

TOWN OF BEDFORD
October 25, 2021
PLANNING BOARD
MINUTES

A meeting of the Bedford Planning Board was held on Monday, October 25, 2021, at the Bedford Meeting Room, 10 Meeting House Road, Bedford, NH. Present were: Mac McMahan (Chairman), Town Councilor Bill Duschatko (Vice Chairman), Priscilla Malcolm (Secretary), Harold Newberry, Charlie Fairman, Matt Sullivan, Steve Clough, John Quintal (Alternate), John Nelson (Alternate), Matt Nichols (Alternate), Becky Hebert (Planning Director), and Jillian Harris (Assistant Planning Director)

I. Call to Order and Roll Call:

Chairman McMahan called the meeting to order at 7:00 p.m. Town Council Alternate Kelleigh Murphy was absent.

II. Old Business & Continued Hearings: None

III. New Business:

1. **Circle Drive Associates, LLC (Applicant & Owner)** – Request to amend the conditions of final site plan approval granted by the Planning Board on October 13, 2020, for the proposed Sebbins Brook Crossing residential development, which includes 142 units of multifamily workforce housing and 96 units of elderly housing (age 55 and over), at South River Road across from Iron Horse Drive, Lots 35-98-5 and 35-98-40, Zoned PZ.
2. **Mega-X, LLC c/o Elie ElChafoun (Applicant) and New Sunset Realty, LLC (Owner)** – Request for Site Plan Amendment to amend the proposed hours of operation from 5AM to 11PM daily, to 24 hours per day for a gasoline service station and convenience store, located at 195 South River Road, Lot 22-23, Zoned PZ.

IV. Concept Proposals and Other Business:

1. **Charles River Realty Group (Applicant) and River Glen Development c/o Adobe Builders of NH (Owner)** – Request for a conceptual discussion for an electric automobile dealership and associated parking and site improvements, located at South River Road, Lot 35-3-1, Zoned PZ.

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

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

New Business:

- 1. Circle Drive Associates, LLC (Applicant & Owner) – Request to amend the conditions of final site plan approval granted by the Planning Board on October 13, 2020, for the proposed Sebbins Brook Crossing residential development, which includes 142 units of multifamily workforce housing and 96 units of elderly housing (age 55 and over), at South River Road across from Iron Horse Drive, Lots 35-98-5 and 35-98-40, Zoned PZ.**

Bob Smith of Circle Drive Associates LLC and Mark Woglom of Opechee Construction Corporation were present to address this request to amend conditions of the final site plan approval granted by the Planning Board. Mr. Smith stated my son and I own Circle Drive Associates together. Mr. Woglom, Ms. Hebert and I worked to develop Sebbins Brook Crossing. I would like to take a few minutes to bring you up to speed for those on the Board that are new and briefly tell the Board what Sebbins Brook Crossing is all about.

Mr. Smith stated with Ms. Hebert's help and Opechee Construction we were able to design a multi-family workforce housing project with architectural features seldom seen in workforce housing. We were also able to utilize a large vacant parcel of land on the southern end of South River Road, almost in Merrimack, with no residential neighbors. In addition, almost 80 percent of the 25 acres of land are left green; there is about 20 acres of green property out of a 25-acre property. This project is a deluxe 5-star development, having the top floor, which is 25 percent of the units, be market rate deluxe units with enhances architectural features along with underground heated parking helps to offset the cost penalties associated with workforce housing. Workforce housing represents 25 percent of the project also. Since this is a deluxe project, residents will have exceptional financial qualities whether they are owners or renters. The project helps to further develop this end of South River Road and makes a large piece of property, that is currently vacant not earning much in taxes, revenue producing. HUDD and the State of New Hampshire have no developer financing plans for the construction of owned workforce housing; that is why there aren't any in the state. Furthermore, both affordable and market rate units cannot obtain conventional Fannie Mae or Freddie Mac backed mortgages until 50 percent of the units are sold. This creates a huge obstacle to buyers who are trying to finance a purchase, and it also deprives the developer of any financing to support the construction of these workforce units. Conversely the State of New Hampshire has a very attractive plan to assist with the construction of workforce housing only if it is rented, therefore, there is no plan either by HUDD or by the State of New Hampshire to provide financing to build owner occupied workforce housing. This State plan provides the developer with the necessary funding to develop the workforce housing and it helps to develop a project within town for workforce housing. We are requesting tonight that Condition #21 of the site plan approval be modified to provide that 25 percent of the units be restricted to either workforce ownership or workforce rental. In addition, we are asking that Condition #22 be modified for the same reason, that 25 percent of the affordable housing units be restricted to either ownership or rental. The remaining conditions of the approval remain exactly the same. With this change, the units may be either rented or sold, depending upon the financing and market conditions that in place when the project goes forward.

Mr. Smith continued there continues to be a statewide need for affordable housing. This project was proposed and approved as workforce. There are no disadvantages to the Town by allowing the change we seek tonight. The project will remain a condominium format, there will be no impact on the assessed value of the project, the project gives the Town 50 high-end workforce units. This project is the highest and best use of this property and will be beneficial to the Town of Bedford. Circle Drive Associates believes this will be the best project in town when completed and will be proud of it now and for years to come. My time working on this project was devoted mostly to the design of a high-class architecturally pleasing 5-star development and keeping as much of the land green as possible. Working with Ms. Hebert and Opechee I believe we accomplished both goals and we left 80 percent of the almost 25 acres green. However, I am not a developer and I did not spend enough time understanding what federal and State plans were available to assist with the construction of workforce housing. The only plans available exclude owner-occupied units. The State of New Hampshire has an excellent plan that has been used here in Bedford, and is being used right now, but is available only for rented units. Our requested change has no adverse effects on the Town of Bedford as the project will continue as a condominium unit but it does provide much needed workforce housing both required in the State and the Town. Bedford has many professional families, teachers, police, firefighters, and town workers that would qualify for this project and improve their quality of life. These are good people that help make and keep the Town great. Any great city or town is made up of all levels of residents. Bedford is a great town, which my son and his family have called home for many years. Thank you for your time considering this request.

Chairman McMahan stated before we have comments from the Planning Board, could Ms. Hebert give us some additional information.

Ms. Hebert stated I just wanted to explain to the Board how we got to the point of needing the site plan amendment. The project that Mr. Smith described is not changing in any physical way, there are no changes to the proposed layout or design of the project, but Conditions #21 and #22 in the overall approval specifically reference the ownership units as opposed to rental units, and for workforce housing in Bedford they have two different definitions, and the metrics that we use to determine what the maximum rent or maximum purchase price are slightly different for rental units as they are for ownership units. I just wanted to make that distinction and answer any questions if you had any specific questions about workforce housing and the difference between the ownership versus the rental units. It is my understanding that the project would still be subdivided into a condominium and you would be proposing condominium units that a development group would then be able to rent or sell, so you are not negating the possibility that the unit could be sold as an ownership unit, but right now Sebbins Brook Crossing has completed all of their conditional site plan approval requirements and their plans have been signed by the Planning Board and that includes recording covenants that establish the transfer of the units as ownership workforce units or ownership affordable units for the age restricted building. Mr. Smith stated that is correct. This is basically enabling us to go forward on either a sell or rental basis and depending upon the market conditions unfold after COVID is all over. It changes nothing for the Town except for it enables us to go forward and get the units built and at some point in time they may be sold, they may be rented, depending upon market conditions.

