnut Drive and either allowed to drop students off and they walk up or actually sometimes they turn left and go up Chestnut Drive, drop off at the top and come back, but there are about 30 trips in the peak hour that seem to be using that back driveway as a cut-thru. Some of them go out Chestnut Drive when they leave and some of them go back down the back driveway of Bedford Village Shops. In the afternoon there is about half that number. There is a smaller number of maybe 15 to 20 trips that are doing that same movement eastbound and westbound on that back alley. It is certainly nowhere near enough to cause any congestion here or significant delays. In fact, there are really no delays for them making their movements but it is a volume on that private property certainly. My guess is this is probably the highest we will ever see these numbers because I think this volume of cut-thru traffic is really just a function of the construction traffic. It takes so long to inch along on Route 101 now, probably worse than it used to be before construction, and that will go away when the construction is over, and then

perhaps much of this cut-thru traffic will go away. But conservatively we looked at a case where we took all of that cut-thru traffic and assumed it all went through the Chestnut Drive intersection and it just showed a minimal change, a couple of seconds of additional delay, less than a car or two and so forth. So it can easily be processed by that intersection. Going back to the point I started to make here is that by having this left and right turn lane here, that will allow people to slip out, especially the right turns that were heading back to Nashua Road, cutting through anyway, it allows them to make that move without being impeded and without having to use private property as a cut-thru. So I think it is beneficial.

Ms. McGinley stated I have a question that is not of the applicant but the use of this road from the high school. It is only limited to being open for voting during an election? Mr. Fairman replied it is not really open usually for voting. It is only for emergency vehicles. It was open one year for voting but generally it is not open. Ms. McGinley asked you do see a lot of kids coming down the road? Mr. Fairman stated you see them walking down a lot.

Mr. Fairman stated I wanted to thank you for listening and reducing the size. I think the reduction in size and elimination of the covered parking greatly reduces the impact of this development and project on the Town. Thank you.

Mr. Fairman stated I do have one concern that hasn't been brought up and that is the effective construction noise on our educational process. I would like to see at final you address how you might mitigate the construction noise during classroom times. For instance, no blasting during classroom times. That is a fairly simple one but I am sure you know more about construction noise than I do and ways in which you might be able to mitigate it so we minimize the disruption in education in both the middle school and the high school. Thank you.

Mr. Hawkins stated I agree with Mr. Fairman. I think it is important that we give credit where credit is due. I wasn't on board when you guys were before us the last time, and when I walked out, it was my personal assessment that you would get a tremendous amount of mileage out of reducing the number of buildings from four to three. I didn't have a whole lot of hope that you would do that but you did and I do think you got a lot of mileage if I am keeping score. Four buildings to three, 120 to 93 units, four stories to three, and mitigate the risk and challenge of the wetland encroachment. Traffic patterns notwithstanding, I think it would help your argument if we saw queuing and wait periods with four units and that volume of traffic versus three. If we had that detail, maybe we do, I didn't see it. The parking spaces being in compliance, screening opportunities being greater. You attacked a lot of things by bringing the buildings from four to three, and I have to give you credit for that. Mr. Duval responded thank you Mr. Hawkins, and to add to that question about the traffic. We did submit a new traffic study with the reduced impacts. Those are the numbers I have been quoting. Mr. Hawkins stated those were the numbers you were quoting; I don't remember from when they were four buildings and the trips and wait times that were generated from that, but that is a delta that would be representative of that metric along traffic in support of your argument, but I do give you credit for diminishing the number of buildings. Mr. McMahan stated to add on to what Mr. Fairman and Mr. Hawkins said, thank you for saving the wetlands. It is appreciated.

Chairman Levenstein stated Mr. Duval, I don't know if you have seen, there has been some correspondence to the Board that talks about you saying that you couldn't do this development without effecting the wetlands. I guess you said it at a Conservation Commission meeting, I think that is what they were quoting. Mr. Anagnost responded that was when it was 120 units and four buildings, Mr. Chairman. Chairman Levenstein asked so you were able to do that? Mr. Duval replied right; we couldn't squeeze 120 units in there without getting into that central roadway but we were able to make this 93 units work. We would have liked to get 94, which is allowed, but we couldn't get that last unit, so this is about as tight as we can make it with this layout.

Mr. Duval stated another point I was making at that time was that if the property to the south ever wanted to connect here to Chestnut Drive, they would have to go through that easement. It was really talking about the larger picture of the purpose of that easement as to build a road in it someday, so some day somebody, even if it is not this project, may need to come back and try to put a road in those wetlands.

Vice Chairman Newberry stated it appears the Fire Department still has a concern about single point of access. How do you anticipate either mitigating that or responding to that concern? Mr. Duval responded we actually had a very positive conversation with the Captain, the Fire Marshal, today about that, and he has agreed that this is a much more accommodating layout for firefighting. There is 3-side access to all of the buildings. All of the buildings have the ability to get equipment on three sides. The full length here, the two ends here, actually four sides on this one, and the two long sides and this side here on this building, which is big because we didn't have that before. We did not have that 3-sided access. We have taken a story out of the building, so that now the eave height is 11 or 12 feet lower than it was originally, which makes access for ladders that much easier. We have also provided a full code analysis to back up these statements that we are making here that the Fire Department has had a chance to review and they agree with that analysis that these buildings are fully compliant with fire protection. And lastly, the Captain told us today that they would be more comfortable with the single point of access if this entrance roadway, as I mentioned at the start of my presentation, was increased to 30 feet. That way if there is a car that is stuck or broken down or whatever, if there is any kind of congestion there, there is satisfactory room for the emergency equipment to get around that and get into the development, turn around and get out. Mr. Anagnost stated and the buildings are fully sprinkled, therefore the firefighters primary concern is rescue, so with the reduction in height of the building and the ability to access from generally all sides, it significantly increased their comfort level with respect to rescue. Chairman Levenstein asked Ms. Hebert, when this comes to final, the Fire Department does review it again? Is that right? Ms. Hebert replied the Fire Department will review it again, and I met with the Chief today and he said he felt much more comfortable with the height and area calculations that were provided and he felt like he had the adequate space he needed around the buildings and he said also that they didn't need any waivers, which was very important to him from a fire safety standpoint, waivers from the fire code.

