

**BEDFORD PLANNING BOARD**  
**Town Hall—Selectmen’s Meeting Room**  
**Regular Session Minutes**  
**July 14, 2015**

MEMBERS PRESENT: Amy Lloyd, Chair, Sandra Hackman, Clerk, Jeffrey Cohen, Lisa Mustapich and Shawn Hanegan

MEMBERS ABSENT: None

STAFF PRESENT: Glenn Garber, Planning Director; Catherine Perry, Assistant Planner

STAFF ABSENT: Cathy Silvestrone, Planning A.A.

OTHERS PRESENT: Elaine Davis, Karen Kenney and Deborah Leeman of Evergreen Ave.; Caroline Fedele, Selectman; David Powell, Finance Committee; Meredith McCulloch, Bedford Citizen

Amy Lloyd, Chair convened the Planning Board meeting at 7:30 PM

**Emergency Evacuation notice** - read by Sandra Hackman, Clerk

Sandra Hackman, Clerk, also gave advice for the public that the best way to stay informed of town board & committee meetings, agendas, and minutes is by subscribing to E-Info. on the town’s website.

*Note: All meeting submittals are available for review in the Planning Office.*

**OLD BUSINESS:**

Alphonsa Lane, 57 & 75 Hartwell Road Definitive Subdivision

The Board received a further letter from John Stella of 20 Washington Street concerning the development, but noted that the hearing was closed and the vote taken at the last meeting.

The Board received a copy of a letter of time extension for filing of the decision on the Definitive Subdivision, to July 17, which has been filed with the Town Clerk. The Board reviewed the Certificate of Action, edited in accordance with the vote at the last meeting, and signed it.

Lavender Lane – Performance guarantee

Director Garber reported that First Commons Bank has acknowledged its responsibilities under the Tripartite Agreement and has taken steps to re-secure the completion of the street by developer Harvard Green LLC (Rosario Ferrante and Sarah Bellan). The abutter is completing his pool construction work and Mr. Ferrante has assured town staff that he will soon perform the remaining items including putting finish coat on the road and providing as-built plans.

Since the majority of the work has been performed (as confirmed by a schedule prepared by the Town’s Public Works Engineer), the Board expressed willingness to release the majority of the

secured amount, retaining only sufficient to complete the punch list items. Staff confirmed that this includes correction of the spelling of the street name on the sign.

The Board signed a letter prepared by First Commons Bank, dated June 29, 2015, amending the Tripartite Agreement to reflect the change in details of assets secured by the bank, and agreeing to the reduction of the secured funds to \$41,000.

### Zoning Reform Legislation

The Board held a discussion of a state legislative initiative, aimed at reforming zoning and related statutes, that it postponed from the last meeting. Packet materials included a copy of Senate Bill 122 “An Act Promoting the Planning and Development of Sustainable Communities”, a “Talking Points” summary of a previous equivalent House bill and a note on Housing and Permitting Reforms in the current bill. The bill includes many provisions to either clarify or adjust the existing statutes for planning, zoning and subdivision, and adds two new sections: 40X, setting out an optional process for Consolidated Permitting and 40Y, the Planning Ahead for Growth Act, offering increased measures of control for communities that opt in to a certain development planning regime with certification by the regional planning agency.

Mr. Garber noted that Mr. Cohen previously asked for more information on impact fees. In the current bill, impact fees will be optional for towns to adopt. It is likely that such an initiative would be channeled through the Planning Board for Town Meeting consideration. Their operation would involve rules including the need to identify a ‘rational nexus’ between the development and the impact for which the fee is charged. The developer would be required to submit statements. APA guidelines provide some standards for such statements. The impact fees would be aimed at addressing off-site capital costs. Mr. Garber commented that while such a framework might be cumbersome for small developments, it might work well for towns where a large amount of growth is occurring. Ms. Perry added that part of the thinking behind it is to increase the transparency of discussions with developers. It was noted that some towns may feel that it reduces their discretion or that it could discourage business.

A Board member asked about the proposed Act’s effect on comprehensive plans. Staff advised that the most direct effects would be on development permitting rather than on plan preparation. Some aspects that might be welcomed were improvements to clarity, including mentioning site plan review, and some reduction in Massachusetts’ unusually generous vested rights and ANR provisions. Sandra Hackman observed that the proposed minor subdivision procedure might not be an improvement for current small subdivisions.