Mr. Fairman stated I like this development because it was condominium. I thought it was very important that we add to Bedford the possibility of workforce housing that can be purchased.

That is something we don't have much of, or any, in Bedford. Mr. Smith stated or the entire state. Mr. Fairman stated and I now understand why. I am happy that you are keeping the option of buying. Are you putting any limits on that or anything? If somebody comes into the workforce units and wants to buy one, you are not going to limit that at all? Mr. Smith responded absolutely not. Everything will stay exactly like it is now except that we can either rent or sell. Mr. Fairman stated I just wanted to make sure that there were no limits.

Mr. Sullivan stated just to make sure that I am understanding the comment around financing or State assistance. Is that in reference to the New Hampshire Housing Finance Authority construction lending program? Mr. Smith responded the State of New Hampshire has a very helpful financing plan related to workforce housing where they come in and help subsidize the construction of the buildings so that they can be rented out at a reduced rate. The only problem is that they don't make that plan available for workforce ownership, it has to be rented. So if we get this approval tonight, we could go to the State of New Hampshire and say we want to go forward with it and they would help finance the development.

Mr. Newberry stated I have a couple of functional operational questions. Are there any criteria that you anticipate other than pure financial in terms of when you might convert a rental unit to an owned unit? Mr. Smith replied that would basically be market driven. Mr. Newberry asked then your additional financing support for rental units, are there restrictions associated with that in terms of converting any of those rental units? Mr. Smith responded there aren't restrictions as long as it is a rented unit. In other words, we could go any place and get financing without restrictions, if we go today with ownership, we can't get financing. Mr. Newberry stated my question is, if you have assistance in financing the development based on rental units, are there restrictions associated with that support from the State or the federal government that would prevent you from converting that from a rental unit into an owned unit? Mr. Smith replied with the State of New Hampshire you could convert it, you just say we are going to sell these things off, we are going to get you out of here. It's a little bit different the way the HUDD financing plan goes. The answer to your question would depend on what financing plan was finally selected for the construction of this project. We don't have any plan right now because we have looked at all of the financing available, and quite frankly, there isn't any. That is why we are back here now so that we can then go back and see whether we would go to the HUDD program, which is probably better than the State program but it is a little more complicated, there is a lot more red tape to go through the government than to go through the State. Mr. Newberry stated so if I understand you correctly then, whichever program or programs you use to help finance the development wouldn't categorically prevent you from turning a rental unit into an owned unit down the road. Mr. Smith responded it would not.

Mr. Newberry asked how and who is going to manage the rental units? How will they be managed? Mr. Smith replied if they were rental, we would have a rental management company running the rental just like all of the rest of the rental units in the town. Most of them have professional management groups that come in and make sure the plowing is done, the rent is paid and the units are made available that should be available, in other words, you want to make sure that there is 25 percent of the units are available for workforce at all times, even if there is one vacant, you can't rent it to someone else, it has to stay vacant until it is filled by a workforce person. Generally, a management company does that. Ms. Hebert stated and they do report back to the Town, so we have an auditing process. Mr. Newberry asked as far as maintaining the correct balance? Ms. Hebert responded that is correct. Mr. Woglom stated you would have a

management company that would administer the day-to-day things, whether it would be a condominium or rental. Mr. Newberry asked so the management company would be a part of the condo association? Mr. Woglom responded the condominium association of this size would almost assuredly, of course that would be owner driven, the owners would select the management company, but in either case, you are invariably going to have a management company that is going to oversee rules, regulations, maintenance, that sort of thing. Mr. Newberry stated I support the general idea, I am just trying to get a good sense of how is this actually going to function where you have a mix of condo units, owner occupied and some set of rental units that are part of the mix, I want to get a little better sense of how you anticipate managing that dynamic. Mr. Smith responded it would probably be all rental to start with and then once you decided you were going to start selling them, it would all go to condo and you would have a condo development selling off the units. There wouldn't be a mix to start with; it would either start out as condos or start out as rentals and at some point in time it could change. Mr. Newberry stated that would be for the qualified units but then you still are going to have market rate units. Mr. Smith responded no; the whole development would be done one way or the other. In other words, the market rate and the control rates would all be either as a condo, selling them out, or as a rental renting them out. Mr. Newberry stated but I understood this to this point to be the question of ownership or rental for a given unit is based solely on the 25 percent units in both the affordable workforce housing and the affordable elderly housing, not the remaining condo units. Mr. Smith responded the way the project would have to be financed if you went to the State of New Hampshire or HUDD, you would have to go and say if you brought the State of New Hampshire or HUDD in, they would all have to be rental units to start with and then they could be changed over at a later date. There is no mixed financing; you can't get financing for workforce and financing for market rate, separate financing. The whole project will be financed one way or the other, so if someone came along and said here is \$50 million, go develop this thing and let's make it condos, then it would all condos. If someone comes along and says here \$50 million but I want it to start out as rentals, then it starts out as rentals. Mr. Woglom stated under the State or HUDD's program, they would all need to be rentals. In order to convert them to condos, you would need to take HUDD or the State out of their financing and then have more conventional financing at that stage. Mr. Newberry asked when you gentlemen say all, you are saying every unit in the entire structure or all of the qualified units? Mr. Smith and Mr. Woglom replied all of the units. Mr. Woglom stated all of these would have to be rental through that initial financing phase. Let me just explain more as to why that is important.

Mr. Woglom continued when anybody, be it affordable or even the market rate ones, when somebody goes to their community bank and is going to finance a home if they were going to buy it, many of these people would end through a NHHFA financing program, which has a very attractive purchase program, from 1 to 5 percent down based upon your income limits and what have you. However, the vast of majority of those loans, if they were purchased, would be sold to Fannie Mae or Freddie Mac. Back in the 1980s there were no restrictions on condominiums and then during the savings and loan crisis there were all sorts of condominium developments that went bad. At that stage, or somewhere thereafter, Fannie and Freddie basically put a restriction on multi-family condominiums, that said, we will not purchase any of these loans from these banks until the condominium is stabilized, I can't remember the number, this goes back 10 years ago for the sake of this discussion, 75 – 80 of the units must have been out of the developers control and into the unit owners control. The reason for that is because some of these developers did unscrupulous things and what have you. That really, when you think back over the years,