Ms. Hebert stated one thing that did happen when the parking was removed from underneath the building, the site no longer has covered parking, and I think it is important for the Board to talk about the covered parking because it is required per your Land Development Control

Regulations and would be a waiver with the final site plan. Mr. Duval stated basically the Land Development Control Regulations require half of the required parking be covered, as you know. That was waived I think on Kensington a few years ago, so we think there is some precedent that the Board waived this, and given the type of apartment use here and just the general nature of apartments these days, covered parking is rare except in the case of parking under where we had before we were able to accommodate half of the required parking under the building and this, I guess, competing needs evaluation here, I think it is far more important to reduce things. The message we heard from the community and from Town staff, especially the Fire Department, was to reduce the height of the buildings, reduce the mass, provide more screening and we can do all of that by reducing these buildings and taking out that parking under. So we did and I think that was really to the benefit of the project. We can always provide carport type parking for half of these and there are enough spaces in the second row, the far row, opposite each building, this little cluster here, this length parking here, to provide these carports without changing the layout or changing the geometry of this, but is that really of any value to the community. If a developer doesn't think it is a value to the development and at the end of the day there are carports in many of the developments in town, they are not that attractive, I think they detract from the architectural statements of the buildings, so it is a waiver we would ask this Board to consider of just waiving that provision. We can provide it if it is required, but I don't think it is to anyone's advantage to do that. Vice Chairman Newberry asked so you anticipate asking for a waiver on that? Mr. Duval replied yes we do.

Town Manager Sawyer stated my other comments are related to the buffer to the high school in the landscape plan on Sheet 14. I felt like this plan reduced the amount of buffer that we had to the high school and that is why I did give a sketch to the Planning Director today just to give her a heads up that I was going to bring it up tonight, and I understand you have seen it as well and that's great. It takes away some of the landscaping on the interior of that parking lot and I think it could significantly reduce the amount of grading that would have to happen along the high school buffer line or property line. Plus, I just think we are really under-planted in your proposed landscape plan at this point. The six pines along basically the entire length of the high school property line and it should also wrap the corner to the northeast there. Six white pines shown at 4 to 5 feet at installation just, as I said earlier, won't do it and white pines lose their lower limbs, as you showed us in your elevation drawings. Our buffer requirements from the zoning code call for a third of the plants to be 8 foot in height at the time of planting and the other two thirds to be at least 6 feet. I would much prefer to see that standard being used and it is 10 feet on center, also in the zoning requirement, granted this particular portion doesn't meet that zoning requirement, but I would prefer you look to the number of plants and the species of plants that the zoning buffer requirement would call for and then really just work with the Planning Director on how it would really lay out. Maybe 10 feet on center isn't the right thing to do for the right health of the plants but I have confidence in your landscape architects. They have designed these buffers before and they have worked really well on other sites, but I just don't believe at all what you have shown to date is the right answer. Mr. Duval responded thank you.

Mr. McMahon asked about the Hinckley Allen paper for the Dumas', is that a bilateral thing and outside of our scope? Ms. Hebert stated the attorney is here. Town Manager Sawyer stated he can probably speak to it when he gets a chance to talk. Chairman Levenstein stated the attorney is here. He will probably want to speak to it.

Councilor Bandazian stated in the staff memo it mentions that there are 15 more parking spaces than are required. Are you married to that higher number, because it would allow more landscaping, less impervious surface if you didn't? Mr. Anagnost replied you need some parking for visitors, if not they will be tempted to park along the right-of-way at the entrance, which would then further impede the Fire Department or any emergency vehicles, so we feel more comfortable with those. We actually suffered this at Bedford Hills. We actually came back to you at a later date to add additional parking for visitors and this Board approved that. We eliminated it in the original plan and found that visitors were parking in our travel lanes, therefore, we came back before you to increase the parking to include the visitor parking, and here we have taken that lesson and we are asking you for it upfront. Councilor Bandazian stated thank you.

Mr. Foote stated the question relative to the Bow Lane itself. Do I hear you say, Mr. Duval, that if the Bow Lane is ever developed, they would be the ones applying for a wetlands permit? I was looking at the letter that the wetlands inspector sent and there is RSA 482-A:11, requires no permit dredge and fill shall be granted if it shall infringe on the property rights or unreasonably effect the value or enjoyment of property of abutting owners. So theoretically could they still develop that parcel? Mr. Duval responded they have the right, they meaning the Dumas property, has an easement over that central corridor, so they could today or tomorrow, of course with the permission of the Board, construct a roadway through there if they wanted to. Mr. Foote asked did you hold the same grades for this proposal as you did for the original proposal? Mr. Duval replied more or less, yes, not precisely, but they could build a roadway and end up essentially at the same point as they did under the original proposal with this proposal. Mr. Foote stated today I blew up the February 19th document and it looked to me like there was about an 8- or 10-foot grade differential between Building 3 parking lot and Building 2 parking lot and I am wondering how someone would go in and build a roadway through there without impacting the property. Mr. Duval responded it is a 50-foot right-of-way and there, I don't know exactly, I am going to say about 10 feet of separation from the parking to the right-of-way, so you have 30 feet theoretically at a 2:1 slope, you could even accommodate a 15-foot difference without a retaining wall, but even at a more moderate 3:1 slope, you could accommodate that 10:1, so it can be done. Mr. Foote asked and it is reasonable? Mr. Duval replied it is reasonable, and the grade that we are actually trying to hit here, or I would say the natural grade for that roadway, is about 250 or so, 252 is what we had in our other plan and that is almost midway there. Mr. Foote asked and that is inside the easement area? Is that correct? Mr. Duval replied that is correct.

