

BEDFORD PLANNING BOARD
Town Hall—Selectmen’s Meeting Room
Minutes
October 27, 2015

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

MEMBERS ABSENT: Shawn Hanegan

STAFF PRESENT: Glenn Garber, Planning Director; Catherine Perry, Assistant Planner
Cathy Silvestrone, Planning A.A.

STAFF ABSENT: None

OTHERS PRESENT: Mark Siegenthaler, Margot Fleischman, William Moonan (Selectmen); Pamela Brown and Robert Scarano (Attorneys); Dot Bergin (Press: Bedford Citizen); Todd Crowley, Kay Hamilton, Michelle Puntillo (ZBA members); David Powell (Finance Committee); Sharon McClatchey, 3 Arbella Road, Cindy Barbehenn, 62 Fletcher Road; Virginia and Ellen Michaud, 15 Wildwood Drive; Allan Chertok, 359 North Road; Richard and June Axtell, 8 Orchard Road (all residents).

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

Emergency Evacuation notice - read by Sandra Hackman, Clerk

Sandra Hackman, Clerk informed 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:

1. Zoning Bylaw Section 11: (Article 2) Conversion of Public School Buildings to Multiple Residential Use—proposed amendment to allow additional dwelling units (Page Place Condominium Trust—Proponent) review of draft report to Special Fall Town Meeting.

Catherine Perry, Assistant Planner prepared a report for Town Meeting indicating that the Planning Board unanimously recommends that Town Meeting does not approve of Article 2 as written in the warrant. In Ms. Perry’s report she provided background information on the site, informal discussion on developing the zoning bylaw amendment, public hearing discussions, revisions of the article and the Planning Board’s deliberation and vote. However, Planning Director Garber announced that Attorney Brown contacted Planning staff late this afternoon to inform them that she plans to move an indefinite postponement of Article 2 at Special Fall Town Meeting.

2. Bringing Bedford’s Industrial Zoning Laws into the 21st Century: Discussion of

presentation to Special Fall Town Meeting regarding work to date on Industrial Zoning Amendments.

Planning Director Garber informed the Board that he and Chair Lloyd extensively reviewed the context of the PowerPoint presentation and, due to time constraints, there will be no further edits.

NEW BUSINESS:

1. Lavender Lane Street Acceptance Report (Article 4)—the Board deliberated this matter on 9/30/15. At that time, Adrienne St. John, Public Works Engineer informed Planning staff that most improvements were complete with the exception of some minor items, and the Board voted 5-0-0 to recommend street acceptance to Town Meeting, providing all issues are resolved with DPW on the as-built plans.

Director Garber reported that the remaining minor issues have now been resolved and a short report prepared for Town Meeting. The Board agreed to Lisa Mustapich being the presenter of this recommendation. She will liaise with Mike Rosenberg who will propose the Article on behalf of the Selectmen.

2. Crosby Road Discontinuance Report (Article 5)—the Board already voted on 9/30/15 to provide a recommendation of approval to Special Fall Town Meeting. Staff has prepared a short report for Town Meeting. The Board agreed to Shawn Hanegan being the presenter of this recommendation.

3. Acceptance of M.G.L. Chapter 90I—Complete Streets Program (Article 6)—the Board has discussed its position regarding a desire for the town to adopt a Complete Streets Policy on several different occasions. The Board considers that Complete Streets is a critical component of the town's long-range plans to encourage alternative modes of transportation. The following motion and vote was made--

MOTION: Lisa Mustapich moved to provide a recommendation of approval to Town Meeting for the town to accept Chapter 90I for a Complete Streets Program. (Sandra Hackman seconded the motion)

VOTE: 4-0-0

The Board also agreed to Sandra Hackman being the presenter of this recommendation. Sandra will draft a brief report for Town Meeting and coordinate with Margot Fleischman, who will propose the Article on behalf of the Selectmen.