you don't see these affordable condominium projects getting done anymore, and the reason is because these people need to go through a Fannie Mae, Freddie Mac sort of program, or HUDD program, or NHHFA program, in order to make them affordable. What happened is Fannie and Freddie became cognizant of this; at this juncture their prerequisite is that you must have pre-sold 50 percent of the units. They don't really define pre-sold, if you put \$1 down, is that a contract, so what happens though is you now have a situation where you have to sell in order to have these buyers qualify for these financing programs that are available to them, be it market rate or affordable, you have to have 50 percent of these people committed. Yet these days when you go to buy a condominium, most of the condominiums that you are seeing get developed these days are for the more wealthy people, the people that can afford to say I am going to put 20 or 30 or if you are southern Florida, 50 percent down and I am going to wait a year or two until this project is completed, but the reality of these people who are buying affordable units, they don't have that sort of down payment and can make that sort of commitment, and what you end up with is the conundrum where as a developer you go to the bank and you say I would like to borrow the money and they say what do you have for presales. If you could get 50 percent pre-sales, which is a lot with 238 units, that order of magnitude, but all of those people need to wait until this construction project is done and all of those people would to get a level of financial commitment to them to show that those people will be there at closing if there is an economic hiccup. So the conundrum, while there are definitely good home buying programs for established condominiums out there, there is no great mechanism in the financing programs that are available today that allow these people, who just simply don't have that sort of money in the bank that can sit there for a year or two waiting for this to be done. If you were going to sell them, could you sell them to investors and what have you, maybe, but of course you are going to be renting them anyway. That is what an investor is probably going to do. There is no viable way of doing a large-scale affordable condominium project at these early stages. The State conversely has an exceptional program where they sell the bonds at the outset so the developer knows that the funds are there, the lender who might be participating knows that the federal government is there to back HUDD, is there to back that thing. So from a developer's perspective, you can get the funds to do this and know that there is not undue risk, and the people who need to live in these things, the people who can spend \$1,500 - \$2,000 or something of that nature a month are going to be able to afford it when it is done. When it is done, they come and put their money up, but the conundrum is that there is simply no developer financing mechanism that allows you to get to that 50 percent stage at the stage you need to be at.

Chairman McMahan asked Mr. Newberry, was your question more of a management one and between the two types? Mr. Newberry responded it was. Initially will there be any units for sale? Mr. Woglom replied not if it goes through the NHHFA and HUDD program for developer financing, you would not be able to sell any of those initially. It would be a rental development, at some stage you could take those entities out and sell them, but you could not do that at the initial stage of the project. These would all need to be rentals at the initial stage. Mr. Newberry asked so those might be rentals indefinitely? Mr. Woglom responded under this request there would be no restriction, per say, for these being rentals in perpetuity. Mr. Newberry asked so the workforce and elderly units would be rented to the criteria for those to restricted type units, the remaining units would be rented at market rate? Mr. Woglom responded correct. Mr. Newberry asked then what incentive would there be to ever convert them to condos? Mr. Woglom replied cash out for a developer. That is probably the highest means of recognizing a cash out, because at that stage you have the inventory done. A developer who is going to buy it, is going to look at the capitalization rate, the rate of return that they would get after taking all of the expenses and

the rent, but in reality it is a shame that there isn't a developer financing program for this because it is the biggest part of the affordable housing sort of crisis that we are having right now. It is that there is no mechanism to build something that is larger scale for sale, even though NHHFA has exceptional programs for purchase, you need the inventory done and completed first and it is not viable.

Mr. Newberry asked so in order to change from a rental unit to an owner occupied unit, exactly how would that be executed. Mr. Smith responded the project is already set up as a condominium, so it would be very easy. You would simply say we are going condo, we are going to sell this, Mr. Jones you are living in 101, do you want to buy it, if not, someone else does. That is the way it would get changed from rental to ownership. Being very, very frank, it would be almost impossible to do this project starting off as ownership because there is no mechanism to finance. Mr. Newberry responded I understand that but I am just trying to understand the mechanics. Mr. Woglom stated you would need to effectively pay off the loan that you have through the federal government, or guarantees by the federal government, to allow you to sell some or all of the project to individual owners. Mr. Smith stated but the chances of that happening are good because it is already approved as a condominium association, you build the place, you get it rented out and then someone looks at it and says wait, I can get \$400,000 for this unit, I am only getting X rent for it, I am better off to sell it, and they take the original financier out of it and you sell them off. Mr. Woglom stated and you would still have the restriction of selling those on an affordable level for 25 percent of them, just as though you have the restriction for renting 25 percent of them on an affordable level. That is in perpetuity. Mr. Smith stated that is a 30-year commitment that the developer makes. He makes that commitment that these will be workforce units, 25 percent of the units, which in total, the total project produces 60 affordable units, so you get 25 percent of two 72-unit buildings are workforce housing, and 25 percent of a 96-unit building is affordable housing for age restricted. So you have 24 age restricted affordable units and you have the remainder. That is what happens. Those will always be there; those can never be changed. Mr. Newberry asked so initially the buildings will be held as a condominium by entity and that entity will rent the units/convert them to condominium units? Mr. Smith responded if it goes that way, if the financing goes that way and that is the way we go forward with it, that is exactly what would happen. Mr. Newberry stated thank you. Ms. Hebert stated and the developer could refinance, so you could use this financing initially to get the building off the ground and built. Is that right? Mr. Smith replied yes; you could build it, rent it, and then decide I am going to pay it off, or am I going to go condo. That was our initial idea. We wanted to go condo, we thought it was something interesting, new and unfortunately I didn't do my homework and I didn't realize there is no such plan out there that will enable me to do it. That is why we are back here tonight.

Vice Chairman Duschatko stated I would like to follow-up a little bit on what Mr. Newberry started. In the late 1970s, early 1980s, the NHHFA was extremely active in financing subsidized apartments. They issued the loans, they issued the notes, they were guaranteed by Fannie Mae, and every one of those the bonds were issued at an anti-call provision, so it does not allow for refinancing until a certain set number of years and in most cases that would be somewhere between 12 and 15, depending on the particular issuance of the bond. At that point in the early 1980s when it expired almost 100 percent of those units were converted into condominiums with no restrictions. Those were financed primarily by FHA loans, which are very different, and the FHA loan was a guarantee and was then sold to Fannie Mae or Freddie Mac. The restrictions on purchasing loans into existing condominiums basically have come because of the abuses of those

particular programs across the board. Mr. Smith stated you are correct. Vice Chairman Duschatko stated I hope so; I was responsible for that program. I was not responsible for the fallout, and I have been fighting against that for the past 30 years.

