

FINAL/APPROVED

**BEDFORD PLANNING BOARD**  
**Regular Session Minutes**  
**Town Hall - Upper Level Conference Room**  
**May 27, 2014**

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

MEMBERS ABSENT: None

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

STAFF ABSENT: Cathy Silvestrone, Planning A.A.

OTHERS PRESENT: See Attached

Chair Hanegan convened the meeting at 7:30 PM

**Emergency Evacuation notice** read by Amy Lloyd, Clerk

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

**DEVELOPMENT SESSION**

**100 Plank Street and Village at Taylor Pond (1000 – 6000 Taylor Pond Lane)** – review of request for elimination of Condition #30 of the original Special Permit issued to Criterion Development Partners LLC.

Vince O’Neill of Walk The Plank LLC, current owner of the 100 Plank Street site, presented his request for a minor amendment to the Special Permit dated March 1, 2007. The permit covers the whole of the original mixed use development including the constructed Village at Taylor Pond as well as the Plank Street site. There have been several amendments but the condition in question is found in the original special permit. The Plank Street portion was intended for a predominantly office use in a single building, but in 2013 the Planning Board approved an amendment which allowed the substitution of two predominantly residential buildings with a smaller area of office floorspace.

Condition #30 of the original special permit requires construction of the office building to commence on or before December 31 of the fourth calendar year after the residential component is 50% occupied, a date which occurred on December 31, 2013. The condition goes on to set financial penalties in the event that the applicant fails to comply with this condition, in the form of payments of \$5,000 per month to the Town of Bedford, to be used to subsidize affordable housing initiatives in the town, up to a maximum of \$250,000. The condition allows the deadline to be extended for two year intervals upon a showing that adverse market conditions do not support construction of the office building, and specifies a vacancy rate on the North suburban market in excess of 11% as the relevant evidence.

Submitted materials consist of:

- Memo dated May 19, 2014 from Vince O’Neill to the Bedford Planning Board, requesting the amendment and expressing the applicant’s belief that Condition #30 was effectively eliminated when the change to a predominately residential development on the Plank Street site was approved; also pointing to continuing adverse conditions for office development with a high vacancy rate in the office market;
- Copy of Condition #30 from the March 1, 2007 Special Permit decision;

- Market Status Report for offices in the Greater Boston 128 North region, Winter 2014, with data for this area as a whole and five component towns.

The Board also received a memorandum from Assistant Planner Catherine Perry, providing background information and discussing the status of the condition at this point and the merits of the request.

Mr. O'Neill reiterated the arguments in his memorandum. The Board inquired about his efforts to achieve development on the site and about the general state of the market for both office and residential development. Mr. O'Neill responded that prospects for office development were still poor, with low returns, but that the market for rental housing remained hot. He pointed to the current office vacancy rate and mentioned examples of rental levels. He indicated that he was in discussions with the owners of the Village at Taylor Pond concerning a potential transfer of the site to them.

Mrs. Perry noted that time period under Condition #30 could be extended by two years based on the vacancy data. However, the question of the penalty payments has been raised in relation to a request for an estoppel of the Selectmen's development agreement, from the owner of Village at Taylor Pond, in connection with a refinancing process, and it could potentially be an impediment to the financing arrangements of both owners. There may also be room for doubt about the status of the penalty payments at this point.

The Board discussed the situation.

Amy Lloyd proposed a motion to eliminate Condition #30 of the original Special Permit. Jeff Cohen seconded the motion.

VOTE: 4-1-0 (Lisa Mustapich voted against)

### **COMPREHENSIVE PLAN IMPLEMENTATION**

The Board was joined by Alyssa Sandoval, the Town's newly appointed Economic Development Coordinator, for a discussion of economic development initiatives in the context of Comprehensive Plan implementation. The Board was interested to hear Ms. Sandoval's impressions of the town's needs and her reactions to the potential action alternatives based on the Plan, upon which the Board is currently deliberating.

Ms. Sandoval expressed interest in the suggested change to omit housing as an allowed use under the Industrial Mixed Use bylaw, and in the idea of allowing greater building height in some areas, with appropriate setbacks. She commented that it could have less ecological impact than allowing increased footprints. She also supported a general review of zoning for business uses. Overall, she thought the Planning Board seemed on a good track and that there was a favorable climate for its efforts.

The Chair asked for thoughts on what makes mixed use work. Ms. Sandoval suggested that it may work best in higher density areas where walking is more practical. In the industrial areas it may be best just to aim to introduce uses that support business, such as restaurants and gyms.