MINUTES:

- September 30, 2015 –*MOTION: Jeffrey Cohen moved to approve of September 30, 2015 Minutes with minor corrections. (Lisa Mustapich seconded the motion) VOTE: 4-0-0.*
- October 13, 2015—*MOTION: Lisa Mustapich moved to approve of October 13, 2015 Minutes with minor corrections. (Jeffrey Cohen seconded the motion) VOTE: 4-0-0.*

REPORTS/DEVELOPMENT UPDATE: (verbal reports; non-deliberative)

Questions/Comments on development update chart

Planning Director Garber informed the Board that by individually listing developments on the Agenda (under this section), it confused some residents in believing that there may be more of a substantive discussion rather than a brief update. Director Garber suggested discontinuing this practice so that we don't waste residents' time attending a meeting where there will be a quick update and no deliberation. If staff does have something major to report about a specific development, then it will be placed on the agenda and be given an appropriate amount of time to discuss. Otherwise, the Board can still expect to receive the written development update chart, and have opportunity to ask questions and provide comments if needed. The Board supported this approach.

- 56 Evergreen Avenue—C. Perry reported that she provided a guidance letter to the applicant post the October 13, 2015 preliminary review discussion. It is now up to the applicant to move forward with a formal Planned Residential Development (PRD) Special Permit application.
- 30 Chelmsford Road—G. Garber reported that staff hasn't heard anything more about the status of this property since a legal opinion was shared by Town Counsel regarding the conceptual cluster plan not meeting the requirements for commonly-owned open space. Director Garber commented that perchance the applicant is considering a definitive subdivision instead.
- Bedford Market Place—C. Perry informed the Board that she had a conversation with Christopher Laskey, Code Enforcement Director, about a fence issue at this site. A proposal for a fence to the rear of Building C may trigger a change in the previously approved site plan. Staff suggested that the developer reconsider this fence to ensure passage for pedestrians. Board members asked what the purpose is to include this fence and inquired what jurisdiction Planning has. Chair Lloyd asked that this matter be placed on a future agenda.
- Eversource Tree Report—G. Garber said Eversource has provided DPW Director Sorenson with an updated tree trimming/removal report, and that Mr. Sorenson, along with Dennis Freeman (Grounds Operations Manager) have the jurisdiction to determine that the flagged trees are considered to be dangerous, which would allow them to be removed under the emergency provision without going through a public hearing. Sandra Hackman brought up BARC (Bedford Arbor Resource Committee) understanding of the Town's position regarding the replacement of damaged street trees: the Town rarely replaces trees, and does not maintain new trees. It was acknowledged that perhaps maintenance of the trees is a budgetary issue and that DPW simply doesn't have the resources to keep up. Ms. Hackman would like Planning to discuss a true tree replacement policy and program at a future meeting. Board members agreed with this suggestion.
- Teardowns—Jeffrey Cohen shared that he spoke with Chris Laskey regarding the proposed policy on ZBA review of residential teardown and replacement cases on non-conforming lots, and Mr. Laskey informed him that he will begin administering the new policy as of November 2. Mr. Cohen further shared that the new policy affected a sale of one property. Mr. Cohen said he told Mr. Laskey that Planning intends to review

height and mounding requirements for a possible Zoning Amendment at Annual Town Meeting in the Spring. Planning Board members suggested that staff urge the ZBA to publicize the new Teardown Policy on its website. Director Garber said he would offer that suggestion to Mr. Laskey and ZBA; however, the Teardown Policy is not Planning's jurisdiction.

- Village Centers Tour—Catherine Perry reported that a group of planners visited Bedford this past Friday, October 23, as part of a tour organized by Central Massachusetts Regional Planning Commission (CMRPC). The planners were interested in looking at village centers that are being revitalized with new development, as part of a zoning study. Bedford's Blake Block and Depot area were part of this tour. Ms. Perry informed the Board that she prepared background materials and showed the group around, focusing on the mixed use developments approved by the Planning Board at the Blake Block on Great Road, The Crossing at Bedford (54 Loomis Street) and in the old lumber warehouse at 111 South Road (bike shop building). Planning Board Chair Lloyd and Planning Director Garber also attended and offered comments. At Depot Park, the visitors were greeted by Joe Piantedosi, Chair of the Depot Park Advisory Committee, who invited them to see inside the preserved diesel rail car and the freight house visitor center. Mr. Piantedosi outlined the volunteer and town efforts that enabled the unique historic assets of the area to be retained, restored and interpreted. The remainder of the day's tour covered the centers of West Concord and Westborough, where changes are also underway.
- Preparation for Special Fall Town Meeting—Director Garber reviewed the various documents prepared for items that will come before Special Fall Town Meeting. The Board agreed to printing the presentation relating to work done to date on Industrial Zoning Amendments, and the report on Article 3—Bedford Marketplace Zoning Amendment (Zoning Map) as handouts, but not the Crosby Road Discountenance and Lavender Lane Street Acceptance reports, as it was considered sufficient to present these recommendations orally.
Lisa Mustapich reported that the Housing Partnership voted to recommend disapproval of Article 2 (School Conversion zoning bylaw amendment).