Vice Chairman Duschatko stated you are going to run into the same particular problems. Every one of your financing groups are going to have restriction on the time limits that you are going to have before you can convert. You cannot go out and just put a municipal bond, which these are, in the marketplace and hopefully have a call option at your particular option, that is going to be set by the investor. In most cases right now they are against the anti-call options because they don't want to be refinanced out of the longer term situation. That is one thing I think you should be very much aware of. Mr. Smith responded you are exactly right. What the State does when they assist with these programs, and there is one going on in the Town right now, they issue a bond and they get the money and they use that money at a reduced rate to subsidize the construction of workforce housing. And they have a clause in their plan that you have to keep it I think it is 8 or 12 years, I am not sure. Again, I should have done more research on it. Vice Chairman Duschatko stated it depends on what you negotiate. Mr. Smith stated HUDD's program is different but with the State you are absolutely right, that is what the State program is. Vice Chairman Duschatko stated with HUDD there are variations on it off from the State program. It is much easier to deal with the State and you will find out that essentially you aren't looking at a cash out situation at a sale of a condominium and those, you are cashing out on your construction end of it because most of that financing is 100 to 120 percent of cost. After you sell off the tax credits is where your return comes from. That is how the lower, assisted income works for the investment groups. It makes it very difficult, that is why you can't mix it with condominium rental types of things. Nobody knows who is in charge, who is owning it. You are back to that management mess that started 30 – 40 years ago, and really has never been totally cleaned up. I sympathize with what your particular position is on this and what you are trying to do, but I don't think you can, in all fairness, basically come out and say we are going to start this as apartments and then sometime magically in the future of a number you don't know, tell us that these are going to be sold. I just think that the plan has a little bit more meat to it so we understand what we are getting into. Mr. Smith responded I think that what we are asking today is approval for rental or ownership. I believe that if we went with the State, I don't know whether it is an 8- or a 12-year period, they would be rentals for that period of time before you could take the State out. With the federal government I don't know what the restrictions are. Vice Chairman Duschatko stated they are worse. Mr. Smith stated but these would obviously be rental units for some period of time, and I am not trying to say they would be converted into condos the day after we get them full, because they won't be. Whatever the restriction is, is when then the developer could decide now is the time to convert these to condos. Vice Chairman Duschatko stated the point I think where some confusion lies, is you told us that basically you are agreeing to have these assessed at a value as a condominium. That is a going to be a heck of a lot higher than it is going to be assessed as an apartment unit. Mr. Smith responded that is the way we presented it to the town. Vice Chairman Duschatko asked can you live with that? Have you really looked at the numbers? Mr. Smith responded we said to the Town that we want this to be a condo development, and that is what we want it to be. We want to be able to convert these and sell them at some point in time. Mr. Woglom stated they will be condos; they will get assessed however your assessor assesses them. Vice Chairman Duschatko responded until the next owner comes in and says I want an abatement because these are apartments. Mr. Smith stated it is written in the Town that it is a condo. Vice Chairman Duschatko stated it doesn't matter. I wish it was that crystal clear. Mr. Smith stated it is in my

mind. I don't know about anyone else's. Vice Chairman Duschatko asked are you going to guarantee that your group is going to own these things for at least 8 to 10 years? Mr. Smith replied no, I am not guaranteeing that. Our initial idea was to build it ourselves until we ran into this financial buzz saw and I am a year older, Vice Chairman Duschatko stated I understand, I am really trying to help you here, but I think we ought to protect the general interest of the taxpayers of this community and I think it comes down to that particular type of thing. Once you get into apartments, believe me, it is going to be apartments. You may say you are going to convert it now, but that is what they are going to want to see and that owner, whoever that might be, it could be your group, it could be a third party we don't even know about or know it exists now. They are going to come in and say you are over assessing us. That is the problem. Mr. Woglom asked what is the difference in assessment? Ms. Hebert responded I was just going to say I don't know that we have a comparison. Mr. Woglom asked how much of a difference is there? Vice Chairman Duschatko responded let's just take a general apartment assessment. They are being assessed for about \$175,000 per unit on basis. The new apartments that are being built as workforce housing here have a constructional loan value over \$229,000 per unit, where the other apartments are being assessed at \$175,000. Mr. Smith stated these units would cost at least that to build. In fact, more than that. I think we put a lot of architectural features into these units. Vice Chairman Duschatko stated I am sure you have. I am just telling you what I think we have to look at. Mr. Smith stated but if they get assessed at \$250,000, so that is what they are assessed at. Whoever is running the operation will have to have that in his rental rates. If it is me, I have done all of the numbers on those, it works. The rental rates have gone up tremendously as have the selling prices have also. I would have no problem making money with this as a rental project and paying the Town whatever they want to assess them at.

Ms. Hebert stated I know the workforce housing you have these special financing programs, but I am wondering if the age-restricted housing falls into that same category or if there is a higher chance of that becoming a condo unit with ownership. Mr. Smith responded it all depends. If we built all of these three at once, then they would all fall into the same financing bracket. In all likelihood with the unknown financial conditions of today, we would not do that. We would probably start with the workforce units, we build one workforce unit, then another workforce unit, leaving the elderly units separate so they could end up being a different financing plan than the workforce units. They could be, they might be, they might not be. I know that a lot of people don't understand the elderly housing and they are a little bit afraid of it. I frankly think that they are great in this town, elderly housing, workforce elderly housing, we would have 24 units that would be workforce assisted in the elderly housing and I think that would be great for the Town of Bedford. You have 24 there and whatever on the other side and you have that many residents in Bedford that could use them today. They could move in and their standard of living is improved.

Mr. Clough stated I heard you say that we said to the Town of Bedford "We want this to be a condo development." and all of a sudden the Town of Bedford, the people, are getting apartments. In my mind, I took a lot of heat in my vote from people who called me and said these are apartments and I said no, these are high-end condos, that was my vote. Now I kind of feel like we are going to sell you a Ford and now it is going to be a Volkswagen. Like Vice Chairman Duschatko I am sympathetic to what you are saying, but a lot of this should have been foreseen. Mr. Smith responded I agree with you and that is my error. If I had realized that there was no financing plan, I never would have proposed it.

Mr. Newberry stated if the development is set up as a condominium, you will have a single entity owning all of the units within the structure. If you were to sell it, it is still a condominium whether it is maintained and owned by a single entity or 112 entities. Mr. Smith responded that is correct. Mr. Newberry stated I am not sure to your point Vice Chairman Duschatko, whether a new owner could sidestep the fact of it being created as a condominium, I don't think it makes any difference whether one entity owns all of the units or whether 112 entities own a unit within the structure. The question in my mind is, if it is set up as a condo, can a subsequent owner come in and arbitrarily say this isn't a condo anymore? Vice Chairman Duschatko replied no, of course not. If they control it, they could. They could de-condoize it; it doesn't usually happen, but it can be done. They have to own all the control of the units. Mr. Newberry asked so a subsequent owner could turn it into rental is what your concern is? Vice Chairman Duschatko responded yes; either way. Mr. Woglom stated I believe they would have to come back to you in order to do that. Mr. Smith stated they would. They couldn't just say everything those guys told you forget about it, we are going rental. They can't do that. It is a condo project, it is registered with the State as a condo project, it is always going to be a condo project unless the Town said no, it is no longer a condo project. I think Vice Chairman Duschatko's only point was the assessed value and my answer to that is that whatever the assessed value is, it is. Vice Chairman Duschatko responded that is correct, but it also addresses Mr. Newberry's. If you sell it to a new owner, the whole thing tomorrow, 100 units are 100 units. They can do basically whatever they want with that particular property. If they want to continue to lease it, they can lease it. If they want to sell it subject to whatever agreements you have in terms of subsidy financing programs, they are going to be bound by those in terms of what they can do with those particular units, but the ones that are not, they could either sell or continue to own, whether it is one person owning 100 or 100 people owning one. It doesn't make any difference.

Chairman McMahan opened the public hearing on this application. There were none. Ms. Hebert stated we have not received any email comments from the public hearing. Chairman McMahan closed the public hearing on this application.