Chairman Levenstein asked for any comments or questions from the audience.

Attorney John Sokul from Hinckley Allen stated good evening Mr. Chairman and members of the Board. I represent the Dumas family that owns 43 acres to the south of this project site. Some of the questions that were being raised towards the end of the presentation are really our major concern. We were glad as well to see that the total number of units went from 120 to 93, we thought that would give the developer more opportunity to be more flexible in their design and a little bit more respectful to the Dumas property that had been shown in the original plan, which I thought had clearcutting right up to their property line. We do commend the developer

for that. On the other hand, the original proposal had them building the entire length of Bow Lane right down to our property, which would have been helpful to us frankly. The Dumas family has held this 50-foot right-of-way for a long time. It was created in 1974, it was shown on a subdivision plan in this area in 1980 and it is going to be used when the Dumas family develops their 43 acres. There is no doubt about it, so our biggest concern is when this project is designed and constructed that everybody has to recognize that, that the Dumas' have a 50-foot right-of-way through the property and they are designing and laying out apartment buildings alongside and fairly tight to that right-of-way, and in the future a roadway is going to be built there. Now the wetland impacts, I guess, are going to be left for the Dumas family in the future and we will have to deal with that then, but it has been just a long standing right-of-way and when the Dumas family sold the land to the high school, they eliminated a couple of other options that they had for access making that access even more important.

Attorney Sokul continued I submitted a letter this afternoon. I don't know if you have copies of it or not. Chairman Levenstein stated we do have copies. Attorney Sokul stated one of the things that I said in the letter is in the staff report it said that the 1980 subdivision plan had lapsed, and I think that meant to staff, and perhaps to others, that that 1980 subdivision plan could be largely ignored in connection with this project. I disagree with that a little bit. The four lots still exist, they are tax lots, and they are separate lots. When the developer bought the property, it was conveyed pursuant to that subdivision plan and once a roadway is shown on a recorded subdivision plan, the public and other people who have rights to the road have permanent rights until they are revoked. Nothing has ever been done to revoke that subdivision plan. There is a statutory process you have to go through and that hasn't been done. We believe we have one of our rights in the Bow Lane right-of-way is when the Dumas family goes to develop in the future to have that considered by the Town as whether it should be accepted as a public road or not. So we object to anything that they are doing on this plan that would preclude or limit that. That is an existing right that we have and we do not want that right compromised as part of this project. We are not disputing that they have the right to do this project here, we are not disputing that 93 units could be the right amount of units, but nothing can happen that limits or restricts the Dumas family rights. That is of utmost importance to the Dumas' and we are hoping the developer would comply with that. I think they have a better chance of doing that fully and completely in connection with this plan, I think it still requires some adjustments, most notably the setbacks, I do believe the setback requirements are relaxed in this town for workforce and affordable housing rather than other setbacks, so I would ask the Board to ask the developer when they prepare their final plans to keep that in mind and knowing that we are going to be watching that and for the reasons stated in my letter why we believe it is legally required.

Attorney Sokul stated I have a couple of other things. I am very curious about the questions that Mr. Foote raised about the grades, the topography, what we are going to be left with compared to what we have now and what we would have had against the original plan. We don't want anything done that is going to materially negatively impact our ability to build that road, so that is something we are going to be looking at. We are learning this plan tonight here with the Board. The discussion on utilities, water and sewer, were interesting; we are going to want to know where those end, what is our ability to tie into those in the future, a dialogue we would like to have with the developer. Those are things we are going to be looking at and are very curious about. It sounds like capacity is there for at least water, I don't know about sewer, and that is

something that will be part of our discussions. It looks like the landscaping is improved, to the extent a fence might make sense along our shared boundary just like the schools. That is something we might ask the Board to consider. I think it is probably a good idea to prevent people from running on our property, which is currently completely vacant and uncontrolled, unpoliced. I think that is about it, but I do think they have some work to do to make sure that what they are doing does not infringe upon our legal rights to have Bow Lane considered to be a public road in the future and that is primarily what we are going to be looking at. We don't want anything done that would drain into those wetlands to make them more wet than what exists today to make our job more difficult in the future when we go to have to mitigate the impact when we build the road through there. We are asking the Board here during the design review phase to help work with us to make sure the Dumas family, which has held this right-of-way since 1974, that their rights are not infringed or jeopardized as a result of this project. That is all we want. We want to be good neighbors and with the understanding that there is going to be a road going through there in the future. Chairman Levenstein stated thank you.

Chairman Levenstein asked is that easement described by meets and bounds? Attorney Sokul replied it is shown on the 1980 subdivision plan, and I think Mr. Duval and I are in agreement now as to its location. Chairman Levenstein asked Mr. Duval, when you do your final plans, can you show us somewhere so we have some idea where it actually is.