For people just entering the meeting at 7:26 PM, Chair Lloyd reiterated that Article #2, relating to Page Place Expansion (Zoning Bylaw Section 11: Conversion of Public School Buildings to Multiple Residential Use) was indefinitely postponed by the applicant.

NEW BUSINESS (Continued)

4. Bedford Market Place Zoning Amendment (Zoning Map)—Public Hearing—

Chair Amy Lloyd opened the public hearing at 7:30 pm.

Sandra Hackman, Clerk, read a public notice stating that the Board is to review a proposed amendment to the Bedford Zoning Map, prior to Special Town Meeting on November 2. The proposal changes zoning of a portion of several parcels of land at the Bedford Marketplace shopping center, from Limited Business to General Business.

Attorney Pamela Brown spoke for the Bedford Marketplace owner/petitioner, stating that the 2000 square foot limit on retail sales area is too low in today's market, and opining that it probably always was too small a ceiling on space, even for many small businesses. She updated the attendees in regard to the tenants signed up for the nearly completed Building B, as well as several tenants already signing onto the pending Building C. Planning Director Glenn Garber summarized the Board's prior public deliberations and identification of zoning issues.

PUBLIC COMMENTS:

Allan Chertok, 359 North Road, expressed concerns that new Building B at the Bedford marketplace was out of scale for the area. Sharon McLatchey, 3 Arbella Road, expressed opposition to article, with concerns that Bedford was growing too much and that the character of the community was changing. Carol Amick of the ZBA, speaking as an individual, wondered why the article was introduced in the first place. Attorney Brown said the real trigger was the unreasonable 2000 SF limit on retail floor space. Ms. Amick asked for examples of stores that were always in excess of 2000 SF but still not large stores. Ms. Brown replied with examples like the Paper Store and Yankee Candle falling in the 10-15,000 SF range. Ellen Michaud, 15 Wildwood Drive, stated that the purpose of the Public Hearing was to decide whether or not to place the article on the warrant. Chair Lloyd and other Board members replied that it was not; it was the Selectmen who already decided to include it in the warrant, and the Planning Board was holding its public hearing as required for any zoning article. Ms. Michaud also stated that the expansion of the shopping center was only about money, not the good of the town.

Cindy Barbehenn, 62 Fletcher Road, expressed concerns about displaced tenants, traffic and the possible growing size of stores. Richard Axtell, 8 Orchard Road, said that the Marketplace expansion was too much change for Bedford and that he didn't like the increasing commercialization of the town. Jeffrey Dearing of the ZBA, but speaking as an individual, wondered if the 2000 SF limit could simply be increased, but Ms. Lloyd, Mr. Garber, and others explained the across-the-board impact on all LB districts in doing so. David Powell, Finance Committee, but speaking as an individual, expressed the thought that there were really only 3 unlet spaces in Building C and that only those were at stake, but then later conceded that over time, occupancy could shift to fewer, larger users. Selectman Moonan said that he was concerned about users getting too large, and that sending cases over 2000 SF to the ZBA for a variance was an adequate way to handle the situation. Mr. Moonan commented that he didn't want the shopping center to become too intensive a development. Selectman Siegenthaler said that the Planning Board's review should have put consideration of this article in the context of relevant portions of the Comprehensive Plan.