MOTION by Mr. Fairman that the Planning Board approve the request to amend the Site Plan approval of the Sebbins Brook Crossing development, to remove the requirement that the affordable elderly housing units and the workforce multi-family housing units be condominium "ownership units," and that Planning Board conditions #21 and #22 be modified as follows, with the condition that all other Planning Board conditions of the October 13, 2020 approval, shall remain in full effect:

21. The applicant shall provide a deed restriction, easement or other suitable legal documents to restrict 25 percent of the units to workforce *ownership* housing and to demonstrate compliance with the affordability requirements of Article 275-21B (4) for a minimum period of 30 years. All documents shall be reviewed and approved by the Town's legal counsel.

22. The applicant shall provide a deed restriction, easement or other suitable legal documents to restrict 25 percent of the elderly housing *ownership* units to affordable units to demonstrate compliance with the affordability requirements of Article 275-21B(2) for a minimum period of 30 years. All documents shall be reviewed and approved by the Town's legal counsel.

Ms. Malcolm duly seconded the motion. Vote taken; motion carried with Vice Chairman Duschatko and Mr. Clough voting in opposition.

- 2. Mega-X, LLC c/o Elie ElChafoun (Applicant) and New Sunset Realty, LLC (Owner) – Request for Site Plan Amendment to amend the proposed hours of operation from 5AM to 11PM daily, to 24 hours per day for a gasoline service station and convenience store, located at 195 South River Road, Lot 22-23, Zoned PZ.**

Ms. Malcolm recused herself from this application due to the fact she is an abutter to this property. Mr. Nichols was appointed to vote.

Derek Wester of Nouri Energy Corporation Regional Manager and Elie El Chalfoun owner were present to address this request for a site plan amendment.

Mr. Wester stated Nouri Energy Corporation will be running the Mega-X site on South River Road. We are in front of you today to really try to get our license extended to the 24-hour operating time. The biggest purpose for this is that we want to be able to offer a convenient service to all members of the communities at all times of the day and night. Nouri is currently operating 150 stations throughout New England, mostly in Maine, New Hampshire, Massachusetts, a couple in Connecticut and Rhode Island as well. Our business model is a very family friendly business. We are operated by a family, all of the family members work in the company and we really try to present that to the communities that we operate within. Our 24-hour model is really critical to our business because we don't just want to service the folks that are working a regular 9:00am – 5:00pm or a second shift, we want to still be available to service and provide convenient service and fueling needs to any customer who comes in in any hour of the day and night. We really want to make sure that we are available to our first responders that are working throughout the evening, our plow drivers throughout the wintertime, anybody who may need that type of convenience and service, we want to be able to provide that to them. We were provided with some comments that were sent into the Town, and I feel like there are some very valid concerns that we want to address as well.

Mr. Wester continued with regard to our stores, or even convenience stores in general, becoming a place where people would hang out at night that would be encouraged, to do any type of illicit activity within our property is something that we take very seriously within the company, and I know there is definitely a reputation out there for that being allowed on convenience store property, especially after nightfall. We pride ourselves with having the top of the line security systems that surround the entire perimeter of our store, our fuel pumps and then the inside of the store. There are high-definition cameras that are monitoring on CCTV 24 hours a day. Additionally, we try as a company (due to our morals and principles) to not sell products that would encourage certain types of individuals to want to hang around our stores. We don't sell any type of drug paraphernalia, we don't allow any type of other items that attract folks that may want to hang out and cause trouble in our parking lots. It is not something that we want to do. Our primary focus really is to be a partner for the communities that we operate in. We try to make sure that each and every one of our associates, our team members, feel like a part of our family and we try to run our stores in a manner that families will feel comfortable to come

inside, shop with us, get to know our team members that are in the store, and really feel like our store is a part of the community.

Mr. Wester stated there are other concerns that I wanted to clarify as well; we take the lighting requirements of the Town very seriously and will be making sure that all of the lights are dimmed after 7:00pm per regulation. As far as robberies go, I know that convenience stores are very well known as a target for robberies, however, we have steps in place to prevent that. We make sure that our associates are all trained before they start working on a register to keep the cash levels below \$100 after nightfall. This is critical because we want to make sure we don't make ourselves the target for anybody who would like to come in and rob us, anybody that would like to come in and cause any type of harm to our store or our team members or the community that we are operating in. At the end of the day we are coming before you and we want to be a great partner for the Town of Bedford. It is a beautiful town, I am from Massachusetts and this is my first time up here, but I was really taken aback by the town. I know we operate a lot of stores in New Hampshire and really have prided ourselves in becoming a partner with the community that we are working within and working for. I am happy to answer any questions or to clarify anything that the Board may have as we put this application through.

Vice Chairman Duschatko asked are your other stores in New Hampshire opened 24 hours a day? Mr. Wester replied the vast majority of them are. Vice Chairman Duschatko asked are all of them? Mr. Wester replied not all of them. Vice Chairman Duschatko asked which ones are not? Mr. Wester replied we have a couple in the Manchester area that are not open 24 hours, we have a couple in the Nashua area that are not open 24 hours as well. Vice Chairman Duschatko stated those would seem to be the higher volume areas, why are they not. Mr. Wester replied it is based on the fact that our company has acquired a lot of other companies and a lot of times we will continue to operate at the hours they were operating at previously. Also, if the location we feel is not a prime location for that type of operation, sometimes we will adjust the hours accordingly.

Mr. Newberry stated from your presentation and everything that I have heard, I am sure your company is cognizant of some of the issues, but I have not heard or observed anything that indicates to me that operating more than 5:00am to 11:00pm for that facility is needed or wanted in the community. I also think that it has potential for negative light, activity, security issues for the abutters and for the general area. I do not support expanding the hours beyond the 5:00am to 11:00pm. Mr. Wester stated I respect your opinion on that. Thank you.

Mr. Nichols stated I know 24/7 is the proposal but are there any other hours of operation changes that you looked into. Mr. Wester responded that is the desired operation hours that we are looking for. Like I told Vice Chairman Duschatko earlier, we do have stores that operate at other hours as well within the chain. Mr. Nichols stated we have other businesses, restaurants within Bedford that are open past 11:00pm so me personally I would support something later than 11:00pm to match the rest of the community but 24 hours I think is a difference, and I don't think that I would support that. That is why I asked if any other hours were looked at.

Mr. Nelson asked do you have any idea what the closest same type of store that operates the same hours to what you are proposing would be to this area? Mr. Wester responded we do have multiple stores in Manchester that are operate 24 hours a day. Mr. Nelson asked that would be the closes one? Mr. Wester replied yes, to here. Mr. Nelson asked but there are other stores in

Manchester that are not? Is that correct? Mr. Wester replied that is correct. Mr. Sullivan asked Mr. Nelson, was your question in regard to other gas stations or convenience stores that are not of their chain that are local? Mr. Nelson responded yes; I would ask the broader question, not just your chain, but of the research that you have done, what any closest would be. Mr. Wester responded I know that a lot of our competitors do operate in variable hours as well. I believe it depends on the individual location.

Chairman McMahan asked your convenience store sells cigarettes and beer? Mr. Wester replied yes we do.