Town Manager Sawyer stated I'd like to ask Attorney Sokul a question if you don't mind. We did only get this 15 minutes before the meeting started and you referenced Harborside v. Portsmouth and I am remembering that as being a variance case. Can you give us the 2-minute version of that case? Attorney Sokul replied that was a case in Portsmouth where after a site plan approval was granted, a developer changed the use from I think a hotel to a convention center and because the changes were so significant, they forfeited their vesting rights. Town Manager Sawyer stated thank you.

Ms. Hebert stated I would like to explain to the Board that the Town has studied the status of Bow Lane on several occasions. It was contemplated as a possible access to the high school, and in 2006 Bart Mayer researched, together with Karen White, the history of Bow Lane, and it was Bart's opinion that the subdivision approval had lapsed because there had been some changes to the Town's Land Development Control Regulations shortly after the plan was approved. It is his opinion that the plan technically expired, so there would be no formal revocation of the plat that would need to be done by this Board because the statute that requires planning board's to formally vote to revoke a plat went into effect after the original 1979 approval had lapsed. I use that language in my staff report based on an interpretation and an opinion that I had from Bart, but we will look into it a little bit more between now and final site plan.

Chairman Levenstein asked for any further comments or questions from the audience.

John Schneller, 86 Brick Mill Road, stated I want to thank the Chairman in advance for agreeing to place this letter on the record. This letter was authored by Kevin Gagne, a private citizen, and it is submitted by him as a private citizen. It was also authored by Steve Clough, and I agreed with Mr. Gagne that I would read it for him. "Dear Members of the Planning Board. The Bow Lane project applicant has presented an alternative plan showing a smaller apartment site with

fewer units than the original 120 units that were proposed. The wetlands delineation on this plan is unchanged from the original presented on August 28, 2018 to the Conservation Commission. At that meeting the developer's engineer was asked by the Conservation Commission if they had considered alternatives to the 120-unit product to reduce wetlands impact. From the response by Mr. Duval there is no practical development of this or even the adjacent 50-acre parcel owned by the Dumas' other than to fill this wetland. Chris Everts, Chair, I just asked because 90 units being the standard without the variance what level of intervention we have seen. The response by Mr. Duval you wouldn't whether it be 90 units or 40 units or 20 units. You would have to fill this wetland. In this particular case there is no reasonable development scenario that does not impact those wetlands. Do those statements leave wiggle room? They sound quite definitive to me. We are now being asked to take at face value that the same engineer has come up with a new practical development of 93 that has no wetlands impact. We should accept that the accuracy of the wetland limits shown on the plan no longer matters. Common sense says that accurate boundaries come first and only then can accurate impacts, or lack thereof, be determined. Wetlands delineation is suspect. Steve Clough, PhD has testified and written a letter to this effect. The Conservation Commission agreed, the Zoning Board agreed, both passed motions calling for independent delineation under Zoning 275-29F. It is not the Planning Board's job to guess at how far off the potential boundaries could be and determine whether or not the current design will be fine. You owe it to this community to make judgments only after performing the due diligence required to obtain accurate information. I have no doubt, just as I witnessed at an earlier School Board meeting on this very project, that members of this board are under pressure to ignore their obligations to get all of the information needed to make a sound decision. You may feel pressure to vote on this project tonight, fear of lawsuits and whatnot. On behalf of over 1,055 petitioners against this project at this location, you must proceed with independent delineation and vernal pool evaluation before making any decision. Section 275-29F, in the event that the accuracy of the wetland boundary submitted by the applicant is suspect, the Planning Board may call upon the services of a wetland scientist to reexamine the area. On October 23, 2018 the Conservation Commission voted to approve a motion that contained in part the Commission would like an independent wetland scientist to provide input on the value of the wetlands to be filled. At the January 15, 2019 Zoning Board meet at Lurgio Middle School, based in part on testimony from some of the 1,055 petitioners, Chairman Morin stated it looks unanimous that the Board is going to get an independent survey of that done to see exactly the locations of the wetland boundaries and the vernal pool issues. Unanimously the Zoning Board decided to secure an outside independent environmental engineering firm to confirm the boundaries. Reduction in the number of units would not likely change any of the testimony offered by the residents at those meetings and would definitely not change the testimony with Steve Clough PhD, a resident hydrology expert. In conclusion, we ask that you not vote to approve or deny this project tonight and act upon the votes taken previously by the Conservation Commission and Zoning Board to verify the wetland boundaries prior to accepting that the current proposal does not impact Town of Bedford wetland resources. Best Regards, Kevin Gagne, author, Steve Clough, coauthor." Thank you. Chairman Levenstein responded thank you.

Steve Clough, 5 Hunters Road, stated I just wanted to comment that if there was covered parking, it would reduce the amount of road salt, I would think. I also noted that the wetlands would still be impacted because the Town allows paving right up to the edge of the jurisdictional

boundary of the wetland and that the New Hampshire method was not used for the original wetland delineation and that still needs to be performed. I then had a question on the stormwater management plan blueprint that states when construction is complete, the majority of the site will drain to an existing vegetated grass waterway. I was just curious as to what that means. That might address the Dumas' lawyer's concern about additional water coming through that wetland.

Chairman Levenstein asked Mr. Duval, do you have any response? Mr. Duval replied yes. I think, Mr. Chairman, you had already asked about that, the comments about other development scenarios. Of course there are a million development scenarios that are possible out here. The point I was trying to make at that meeting was that this easement, which favors the property to the south, any development of this property to the south, even if this development scenario would avoid it, would necessitate a later filling of that wetland. And I don't know how you can jump from discussion of alternate development scenarios to that somehow meaning the wetland delineation is wrong. It is two complete separate issues.