Ms. Sandoval observed that the town's two major industrial/office areas have different characters. She considered the Route 3/ Middlesex Turnpike area to be well-suited to big company headquarters, and the Wiggins Avenue area to be more suited to start-up and mid-sized companies. She felt that having a broad mix of properties was valuable and that the best strategy was to support the types of business that each area is favorable for.

Traffic issues were discussed. Ms. Sandoval thought it made sense to investigate Transportation Demand Management (TDM) measures. She reported that she is already looking into ways of adding shuttle bus

services, and mentioned that Lexington's bus has been started with a grant but is moving toward a 50/50 funding split between the town and private interests. Amy Lloyd suggested examining the potential for two-way use. A good location for a Bedford/Lexington stop to facilitate this is one thing that Ms. Sandoval will be looking into. There is also a question of extending service to the Depot area. On the other side of town, the Middlesex 3 organization also received a grant, in this case for analysis of potential. The consultant is TransAction. The 128 Business Council also did a survey involving I-Robot.

The role of the Planning Board in making TDM measures a requirement through permitting was discussed. Jeff Cohen was concerned that it might be a burden on businesses. There was also a brief discussion of ride-sharing schemes that use cellphone apps, and about the MassRides program.

The Board discussed whether height alone should be the focus of change or whether the whole package of dimensions should be reviewed. Amy Lloyd suggested that parking and the treatment of sloping sites should be considered in conjunction with height. Jeff Cohen suggested combining review of items B,C and D which cover uses and dimensions in the industrial areas, and aiming for Fall 2015 Town Meeting.

Some Board members said that Bedford's liquor laws may be an impediment to evening life.

The Depot area was discussed. It was agreed that it may be a good location for a restaurant. Ms. Sandoval reported she is working with Adam Schwartz on wayfinding from Depot Park. Ms. Lloyd suggested that signage would also be beneficial for parking near Town Hall; this could potentially be part of the Mudge Way upgrade project. There was agreement that pedestrian connections from Wiggins Avenue to the Depot area and The Great Road would help business. The Board noted that the expansion of the office building owned by Cranberry Hill Associates on South Road did not go ahead, and wondered if it could be better tied in to the mixed use area.

Some residential zoning ideas were discussed briefly. The Coast Guard site may offer an opportunity to trial cottage housing, which might involve a zoning change. Mr. Garber stated that the main issues with Open Space Residential Development (OSRD) are the amount of conservation land to be set aside and the types of housing allowed. Two and three family housing might be appropriate. This item could be pursued tentatively and if it seems uncontroversial, be scheduled at an early date, otherwise be postponed.

Ms. Sandoval reported that she has been upgrading the information for businesses on the town's website. It may need more prominence.

The Board thanked Ms. Sandoval for her participation in the discussion.

## **DEVELOPMENT UPDATE**

Staff provided verbal updates on the following items:

- USPS mail sorting office – a federal use, and therefore exempt from zoning; moving across the road to occupy a portion of 175 Great Road; staff has obtained some information on the proposed operations and recommended adding to the surrounding landscape planting.
- 150-168 Great Road (Marshalls/Whole Foods Shopping Center) – expected to proceed with property upgrade, with only minor changes from previously approved site plan.
- Bedford Business Park, 4-18 Crosby Drive – proposing small changes to Phase 1 of approved master plan (industrial mixed use special permit), relating to architectural treatments of existing buildings and creation of gathering area within parking lot; also hoping to acquire MassDOT depot land adjacent to Route 3 ramp for parking area expansion.

- Blake Block, 62-88 Great Road – letter sent by Code Enforcement Officer to owner requiring proper inspection and maintenance of stormwater swale (copy in Board's packets)
- Bedford motel, North Road – redevelopment options have been discussed. Board commented that parcel assembly might help.
- 201 Burlington Road – inquiry received from a biotech company for the property that is being renovated.

## **OTHER**

### **Shawsheen River Floodplain update**

Ms. Perry reported that FEMA is updating its mapping of the Shawsheen River floodplain, a similar exercise to that recently completed for the Concord River area. Therefore the Planning Board will need to plan for a zoning bylaw amendment, probably in spring 2015. However, FEMA has not responded to a question raised by the town's engineers concerning the accuracy of information used for the Page Road bridge (which was replaced) in the modeling of flood water, and seems to be proceeding with the public consultation period. Therefore it is possible the Town may need to lodge an appeal. This may affect the timeframe for the zoning amendment.

## **ADJOURNMENT**

The Board voted to adjourn at 9:30 PM.

Minutes submitted by Catherine Perry