PLANNING BOARD COMMENTS:

Lisa Mustapich noted that interior fit out could eventually allow a larger user, but she considered that the severity of the 2000 SF limit outweighed that in considering the present article. Jeffrey Cohen said that this was a hard decision, but in the end, the 2000 SF ceiling was excessively low and not encouraging to good business development. Sandra Hackman expressed the thought that change and new development modes were hard for people to accept initially, but attitudes often shift over time. Chair Lloyd and Director Garber added that given likely per foot rents for new space, the Marketplace would not be a location where very small, independent businesses would be able to afford to rent space. Ms. Hackman further said that the Marketplace redevelopment

was a step toward making Bedford a more walkable environment, with central, compact development patterns and attractive destinations. She observed that Concord and Lexington have tourism to help support small retail stores, whereas they may be less viable here. Chair Lloyd agreed with Ms. Hackman's thoughts and added that the Marketplace and other projects, while in their unfinished state, were not attractive places, and that the finished projects needed to mature to be seen in their best light. Ms. Lloyd further pointed out that the uses that have been located in the two old, small-store buildings were not especially dynamic ones (fast food, banks, salons, etc.) and that strong retail uses would support property values. She noted that the tests to obtain a variance are strict and therefore this route cannot be relied on to provide flexibility for larger units.

MOTION: Lisa Mustapich moved to close the public hearing on the Zoning Amendment (Zoning Map—Bedford Market Place). (Jeffrey Cohen seconded the motion)

VOTE: 4-0-0

TIME: 8:17 PM

MOTION: Lisa Mustapich moved to support Article 3: Zoning Amendment (Zoning Map—Bedford Market Place). (Jeffrey Cohen seconded the motion)

VOTE: 4-0-0

Attorney Brown mentioned that the developer/owner of the shopping center said he would be amicable to future zoning amendments that represented a hybrid between Limited and General Business.

OLD BUSINESS:

1. 150a-160 South Road PRD Special Permit Public Hearing (Continued from September 30)

Under the provisions of Section 9 of the Zoning Bylaws the applicant, Attorney Robert Scarano is proposing to construct 9 cottage style units and related green space, interior roads and utilities.

The following is a list of additional documentation the applicant provided in relation to the proposed project:

- Revised site plan, dated 10-20-15, drawn by Cyprus Design
- Revised landscape plan, dated 10-20-15, drawn by Thom McMullen
- Revised planting list, dated 10-20-15, also from T. McMullen
- Letter narrative and Addendum thereto, dated 10-21-15, explaining all the issues raised by abutters, Bedford DPW engineering, Planning and other reviewing departments

The Board also received a letter of opposition from neighbors, Amy and Steven Parrella of 156 South Road.

Attorney Scarano explained to the Board and audience the additional deliverables that had been provided and the progress on resolution of remaining issues. He also explained that they were

about to file a wetlands Notice of Intent with the Conservation Commission, and mentioned the proposed easements with the neighbor to the southeast as a means of meeting the 50' perimeter setback provision in the zoning bylaw. Detail of the roof runoff-to- rain garden connection will be finalized in the wetlands Order of Conditions.

Mr. Scarano stated that all matters of plan detail and notation, engineering design, building layout, landscape detail, stormwater design, legal matters (principally, easements) and other issues were fully resolved or on their way to resolution. He summarized his extensive discussions with the abutters at #166 to the south or east, the Williamsons, in regard to establishing a reciprocal easement that would resolve issues of accessory building encroachment on Mr. Scarano's property, while providing a possible solution to the lack of approximately 50% of the required 50' perimeter buffer for a segment of about 39' along the sidewall of one new dwelling. He also informed the Board that discussion had occurred with the neighbors to the other side, the Parrellas, in regard to mitigating their concerns about the new interior private drive for the project passing so close to their property.