Mr. Duval continued I would like to say in terms of the wetland delineation that Chris Danforth, who delineated these wetlands for us, has been doing this for decades and is very competent and in all of the time I have known him, and occasionally wetland delineations are challenged and occasionally Chris in fact has to go out and check out other wetland delineations. He has never been challenged resulting in more than inconsequential change of the line, and he is here, and he is certainly able to answer any questions about his clarity in terms of this delineation for this Board if the Board would so like.

Mr. Duval stated a couple of other things in passing; there has been this talk about the New Hampshire method but the appropriate method for delineating wetlands is according to the Corp of Engineers method and the Core of Engineers standards. The New Hampshire method refers to comparative analysis of the functions and values of the wetlands, not to where the wetland is, and the New Hampshire method is one of two approved and it is actually the second of two approved methods, the first being the Corps of Engineers method, which Chris used in his wetlands application. You can also use the New Hampshire method, but I would say the preferred method is the Army Corp method, and after all, the Army Corp is the ultimate arbiter of these wetland fills that every permit, no matter how small in the state of New Hampshire, is subject to Corps of Engineers review, and so I think it just makes sense to do your wetlands work in accordance with their standards. That is how Chris does it. As I said, Chris is here. I am not sure where the reference to a grass swale is coming from, perhaps it is just talking about a specific area, but the stormwater design is essentially as it was before. The stormwater design, the location of the practices has changed a little bit, it is all by infiltration and a series of underground infiltration beds. 100 percent of the impervious surface is collected and treated in those underground detention systems, infiltration systems. No untreated water goes to Riddle Brook or offsite in any direction, for that matter. The previous plan and this plan both are not directing any additional runoff to the Dumas' and for that matter, not to Riddle Brook or anywhere else. The stormwater study captures 100 percent of the impervious surfaces, it detains it and it releases it at less than preexisting rates and volume, so that means there is less water going out for any given storm of this site and it has been treated before it leaves, and there is less total volume at the end of the storm because of the additional recharge that we are proposing here with this development. So there are absolutely no negative impacts to any abutter, Dumas,

Riddle Brook, high school, or to the north, as a result of this project. And, of course, when the final application goes in, we have submitted a drainage study, and those basic conclusions haven't been challenged by the Town's reviewer. When the final study goes in, of course the Town's review engineer will be commenting, as they always do, but more importantly this will trigger an AoT permit and that will be going up to the State, so the DES will be doing its own review, and they are very thorough, of this development and we have every confidence that they will issue us a permit because we are doing this drainage analysis the same way we do the hundreds of other AoT permit applications for projects large and small that we do throughout Bedford and throughout New Hampshire for that matter. Chairman Levenstein asked does any of the treated drainage go into either of those wetlands in the middle? Mr. Duval replied no drainage is being directed into those wetlands in the middle other than what falls on it. That is more or less the preexisting condition. Some of the high school's drainage, and in more intense storms it can probably find its way and get into those wetlands today, but that is a change condition, the natural ground did not have any flow directing into those wetlands, and we will be capturing that flow and diverting it around the site but essentially since that railroad was built, or maybe better said since that railroad was abandoned about 75 years ago, this project will not change the hydraulic conditions of those wetlands over the past 75 years. Mr. Fairman asked you won't be dumping any snow in that area? Is that correct? Mr. Duval replied that is correct. Those wetlands are still wetlands until there is a permit to fill them and you can't dump snow in them and you can't direct stormwater into them in excess of preexisting rates and so forth. Mr. McMahan asked where will your snow melt area be and how will it be contained? Mr. Duval replied we do have some delineated areas on the plan to show for snow melt. It is basically on the perimeters of the site and those are basically for small storms. There is no large area of excess parking to store snow onsite, so storms in excess of let's say a modest size there would be snow removal offsite. Chairman Levenstein asked you will show that on the final plans? Mr. Duval responded yes.

Bob MacPherson, 93 Wallace Road, stated my question is I wanted to follow up on Mr. Foote's point about the left- and right-hand turn. Certainly trying to make a left-hand turn out of Chestnut Drive during that peak time is going to be difficult. I certainly wouldn't want to do it. But looking at that, the question that comes up in my mind is if somebody is in that left-hand turn and trying to go west and then you have somebody on the right-hand turn simultaneously trying to go right, wouldn't the left-hand vehicle trying to turn left block the view of the person trying to go right and not see traffic coming up eastbound on Route 101? Especially if say the person trying to go left out of Chestnut Drive was a suburban or a big SUV. I can understand the proposal to do it but I don't know if it solves the problem, something I would think needs to be carefully considered because if you have somebody coming up Route 101 heading east, their view is blocked, they try to go, and you are asking for a collision. I think that is the point you might have been trying to make. That is what came into my mind as I heard that conversation. Thank you.

Chairman Levenstein stated it sounds like it is a balance. Mr. Duval responded it is a balancing act is probably the best way to put it. But the normal progression of a driveway from let's say serving a single-lane exit, serving a certain number of vehicles, once that certain number of vehicles exceeds a certain point, then you add a lane to provide dedicated turns. In this case it is a T-intersection so it is a left and a right, but in a conventional intersection there would be a thru-

left or a thru-right and a left and you provide pockets. The very next driveway unfortunately is not showing on this plan, but the Bedford Village Shops driveway has two turn lanes where it comes out. It is just the conventional way of increasing the thru-put of a driveway as the demands on it increase and that question about a stop sign control with a left and a right turn lane, vehicles do have to maneuver until they have a clear view before they can go and this is more the rule than the exception, except for the very smallest driveways that can manage a single-lane approach without excessive queuing, you are going to see left-turn pockets, right-turn pockets. It is the appropriate and accepted way of handling driveway access until the traffic increases to the point where it justifies a signal, and frankly, this with Chestnut Drive almost fully developed, it could intensify a little bit I suppose and the Dumas' could add some traffic to it perhaps someday in the future, but I doubt this will ever warrant a signal, unless the high school was to decide perhaps to build a second rear access. Maybe someday it would, but this would be the ultimate solution here for as far as we can see into the future. Chairman Levenstein stated I think even with the signal you have the same issue with rights on red where people are going to the right and can't see or have to move up and down to see. Mr. Duval stated good point.

