

Michael Bessette, CAGS
Interim Superintendent of Schools

Lawrence LeBoeuf, BS
Business Administrator



Lawrence Elliott, MEd
Director of Student Support Services

Andrea Castaldo, MEd
Director of Curriculum, Instruction & Assessment

Dear Members of the Selectboard,

I am writing on behalf of the Kearsarge Regional School District to provide information regarding the District's interest in the pending variance application concerning the right-of-way (ROW) adjacent to Simonds Elementary School.

The District was recently contacted by the abutter's attorney and informed that they intend to seek a variance in order to utilize the existing right-of-way to access their property. During those discussions, it was conveyed that the applicant interprets the deed language as granting them exclusive use of the right-of-way. That interpretation raises significant concerns for the District, as it would directly impact the operation and safety of the school campus.

Currently, the District utilizes a portion of the 25-foot right-of-way as part of the school's bus loop. This traffic pattern has been established to safely transport students to and from school each day. From the District's perspective, there is no practical reason why the right-of-way could not be shared in a manner that accommodates both the school and the neighboring property. Unfortunately, based on discussions to date, the applicant does not appear to support a shared-use arrangement. The District's legal counsel is actively communicating with the applicant's attorney in an effort to explore potential solutions.

Should the District be prohibited from using any portion of the right-of-way, we would be forced to redesign and relocate the existing bus loop. Such a change would result in substantial and unplanned costs to the taxpayers of the Kearsarge Regional School District. Even if a shared-use solution can be achieved, the District anticipates additional expenses associated with modifying the site to ensure student safety. These costs may include, but are not limited to:

- Removal and relocation of portions of the existing playground;
- Installation of safety fencing and physical barriers;
- Traffic and pedestrian safety improvements;
- Other site modifications necessary to safely accommodate both school operations and residential access.

The District is also concerned that construction of a driveway within the full width of the right-of-way could worsen the existing drainage issues at Simonds Elementary School. Any increase in impervious surface or changes to drainage patterns should be carefully evaluated as part of the review process to ensure that existing conditions are not adversely impacted.

We appreciate the guidance provided by the Town regarding the variance process and understand that the Zoning Board of Adjustment is the sole authority responsible for determining whether the applicant has met the legal standards necessary to obtain a variance. We also understand that the burden rests entirely with the applicant to demonstrate that all statutory criteria for granting a variance have been satisfied. As an abutting property owner directly affected by this request, the District intends to participate in the process by submitting

information and providing testimony to ensure that the operational, financial, and student safety impacts are fully considered by the Zoning Board.

The Kearsarge Regional School District remains committed to being a good neighbor. Our goal is not to prevent reasonable use of the neighboring property but rather to work collaboratively toward a solution that respects the rights of all parties while protecting the safety of our students, preserving the functionality of school operations, and avoiding unnecessary costs to the taxpayers of the District.

We respectfully request that the Selectboard be aware of the District's concerns as this matter proceeds through the local land use review process.

Thank you for your time and consideration. Please do not hesitate to contact me if additional information would be helpful.

Sincerely,

Brett Pare
Director of Facilities
Kearsarge Regional School District