Mr. Fairman stated I want to follow up on what Mr. Newberry said and I totally agree. I don't see any big push in this town for 24-hour facilities of any kind. I can't vote to approve this change of hours. I think the 5:00am to 11:00pm is adequate for the town, it meets our needs in the town.

Chairman McMahan asked did you read Chief Bryfonski's letter? Mr. Wester responded yes I did. As I stated before, I do believe that a lot of the points that the Chief made are very valid. It is an operating condition of which we learn to try mitigate as much of the risk factor in operating a 24-hour business as we possibly can. We have an emergency button that is available to all of the associates that are working for the entire day, but primarily used after dark, or if there is any type of emergency situation, they would press the button and they are immediately connected to our alarm system who notifies the local Police Department. Honestly, I can say that we don't have to use them, thankfully, as much as some of our competitors do because we really try to mitigate as many of the risk factors as we possibly can. Chairman McMahan stated Chief Bryfonski's concern was that he already is overloaded on the evening shift and he believes that this could be a problem for law enforcement. Chief Bryfonski's letter will be attached to these minutes.

Chairman McMahan opened the public hearing on this application.

Kelly Averill stated I live within the Village Green community directly across from the Mega-X gas station and I would like to express some major concerns for the requested waiver, specifically with the type of clientele and the activities that this will attract at all hours from 11:00pm to 5:00am, the extra traffic, noise and nuisance from the headlights as mentioned previously, potential additional loitering in our neighborhood, and inviting trouble. We don't have additional security cameras and that type of thing that your gas station might have if anyone comes into our neighborhood and the negative impact that these issues will have on the property value. I do feel as though that other gas stations in the neighborhood can service the plow services and those members that you had previously mentioned, so I am not in support of this.

Richard Galway, 9 Muirfield Road, stated I live in the Village Green community. I have a question and I am not sure who is to answer it, but if you don't mind, I would like to have somebody answer it. This is a site plan amendment. I don't know who put the hours out, or who requested the hours originally. Chairman McMahan responded that was requested by the applicant when they first brought it before the Board. Mr. Galway stated that is what I thought. So now without having opened you granted that with the request that these be the hours, the Board granted those, and now without having opened they want to increase the hours. I think that is a correct statement. Chairman McMahan responded that is correct.

Mr. Galway stated my concern is that this seems to me nothing but an attraction for crime in our neighborhood. It is very difficult for me to believe that a person can't want between 11:00pm and 5:00am to get gas. I realize that this isn't quite the issue that you had just a few minutes ago, the complication, but it is a big one, I think. Crime is a real issue, the police have indicated that they are opposed to this, and I think rightly so. The question in my mind is, because you are always looking into the future I'm sure, if this is granted, there are no other 24-hour shops in that enterprise zone. I believe I am correct in that. Chairman McMahan stated you are correct. Mr. Galway stated this sets a tone that I don't think we want to set in Bedford for a lot of reasons that are pretty obvious. Because of that, I am opposed to this, and I hope you will be. Thank you.

Chairman McMahan asked were there any other communications from the public. Ms. Hebert responded no, but the folks who wrote the emails that you received earlier today regarding this project asked that their emails be read into the record. Chairman McMahan stated they shall be, and each member of the Board has received those. These emails were read into the record and will be attached to these minutes.

Chairman McMahan closed the public hearing.

The emails were from the following individuals:

Police Chief John Bryfonski, 55 Constitution Drive, Bedford
Carol Conti, 21 Gleneagle Drive, Bedford – 2 emails
Marilyn and Tony Frederick, 25 Gleneagle Drive, Bedford

MOTION by Mr. Newberry that the Planning Board deny the site plan amendment to amend the proposed hours of operation from 5AM to 11PM daily, to 24 hours per day for a gasoline services station and convenience store, located at 195 South River Road, Lot 22-23, as the Board finds that the proposed extended hours of operation would have a detrimental impact upon abutting properties, as discussed at this meeting. Mr. Fairman duly seconded the motion. Vote taken - all in favor. Motion carried.

Ms. Malcolm returned to the meeting.

Concept Proposals and Other Business:

- 1. Charles River Realty Group (Applicant) and River Glen Development c/o Adobe Builders of NH (Owner) – Request for a conceptual discussion for an electric automobile dealership and associated parking and site improvements, located at South River Road, Lot 35-3-1, Zoned PZ.**

Developer Elias Patoucheas and Jeff Kevan of TF Moran were present to address this conceptual review.

Mr. Patoucheas stated the site is approximately 5.8 acres of land. I have secured a letter of intent with a public company who manufactures electric cars. Unfortunately, I have signed an NDA so

I can't disclose the name, but I think you can all figure that out. I am very excited to develop this project. I have hired Jeff Kevan of TF Moran as our civil engineer and we would like to walk you through the project tonight and get your thoughts. Thank you very much for your time.

Mr. Fairman stated I have a quick question. You stated that it was manufacturer of EV's but that is not the plan for this facility. Is that correct? There is no manufacturing done here? Mr. Patoucheas replied no; it would be for the sale of EV's. It is a dealership.

Mr. Kevan stated basically we have started some conceptual work. We have actually had some discussions with the perspective tenant, but primarily what we wanted to do is get in and get the Board's feedback to see if they would entertain the waiver to allow the car dealership use in this location.

Mr. Kevan stated if you are looking at where the site is located, it is on south end of Technology Drive, just south of it on the other side of Technology Drive is Sullivan Tire, diagonally across the intersection to the southwest would be Land Rover, across the street is Mark's Showplace, to the southeast is the sports complex, and then you have Riverglen condominium development to the east. Along that property line they have a row of carports that our property line would abut, and then just north of us is the former Noah's function hall that is vacant at this point. We feel that it is in a good location as far as the proposed use, we have looked at it set back, there is a wetland just to the northeast corner of the property that we would be avoiding and there is a New England Telephone hut building kind of centered on the property in the front that we have to work around.

Mr. Kevan stated what we have shown is roughly a 36,000 square foot building that would handle the dealership plus the service bays and so forth, and then adjacent parking that would be for employees and inventory and so forth. We have shown a driveway that comes out onto Technology Drive kind of lining up with Sullivan Tire driveway and then we have shown a driveway that would come out onto South River Road and we would have to go through the full process with DOT and what have you. We have left the space to provide reasonable landscaping and what have you that Bedford has required for other car dealerships that we have actually done within the Bedford community as far as screening some of that. I would anticipate that the dealership will probably sit down a little bit lower than South River Road, not a whole lot but a little bit, and then we would work with staff and the Board to provide whatever screening, landscaping, is necessary. I will turn it back to the Board and see if you have any questions. The idea is to get feedback as to whether you would entertain the waiver to allow the use. I don't want to go too far down the road until we had that feedback.

Mr. Clough asked are you going to have a wetland delineation done or is this Bedford's jurisdictional boundary? Mr. Kevan replied we have actually had a wetland delineation done. We did the original plan but the wetlands that are shown on that upper northwestern corner of the property is the wetland. Mr. Clough asked it is currently flagged? Mr. Kevan replied yes.