Mr. Foote stated following up on that discussion, what is being proposed here every other intersection on Route 101 that has this proposal as shown is a signalized intersection except for Joppa Hill Road and Stowell Road, which are across from each other opposing. The reason I keep bringing this up is we have done a little bit of homework on this. The radius as this intersects Route 101 is the tightest radius of any intersection on Route 101, minus Pine Crest Drive, which has opposing, it doesn't have a dedicated lane. I just feel based on historical experience that the two vehicles if they are there at the same time, they are going to be competing against each other coming out of Chestnut Drive, and if I am hearing correctly that the queue is not that great and I think that if it was an in and an out, the emergency access that the Fire Chief was concerned about would be improved dramatically. And, again, there wouldn't be folks competing while they are exiting Chestnut Drive. Chairman Levenstein asked can we have Robin Bousa tell us what she thinks? Ms. Hebert responded we can.

Vice Chairman Newberry stated I would just like to reiterate that the Conservation Commission was concerned about onsite snow storage, and if you have onsite snow storage that it be contained and captured in some way so that it doesn't create pollution runoff. We talked a moment ago about some onsite storage but I see in the staff memo that the Conservation Commission was specifically concerned about how onsite snow storage would be addressed.

Attorney Sokul stated I have one more question about the right-of-way in the post-build condition. Would that be the lowest point on the site after buildout, the right-of-way? Is everything going to slope down to the right-of-way? Mr. Duval replied the Chestnut Drive intersection with Bow Lane is about 10 feet higher than the natural land elevations at the Dumas property line, so there is a general slope of everything from north to south across that property, but the drainage is being designed to be intercepted and collected so that it doesn't continue past that property line. Attorney Sokul asked you are designing things anticipating that a road would be built there in the future so that would not interfere with your drainage and what not? Mr. Duval responded right; the systems would be separate. Whatever road is designed in the future

would have to handle its own drainage and handle its own discharge, but yes, it could be built independently of this project.

Mr. Schneller stated I just wanted clarification on something. The October 23, 2018 Conservation Commission vote was non-binding? Is that correct? That is just a recommendation? Chairman Levenstein asked their vote for what? Mr. Schneller replied their vote to get an outside independent engineering firm to study the wetlands for both. Ms. Hebert stated they are an advisory board, so that was a recommendation. Mr. Schneller asked okay, but the January 15, 2019 Zoning Board meeting that is not in an advisory capacity? Is that correct? That is binding? Ms. Hebert stated with regards to the variance applications. Mr. Schneller responded right, so the vote that they took was that they thought that we should hire an independent outside engineering firm to study the vernal pool and the wetlands delineation. That is the vote that they took. Ms. Hebert replied that is correct, when the plan was to fill about 6,000 square feet of wetlands. Mr. Schneller stated but the delineations don't change. If they were in question, they are still in question. If there were 100 units, 50 units, 20 units, the question was the delineation, so the vote was to study the delineation. I think you can check the minutes on that. Since it was a public vote at a public meeting for a change to be made to that, they would have to have another public meeting and reverse their vote. Chairman Levenstein stated I think they withdrew their application or it was denied. Mr. Duval stated we are no longer filling wetlands or asking to fill wetlands. Ms. Hebert stated the plan has changed so the variance application is no longer needed, but I will have the applicant respond to your question. Mr. Schneller stated it is a protocol question, a technical question. If a vote was taken and passed to hire an outside independent engineering firm to confirm the delineations, what has changed? The delineations have not changed. Ms. Hebert stated I think the vote was to review the wetland delineation and the assessment, so the function and values assessment to look at whether or not there was possible vernal pool. Those were things the Conservation Commission discussed. The Conservation Commission's memo is in the Planning Board packet and in my staff report there is a paragraph about the Commission's review and they recommended, based on their review of the earlier plan, that a third party wetland scientist be brought in to review the wetlands delineation and the wetlands impacts, so the Board should discuss whether or not they want to have a third party review of the wetlands delineation. Typically, those are done when there is an impact to a wetland, so because there is no dredge and fill permit, there is no wetlands impact. Mr. Schneller stated that is what the engineering firm would be determining if the delineations are incorrect, then there may be a wetlands impact. Mr. Duval stated there was a lot of discussion about the function and values of that wetland and whether there were vernal pools or not. Our certified wetland scientist, who I am going to go out on a limb and say is the only certified wetland scientist who has ever testified before any of the boards in connection with this project, including Mr. Gagne and this gentleman and anybody else he is referencing, has made his determination. These wetlands are quite clear cut. The challenges that were made to the Conservation Commission about whether it extended a little further south, whether these two connected and so forth. They are in a rock cut, they are quite well defined, they don't go very far beyond where they are delineated. Our certified wetland scientist is quite clear that these are done in accordance with his usual practice, he has decades of experience, and there is no chance that these wetlands somehow wander 50 or 100 feet away from where they are delineated. There is just no chance of that. Of course this Board can do whatever it chooses to do but I would say that there has been no credible evidence presented that there is anything wrong with this

delineation, and I would think it would be unfair and burdensome in the absence of any credible evidence to challenge this and hire a consultant for no good reason. Mr. Schneller stated but the Zoning Board vote was binding. Ms. Hebert responded not with regards to the Planning Board application, so it is a separate review process. Mr. Schneller asked so they can still hire their own separate outside engineering firm? Ms. Hebert replied I believe the applicant is withdrawing those applications, so their review would be done at this point. Mr. Schneller asked okay, so the application was withdrawn? Thank you. Ms. Hebert replied it has not been withdrawn yet, if we are talking on very technical terms, but it is my understanding they would be withdrawing the application after they had a chance to review this plan with the Planning Board. If they came to this meeting and the Board said we really liked the 120-unit plan, they might have to go back to the Zoning Board, so that application is still on file and the applicant can explain what their next steps might be. Mr. Schneller responded I think I understand. Thank you.