Sandra Hackman inquired about surfacing of the path through the property that is intended to provide access to the bike path. Mr. Scarano clarified that it was to be stone dust, which the DPW preferred. Jeffrey Cohen asked if ADA (American Disabilities Act) requirements will be followed when constructing the sidewalk and access to the bike path. Mr. Scarano said they will abide by Massachusetts ADA requirements and the path will now be 5 feet wide. Ms. Hackman also inquired about the surface materials of the exclusive use areas (patios), and Mr. Scarano replied that they would be 100% pervious, principally with porous concrete pavers. Mr. Scarano also mentioned that he addressed Jeffrey Cohen's prior concern about maintenance of the porous pavement by providing a formal Porous Pavement Operation and Maintenance Protocol manual. Chair Lloyd asked the applicant if the DPW request for an intervening grass strip between the front sidewalk and the front landscape green has been provided and the applicant replied that he was aware of the comment and that a plan detail would be provided immediately. Ms. Hackman and other members asked about the design of the proposed fences and Mr. Scarano indicated that they would be 6' high vinyl with some sort of decorative cap. Post and rail demarcation fences are likely to be added near the wetlands, subject to Conservation Commission approval. Lisa Mustapich questioned the selection of pyramidal arborvitae and chanticleer flowering pear in the landscape screening.

Steven and Amy Parrella, abutters at 156 South Road on the north or west side of the site expressed their opposition to the project, questioning whether the PRD bylaw allowed this density, whether the stormwater management would keep runoff away from their property, whether traffic would be a major nuisance, and suggesting that the new road be moved to the center of the frontage. Staff and various Board members, as well as Mr. Scarano responded to each concern, indicating that this was a complying Planned Residential Development under Section 9 and under the Bedford Subdivision Regulations. There was discussion in regard to moving the road to the center of the frontage, with a consensus that doing so either would lower

the number of dwellings to a quantity that would make the economics of the project unfeasible, or, more likely, force the development into a conventional subdivision design with a lesser number of much larger houses and no preserved open space. The discussion then shifted principally to one of mitigating the impact of the new way on the Parrella's property, by means of increased, visually impermeable screening. This would take the form of a vinyl fence along the Parrella's common property bound with the project. Mr. Parrella stated his preference for a fence to be constructed to the maximum height of 8', with lattice work or some decorative cap, plus densely planted arborvitae. Chair Lloyd suggested that some hardwood specimen trees be planted along the fence. Mr. Scarano agreed to work with the Parrellas.

Director abutters to the south or east side, Rebecca and Michael DeBruin, 166 South Road, also testified at the hearing and expressed their desire for heavy screening and an 8' high fence. Fence screening was called for along the segment where the Williamson's garage encroaches on the Scarano property. Discussion ensued in regard to plantings and the proposed reciprocal easement. Mr. Scarano agreed to work with this abutter as well, to put a satisfactory easement in place and provide extensive screening and a segment of fence along the common boundary line.

In both instances, Mr. Scarano stipulated that he would work closely with the direct abutters to reach full agreement on the matters discussed above, followed by communication with the Planning staff to finalize the conditions and then memorialize them in special permit conditions, after all necessary consultation with staff in appropriate departments. Planning Board members agreed to this approach.

MOTION: Lisa Mustapich moved to close 150a-160 South Road PRD Special Permit Public Hearing. (Jeffrey Cohen seconded the motion)

VOTE: 4-0-0

TIME: 9:40 PM

Board members had a brief discussion summarizing the conditions to be included in the special permit approval and then the following motion and vote was taken.

MOTION: Lisa Mustapich moved to approve the Special Permit PRD (Planned Residential Development) application provided by applicant Attorney Scarano to construct 9 cottage style units and related green space, interior roads and utilities at 150a to 160 South Road as discussed with the following conditions: (motion was seconded by Jeffrey Cohen)

- 1) That the final details of the screening and fencing be worked out between Mr. Scarano, the abutters and the professional staff and be reflected in special permit conditions.*
- 2) That the easement with the Williamson abutter at 166 South Road to address the 50' perimeter buffer issue be finalized.*

- 3) *That all engineering design detail required by Bedford DPW engineering, as well as Fire Department, Planning Board and Planning staff recommendations (as discussed during the hearing) be incorporated into plans and documentation and provided prior to signing and recording of the special permit, to the Planning Department, for incorporation into the record and dissemination to other departments.*

VOTE: 4-0-0

ADJOURNMENT:

MOTION: Lisa Mustapich moved to adjourn the meeting. (Jeffrey Cohen seconded the motion)

VOTE: 4-0-0

TIME: 10:45PM