Mr. Clough stated my only other comment is permeable asphalt. Mr. Kevan responded we haven't gotten that far into it as far as whether we could do permeable pavement or what have you. Again, that is based on the soil conditions. Typically, with a lot of car movement and wanting to plow things dry, you would do porous pavement or what have you, but we would end up with our drainage systems underneath that parking lot infiltrating in place. Mr. Clough stated

I just comment on this because our previous landscape architect had a lot of good things to say about that.

Ms. Malcolm stated you are going to have access, of course, via Route 3, are you also going to get in off from Technology Drive. Mr. Kevan replied yes. If you are looking at the site on the posted drawing, on the southeastern corner of the property you can see we are coming in across from the Sullivan Tire driveway.

Ms. Malcolm asked could you please elaborate on what the screening is between your proposed development and the apartments behind you? Mr. Kevan replied again, we are at a very preliminary stage, so that would be something we would work between staff, the Board, we are very willing to provide whatever screening is necessary across the back there. Like I said, what you have is a line of four carports that abut the line so you would be at the back of those, but we would be happy to screen that property line heavily.

Ms. Hebert stated just a reminder for the Board to grant the waiver for the use, the Board would need to find that the request met the purpose statements of the Performance Zone. We can review those but just to get you thinking about what types of things you might want to see on the plan in order to satisfy that threshold. I had a question: would you be doing service as well as sales onsite? Mr. Kevan replied yes. Mr. Nelson asked where would the delivery trucks be coming in there? Mr. Kevan replied I would foresee them coming in off from Technology Drive and looping, coming across the back of the building, and again, we would provide large enough radiuses and what not so they could probably go back out the exact same way they came in. I don't think they would be trying to make that turn off from South River Road.

Mr. Fairman stated I have a couple of comments. Being an EV you don't have a big problem with oil changes and storage of waste oil or any of that. Is that correct? Some lubricants but not the oil so you don't have that issue. Mr. Kevan responded no.

Mr. Fairman stated I am a little confused by the amount of parking you are showing and maybe that is to meet our requirements, but if this is the obvious tenant that we are all thinking that it probably is, they don't tend to have a lot of inventory, I don't think, so I don't see that you are going to have a need to have a lot of parking for a large inventory, and I would like to suggest that you minimize the parking to what you really think you are going to have for inventory and increase the green area as part of it going forward. Mr. Kevan responded again, this is very early in coordination with the actual vendor, so we would work with them to see what they need for inventory and that would typically drive that as far as what they need. Mr. Fairman stated what I am suggesting is to go by what you need, not by the Town requirements, even if you have to get a waiver for parking. I would like to see you go with the need and not overdo parking. Mr. Kevan responding there isn't any real requirement for the inventory piece. The number of parking spaces for the building and sales piece my guess is probably in the range of what is shown on the screen is 70 – 100 spaces and then we would see what the inventory is necessary, but we can minimize pavement. Mr. Fairman stated minimize the pavement that way. I like the idea of going to pervious pavement. Being an electric car dealership I would like to see that you consider putting solar panels on top to help reduce greenhouse gases. We need to be looking at that, the environmentally sensitive construction and development. Overall I am very much for the development. I think it is a great use for that piece of land.

Mr. Nelson stated I just wanted to back up and say as you are looking at continuing the site design, anything that can make this kind of a stand out in terms of energy efficiency, alternative energy sources, you have an opportunity here to kind of really establish what the world can look like moving forward. I would just recommend or say don't pass up that tremendous opportunity that you would have to be able to showcase a lot of those approaches to things.

Mr. Newberry stated I second the issue on paving and parking spaces. I think the staff memo cited a number somewhere around 100, but I think it is based off from the square footage of the building. Anything you can do to reduce the amount of pavement there I think is going to be a win for everyone, even it requires you asking for a waiver. I am not speaking for the Board, but I certainly would be interested in supporting a waiver for minimizing your parking requirements.

Mr. Newberry stated because this is going to require a waiver, I think as Ms. Hebert pointed out, you are going to need to come back with a strong statement and address the criteria for a waiver. If you have to ask and you want a waiver and you have to come back and sell it, how does it meet the stated criteria for a waiver, given the size and geometry of the parcel, this is probably as good a use for it as any.

Mr. Newberry continued is the elevation across the back of the proposed development and the existing housing about the same or is there a big difference in elevation there? Mr. Kevan responded there is some grade change across the site and we haven't gotten into exactly what it is. My guess is the dealership would be up a little bit above the residential development in the back. Mr. Newberry stated you probably want to take any grade changes there into account when you are doing your screening planning. Mr. Kevan responded yes.

Mr. Sullivan stated as I understand it, a waiver is required for this usage but by my head count there is roughly at least three dealerships in the Performance Zone right now. Did those require waivers at the time of development? Ms. Hebert responded that is a great question. No, the Board took the automobile dealership and service use out of the Performance Zone as a permitted use, I want to say it was in like 2014 because there were several within the district and the Board felt like they were reevaluating all of the uses in the district and wanted to encourage uses that would promote the purpose statements of the zone and provide a strong economic development. Within the Performance Zone the Town didn't have a lot of undeveloped land remaining. The Jaguar/Land Rover dealership did receive a waiver for the use when they expanded their location, actually just across the street from this site. Mr. Kevan stated the Mini Cooper required a waiver when it came in. This property back when Riverglen was first developed, this was identified to be a commercial strip and they have tried a number of times to find users that would fit in there or go in there and haven't been able to really come up with anything. Several have come in and looked at it and decided not to go in this direction. I believe at least one gas station looked at coming in here and for various reasons walked away from it. I do think this does fit well within the surrounding area and would be a nice additional as far as Bedford is concerned. Ms. Hebert stated I think the Town did not want to see when they were talking about this zoning amendment was acres and acres of parking and a very small sales office. Sometimes you have car dealerships are very heavy on the car storage and display and their sales offices are very small. If you look at the dealerships up and down the corridor, they have a really nice sales facility, a nice service facility and there is a little bit more of a balance between the scale and size of the building and the indoor display area and then with the outside display area for the cars and employee parking.

Mr. Nichols asked did you also say that charging was part of the concept here too? It is an interesting case just because of the previous discussion of the gas station right down the street and their hours. That was one that was pretty interesting. Also, just to point out there is going to be additional traffic for the charging infrastructure almost just as much as the actual dealership, I would think. I am wondering how many chargers they will have and if, in fact, this will turn into a place where you park for 30 minutes while you charge. Mr. Kevan responded I know several convenience store/gas stations that are looking for developing now, as the buildings are actually getting a little bit bigger for those because they are planning in the future they will end up with charging stations and the person is going to want to sit inside at a coffee shop or something for that 10 or 15 minutes. A lot of these convenience stores are making the buildings slightly larger and having at least room for some seating inside for the future. Mr. Nichols stated I just bring it up because if it is part of the concept here, because that does add another element. Mr. Kevan responded I wouldn't see that a lot of people would be coming here just to charge the car. Mr. Nichols stated yes they would. It will be on the map and it will be a destination that they come to. Mr. Kevan stated I think the State has actually identified corridors that they would be looking to promote and get charging places up and down the corridors of the state so they have to go to a lot to get it. Mr. Fairman stated this one might be very interesting for that because it is close to the airport bridge and an entrance onto the turnpike. I think you need to give some overall thought to how many charging places you want, but also the traffic patterns and how that will work traffic-wise and traffic count.