Mr. McMahon asked Ms. Hebert, could you comment in your read-ahead where you said the Board might want to discuss hiring a third party environmental engineer? Ms. Hebert replied sure. The Conservation Commission reviewed the earlier plan and it had the wetland fill and it is standard procedure for the Commission to review projects that may impact either the 50-foot setback to a wetland or having wetland filled that would require a State dredge and fill permit. In their view, they made a formal recommendation, they are an advisory board, that a third party scientist come in and review the wetlands assessment and the wetlands delineation. When the Zoning Board reviewed the variance application for the 120 unit plan, the one that you looked at in November, they felt that they needed to have more information about the wetlands because they were being asked to approve a variance to allow about 6,000 square feet of wetland area to be filled for the construction of Bow Lane and they tabled action on that application. The Town would hire a third party wetland scientist to do the review, the work would be paid for by the applicant and they would have that information before they made their final decision on the variance. After that meeting the applicants changed the plan and no longer need the variance applications. That review is not something that we would continue with unless we had a pending application. Vice Chairman Newberry asked Ms. Hebert, all of those were associated with the first plan that had an impact on wetlands and this revised plan has no impact on wetlands? Ms. Hebert responded that is correct.

Mr. McMahon stated there were some more issues that come up in the Conservation Commission and one of them we have already talked about is the snow melt and how that would be done. Another one is to the west side of Building 3 and the runoff on how that would be controlled because it might go directly into Riddle Brook. Riddle Brook really was the touchstone for most of this, other than of course the wetlands that is in the middle, and the other thing that perhaps if you could come back with, how you are going to drill underneath the brook, the implications, and did I read somewhere where it is not going to be straight bore now, it is going to be an angled bore. Is that right? Maybe I misread that. Mr. Duval responded this is a directional bore with flexible pipe and it is going to start up on the hillside on the Shorty's side, it is going to go down at an angle and be some 6 – 8 feet below the bottom of the brook, it is going to go ahead, and then angle upwards on the other side to get up above the wetlands and towards the top of slope on the other side. So it will be a gently curving alignment. Town Manager Sawyer stated the VHB review did say that it had angles in it that they recommended be

straightened out. Mr. Duval responded yes, I think those angles were just on the schematic. Mr. McMahan stated and then on Page 3 of the VHB letter, it has underneath grating and drainage pans. There is 20, down to 22, maybe 23, has some implications on drainage into Riddle Brook or protection of the wetlands also and I suspect you have already read those and would be able to answer that. Mr. Duval responded yes, and will be responding to those comments and be addressing those issues in the final plan, but it is our intent to make sure that those comments are put to bed.

Mr. McMahan stated thank you. For the Chair, at what point would we discuss whether or not the Board would want to have a third party? Chairman Levenstein replied we can discuss it at any time before we grant final approval. We can discuss it now if you want. Mr. McMahan stated I didn't know if now would be the time for our information and for their planning. Mr. Anagnost stated I guess from our standpoint you only hire an outside third party to review the work of another third party if it was necessary. We have no wetlands impact, we have no impact on the buffer, we don't touch the wetlands in any way, so therefore, I don't understand what the need would be to hire an outside consultant to come in and review the work of a stamped consultant whose work has been accepted by this Board for 25 years as well as the State. I understood it before because we were filling in the wetlands and we had a variance and there was a variance that needed to be granted to fill those wetlands but now that we have stayed away from them and there is no impact, I wouldn't understand why that would be necessary for an independent consultant to come in and review what our consultant has already put forth. Mr. McMahan stated the only thing I can think of, and it may be unlikely, is whether or not the information you provide that people would like to have another opinion on it as far as the snow, as far as Building 3 possibly contaminating into Riddle Brook, some of the other issues and then the boring. I am just reiterating the concerns of the Conservation Commission and they may be ameliorated based on further information from you. Mr. Anagnost stated the Conservation Commission looked at an entirely different plan than what has been put forth today. Also, going for an AoT permit will take into consideration all of those drainage issues and be fully reviewed by the State as well. They are a completely independent set of eyes. Mr. Duval stated and the Town's consultant, as you pointed out, already has commented on them in a preliminary fashion and will continue, I'm sure, to comment as the final reports are brought forward. Those issues that you just talked about will be addressed as a matter of course by the Town's independent engineering consultant. Mr. McMahan stated perhaps I didn't explain it well but what you said is exactly right. I would assume, I don't know, the Board hasn't met, as far as the saving of that center wetland, but the other three issues they didn't have enough information to even be able to make a decision on it. It is just that those were concerns, and I am sure that you are going to respond to those and we thank you for it.