Ms. Hackman said she supported a requirement to refer to regional plans in preparing comprehensive plans, while Ms. Mustapich expressed wariness about shifting power to a higher level of government. She asked why attempts at reform have been so slow to gain acceptance if they are an obvious good thing. Mr. Garber responded that property development organizations such as NAIOP and the National Association of Home Builders have lobbied intensely against reductions in the vested rights and exceptions that are in the current laws.

Ms. Hackman reported that legislators have warned that the bill will not pass without municipalities’ support, and urged the Board to offer its backing.

Board members welcomed the efforts at increased clarity and some expressed support for specific adjustments to time periods and processes. They welcomed the fact that several of the provisions allow for local option. Members agreed that the bill seems to offer something for everyone, and overall they were supportive.

*MOTION:* Mr. Hanegan moved that the Board write a letter of support for the bill. Ms. Hackman seconded. Ms. Mustapich suggested an amendment to guard against potential inaccurate representation of the Board's position such as over-extended use of the letter. It was agreed that an appropriate safeguard would be to limit the expression of support to the current version of the bill, and include a date.

*VOTE:* 5-0

Mr. Garber will draft a suitable letter to follow through.

## **DEVELOPMENT UPDATE AND REPORTS**

### Development Update

Staff had circulated a list of known pending and potential developments, with status updates and anticipated scheduling. The Chair invited questions from the Board. More detail was requested about the following:

**56 Evergreen Ave.** – Ms. Perry reported that she has been assisting a prospective purchaser in identifying constraints and potential for various types of residential development. A Planned Residential Development (PRD) is likely to be the preferred option and cottage-style housing has been discussed. The developer has already done work to delineate wetlands, which will need to be avoided by any construction, and he has been advised to check the status of the old house on the property under the Demolition Delay Bylaw. A preliminary plan discussion is likely to be scheduled with the Board soon. There is no statutory requirement for abutter notification but meetings are open and agendas are made available.

**30 Chelmsford Road** – Mr. Garber reported that the owner is still working on a preliminary plan and is likely to target July 28 for a Board discussion.

**152-162 South Road** – Mr. Garber reported that the preliminary design is being adjusted to take account of the 50 foot wetland buffer as well as the 50 foot perimeter buffer for a PRD. It may be filed soon as a definitive plan (with abutter notification).

**Ebenezer Davis Farm** – Mr. Garber explained that this potential Board item is only a division of the property by a responsible owner who may wish in the future to sell a portion for development of one house, keeping the equestrian operation, old buildings and view from the road intact. He noted that there is a viewshed easement in place on the property.

### Reports from Meetings

The Chair thanked Ms. Perry for a written report of a recent staff meeting she attended on the Pedestrian/Bike Master Plan, where prioritization of projects was discussed.

Mr. Hanegan stated that he has followed up with Rep. Gordon on options for improvements to the Rt. 3/128 interchange. There will be more information in the fall. Ms. Hackman added that she heard at the Middlesex 3 Transportation Committee meeting that there will be a public meeting on these options in September. Another suggestion is to introduce bus rapid transit when a lane is added to Route 3. Other ideas may be a High Occupancy Vehicle (HOV) lane and/or directional switching.

Ms. Mustapich reported that the Housing Partnership will discuss Page Place at its next meeting. At the last meeting, Mr. Scarano attended to discuss affordable units at his South Road site (potentially one unit supported by the VA and one regular affordable unit).

Ms. Hackman noted that the Selectmen are finalizing their work priorities and propose to work on Complete Streets. Mr. Hanegan was able to confirm that the Transportation Advisory Committee is involved in adjusting a Complete Streets policy, developed in other towns, to Bedford's needs. Caroline Fedele further confirmed that these items are coming forward.

Ms. Lloyd mentioned that she has heard that two new tenants are going into the Great Road Shopping Center: Ocean State Job Lot in the former Staples unit and a pet store in the former mattress store unit.

### **MINUTES**

The Board voted unanimously to approve minutes as follows:

**June 9, 2015** – Approved with amendments

**June 23, 2015** – Approved with amendments

### **ADJOURNMENT**

The Board voted to adjourn at 8:40 PM.

Minutes submitted by Catherine Perry

Approved as amended, July 28, 2015