Mr. Fairman asked how many employees would you anticipate? Mr. Patoucheas responded we are not sure right now.

Mr. Nichols stated I am a huge proponent to add the charging to it. That certainly is a service that we need, but take it into consideration with the whole site.

Mr. Nelson asked would the charging station be a separate waiver or variance that is required or would that be included in the site proposal down the road? Is there anything specific around charging stations? Ms. Hebert responded no, I think the charging station would be wrapped into the service for the vehicles. We don't require a waiver for electric charge stations on site plans, we encourage them, you have seen them on some of the new site plans you are reviewed, the gas station that was just before you for hours of operation request has a couple of charging stations included on their plan. Whole Foods has a couple of charging stations. Mr. Nelson stated to Mr. Nichols's point, the vehicle has an awareness of availability and location of the station, this being at the location it is in and the ones that are available further up the road, are typically often full, so there is a communication that occurs that makes an awareness that that is an availability. Just something that we need to go into it kind of understanding that that could be a fairly high traffic element of the site. It is not a bad thing or a good thing, it is just a thing. Mr. Kevan stated we will have to take that into consideration with the traffic study when we do that. Ms. Hebert stated yes. Mr. Fairman stated and the location on the property too. Where it would be located on the property, delineate where it is. Mr. Kevan stated normally you would want to put it where people could go in and sit down somewhere inside the building typically. Mr. Fairman stated that might mean you need a sidewalk and street crossing. Chairman McMahan asked are you talking something about a coffee bar for people when they come in? Mr. Kevan responded I am not that far into it that I can commit that. They have them at Whole Foods because you park, you hook up, you go inside, you do your shopping, you come out and it is done. I don't think

most people are going to want to pull in and sit in their car for 10 or 15 minutes. Ms. Hebert stated Whole Foods has a unique situation because they have the quick charge and that is one of the only quick charging facilities in the region for electric vehicles that want to just get a quick charge. There are a lot of slow charge stations in the region, but if you want to charge your car in 15 or 20 minutes, there aren't that many options. Mr. Fairman stated a lot of dealers have coffee shops in them now.

Vice Chairman Duschatko asked are you aware that Route 3 is scheduled to be widened? Mr. Kevan replied yes. This whole property when it was originally developed put the widened right-of-way in place, the poles were actually shifted back, so we will take that into consideration. Ms. Hebert stated I know it is something that the DOT engineers are looking at. They did have a chance to review the concept at our technical review committee and did just want to highlight that as something you should be designing around. Mr. Kevan stated what we have talked about and the feeling we are getting from the Board we would set up a scoping meeting and start that traffic study right away.

Chairman McMahan stated we will also need to see hours for loading and unloading, dumpsters, and hours of operation and lighting. I think Mr. Fairman brought up a good point; it always seems to change in the first concept until you get to the end and the actual traffic flow inside and the markings especially if the applicant is interested in having charging stations, that will impact that. Mr. Kevan stated like I said, we just started conversations with the tenant, so there is still question whether this layout, would they put the building closer to the corner of the intersection and have less parking, how that will play out is all things we are working with the tenant on right now.

Chairman McMahan stated going through those different justifications for a waiver is going to be important. Mr. Kevan responded I get the general feeling from the Board that they are generally supportive of this use at this point in time. There were favorable indications from a few Board members.

Mr. Fairman stated on the hours of operation, if the charging stations are going to be different, we want to know that. Obviously if you are going to try to have 24-hour charging stations think that through at this point. Based on the last conversation, I don't know how that would fly. I also just want to second Mr. Nelson's comments about making this is a showplace for environmental sensitivity. Electric vehicles are a start. If you are going to put a dealership in, make the facility environmentally sensitive and the while concept. Think it through, solar panels or whatever else you can do to make environmentally friendly, step up to it and make it a showcase for that.

Chairman McMahan stated I base my opinion upon the mood of the Board, I think it is going to depend very much upon your justification.

Chairman McMahan stated one more thing about the environmental, I don't know if it is possible, you are going to have the water treatment underneath the parking lot, is there any way at all that that might be able to be recycled to be used for your watering or is that just not attainable in this situation. Mr. Kevan asked you are saying instead of irrigation, that type of thing? Chairman McMahan responded there have been other proposals that claim they can do. I just throw it out for your consideration. Mr. Kevan stated again, all of this has to be brought

back to the specific user and work with them. Chairman McMahan asked and building standards for energy star, are those types of things going to be taken into consideration in the construction? Mr. Kevan responded I will put that in front of them what the feedback of the Board has been as far as going for making it a showcase for energy efficiency and so forth.

Chairman McMahan asked is there a rough idea on what the façade is going to look like? Have you gone that far? Is it going to be something that you have an agreement with corporate and it is going to want to match others or do you have flexibility? Mr. Patoucheas replied typically that is where they start out, but there is a give and take between the tenant and obviously the Board and the town and we want to try to satisfy both groups. But certainly we are going to work with the Town as much as we possibly can to satisfy the Board and keep you happy. Chairman McMahan asked when you come back, could we have a discussion and your impression of what signage is going to be and size and where? That might save you a little grief in the future. Mr. Kevan stated possibly after we get a little bit further with the tenant, we would come back as we are starting our design process, maybe we come back and if we can show you some architecture and what we would anticipate for signage. The way the building is oriented and where the traffic is, we would normally look at signage on the two ends of the building and possibly something on the front, but we know what Bedford standards are for signage and we will try to push the tenant in that direction. Chairman McMahan stated whenever you want to come back, whenever you are ready and the purpose of it, whether it is initial review or another conceptual view, we are here for you.

Mr. Newberry stated speaking of the architecture, is a square structure required or are there other footprints that you may be considering. Mr. Patoucheas responded what you see here is actually their prototype, so they are pretty stringent on their footprint. Mr. Newberry asked it will probably come back as a square? Okay. Mr. Kevan stated with just how the operation inside works with the service bays and so forth, this is set up such that there is actually a door here and you drive through and out the other side, the service bay is in here. They kind of lend themselves to that arrangement as far as a rectangle or a square just for the functioning's that occur inside. You have the service bays and then parts and the sales room up front. Mr. Newberry stated I am not opposed to the square, I was just curious if there were other footprints that were possible. Mr. Kevan stated this is what we have been given so far.

V. Approval of Minutes of Previous Meetings:

MOTION by Vice Chairman Duschatko to approve the minutes of the October 11, 2021 Planning Board meeting as written. Ms. Malcolm duly seconded the motion. Vote taken; motion carried, with Chairman McMahan, Mr. Clough, Mr. Sullivan, and Mr. Nelson abstained.

VI. Communications to the Board: None

The next Planning Board meeting is scheduled for November 8, 2021.

VII. Reports of Committees: None

VIII. Adjournment:

MOTION by Ms. Malcolm to adjourn at 8:42 p.m. Mr. Sullivan duly seconded the motion. Vote taken – all in favor. Motion carried.

Respectfully submitted by
Valerie J. Emmons