Councilor Bandazian stated the staff memo mentioned a site walk. When there is a final application, I don't feel a need to have a site walk at this point, but when there is a final application, I would like to take a site walk and I am assuming that the property is flagged for the wetlands boundaries and marked where the building footprints will be. Chairman Levenstein stated frankly if some people on the Board when we go out there think there is some question about the flagging, maybe then we will deal with it. Mr. Duval stated I think a site walk is a great suggestion, and I think as you go out there and you actually look at what we are talking about in the field, you will see there is no possibility that there are gross layout errors of the

wetland flagging. Mr. Anagnost stated the only thing I recommend is that you don't do it in the next 30 days.

Chairman Levenstein asked for any further comments or questions from the audience.

Michelle Ditomaso, 6 Colonel Daniels Drive, asked is this the forum to ask a question about the impact on the schools for taxing purposes? The formula was 0.278 per unit for children being taxed, so my concern is if there was over 27 children attending the school, then the Town would have to absorb those students, the monies to school them. I think it is a valuable piece of property as a working parent, it could be workforce housing, it would be valuable because you have grades 7 – 12, so that is six grades of school and kids can walk back and forth to school and be able to visit the restaurants and shops. I don't know if that is something the Town would look at. I know that is the formula that they use at the other apartments and those are on the 3A corridor and by Copper Door where there are not shops and ice cream stores and things like that. Chairman Levenstein stated they will do a fiscal impact study. Ms. Ditomaso asked can that change over time if they find at some point there is more children that live there? There are 3-bedrooms and 2-bedrooms, I don't know if the apartments have dens, like a separate living space like an office or a den that could also be used as a bedroom perhaps. That is one of my concerns. I am just worried about school taxes in the end on the Town.

Ms. McGinley stated I have a question I would like to ask relative to that on the project that you have. I assume that they are not all used for housing of parents with children. Is that correct? Mr. Anagnost responded that is correct. The majority are not parents with children. Ms. McGinley stated and I think that is a big concern and people think that everyone who comes to these apartments are going to have kids, and I know that your original one does not. Mr. Anagnost stated I think at the variance board, and we will bring him again, Peter Francese was our expert who came and testified that it was 0.22 something and Ms. Hebert corrected that the Town uses 0.27 something, but you are talking at 0.27 something 25 children over 12 grades. Ms. McGinley stated I do think that there is a great concern in the town but the people who have that concern do not understand what the layout is of the actual tenants.

Chairman Levenstein stated to answer your question though, Ms. Ditomaso, there will be study that they provide to the Board, which will go through all of the fiscal analysis of what this will cost the Town, including schools. It will be a public document. Ms. Ditomaso stated I just think that if I was a working parent or if I am a single parent or married and I have children, that would be a great place to reside. So I think it is a valuable piece of property in that respect. That is really my statement is that I think it is going to be more desirable than the other apartments in town. I can send my kids to school, they are old enough they can walk to school, I don't have to worry about bussing them. I am talking 7th – 12th. That is just my concern. I just wouldn't want to see the taxpayers be burdened with higher taxes because it was not estimated properly. I know the 0.278 is across the board or around that area, but this is right in the center of town. That is where I would be wanting to live if I had children that I had to get off to school in the morning.

Chairman Levenstein stated since this is design review we have to decide whether we are going to close the review. Would anyone like to speak on that? Does anybody feel that it should be kept open?

Town Manager Sawyer stated before we go to that, can I just ask for one more thing. Looking at the plan there is some grading in the Bow Lane easement and the letter we received from Attorney Sokul and so forth, I think it would be really good to just do a conceptual sketch of what that roadway would look like if it was built through just to show that you are not impacting the future ability to build a road through that easement. I don't think it has to be something that this Board is approving by any means but just something submitted to staff so maybe VHB takes a look at it or whatever just to show that a road can be built. I do see that there is some cross slope there, just to confirm that we are not precluding that road from being built. Mr. Duval responded I would be happy to do that, and to just set this Board's mind at ease a bit and Mr. Sokul and Ms. Dumas, the road is a sunken road or a cut, a railroad cut is a sunken road, and any fill that is put in that is actually a benefit. Town Manager Sawyer stated they may design it differently but at least if you can show us, or at least the staff, that there is the ability to do it. Mr. Duval responded sure. Town Manager Sawyer stated thank you.

Vice Chairman Newberry stated I didn't hear anything that sounded like it was a huge issue. There are a few things that I think the Board would like to see addressed but I think those were discussed this evening.

MOTION by Vice Chairman Newberry that the Planning Board close the design review process for 206 Route 101, LLC and Bow Lane Bedford, LLC (Owners), who requested a design review of a lot consolidation and site plan for a restaurant and a proposed 93-unit workforce housing development consisting of three 3-story apartment buildings and associated site improvements at 206 Route 101, Chestnut Drive and Bow Lane, Lots 20-22-14, 20-99-1, 20-99-2, 20-99-3, 20-99-4, Zoned CO for when and if the applicant comes back with a final review. Mr. Hawkins duly seconded the motion. Vote taken - all in favor. Motion carried.

Mr. Sullivan returned to the meeting.

V. Approval of Minutes of Previous Meetings:

MOTION by Town Manager Sawyer to approve the minutes of the February 11, 2019 Planning Board meeting as written. Councilor Bandazian duly seconded the motion. Vote taken; motion carried, with Mr. Hawkins, Vice Chairman Newberry, Mr. McMahon, and Mr. Foote abstained.

VI. Communications to the Board:

Ms. Hebert stated we have received no new applications for your next meeting, which is March 11th, so we would recommend cancelling your March 11th meeting. The next meeting would be March 25th.

VII. Reports of Committees: None

VIII. Adjournment:

MOTION by Councilor Bandazian to adjourn at 9:17pm. Vice Chairman Newberry duly seconded the motion. Vote taken – all in favor. Motion carried.

Respectfully submitted by
Valerie J. Emmons