

FINAL APPROVED MINUTES

BEDFORD PLANNING BOARD
29A Chelmsford Road
SUBDIVISION PUBLIC HEARING MINUTES
Town Hall – Selectmen’s Meeting Room
July 9, 2013

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

MEMBERS ABSENT: Amy Lloyd

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

STAFF ABSENT: Cathy Silvestrone, AA

OTHERS PRESENT: See Attached

Emergency Evacuation read by Shawn Hanegan

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

Jeffrey Cohen, Chair, convened the Public Hearing for a Definitive Subdivision approval at 29A Chelmsford Road at 8:05 PM. Chair Cohen read the legal notice which describes the plan as referring to a proposed name of Frances Road, off Chelmsford Road, and comprising four new house lots on a 4.65 acre parcel with construction of a new way. The applicant is Onivoi, LLC.

Chair Cohen reviewed the following **record materials** related to this application:

Materials submitted by applicant:

- Form C - Application for approval of Definitive Plan, dated May 20, 2013 by subdivider Onivoi LLC and owner Lawrence and Wilhemina Kimball
- Form J – Designer’s Certificate signed by James Richard Keenan, Registered Land Surveyor, dated June 17, 2013
- Form K – Proposed Street Name, dated June 17, 2013, proposing Frances Lane as the name for the new street
- Drainage Analysis dated May 14, 2013, prepared by Frederick W. Russell, Jr., Registered Professional Engineer, with plans of existing and proposed watershed
- Plan set for Definitive Subdivision, Frances Lane, off Chelmsford Road, prepared by Keenan Survey, dated May 14, 2013, comprising 7 sheets: locus plan; existing conditions plan; lot layout plan; site construction plan; plan and profile (showing utilities); and 2 sheets of construction details
- Amended version of plan sheet 4, site construction plan, showing proposed shade trees (dated May 14 but supplied on June 17)
- Plan extract, received June 24, 2013, marked by applicant’s engineer to illustrate effect on calculated area of Lot 1 of excluding narrow rear corner as per Section 5.2.2 of Zoning Bylaw

Staff memoranda:

- Memorandum to the Planning Board from Assistant Planner Catherine Perry, dated July 3, 2013, summarizing and discussing the issues involved in reviewing this application
- Memorandum from Public Works Engineer Adrienne St John and Civil/Environmental Engineer Kristin Dowdy, dated July 2, 2013, offering comments and suggested requirements related to stormwater

management, pavement and sidewalks, street lights, landscaping, sight lines, bounds, street sign, construction exit, and some specification details

- Memoranda from Police Department Traffic Enforcement Officer Marc Saucier, dated June 20 and June 21, 2013, with a comment concerning the proposed street name
- Memorandum from Fire Prevention Captain Mark Sullivan dated June 27, 2013, with comments on street name, road size and hydrants/ sprinklers
- Memorandum from Health Director Heidi Porter, dated June 28, 2013, offering general comments including favoring trail connectivity and minimization of impervious surface
- Letter from Conservation Administrator Elizabeth Bagdonas, dated July 8, 2013, offering information and comments on the relationship of the development to nearby wetlands

Applicant's presentation

Fred Russell, project engineer, gave a PowerPoint presentation introducing the location and the plans. He stated that the applicant has completed an Abbreviated Notice of Resource Area Delineation process with the Conservation Commission to define the wetlands and stream at the rear of the property. On the other side of the stream, fronting North Road, are three 'Approval Not Required' house lots created by the same developer, two of which have already been built. At the front of the Chelmsford Road property, a 40 foot wide right of way was kept for access when two house lots were created. Mr. Russell described the natural drainage of the property as split two ways with the front draining toward Chelmsford Road and the rear toward the stream.

Mr. Russell said that in response to a question raised by the Assistant Planner, he has confirmed that Lot 2, which has a sharp corner, does contain more than the minimum 40,000 square feet when the corner portion that is less than 50 feet wide is excluded.

For stormwater management, Mr. Russell stated that an infiltration system is proposed to be constructed in an easement on the existing house lot at 31 Chelmsford Road, and it will handle runoff from the new street, lots 1 and 4 and the front of lots 2 and 3, with design to meet 100 year storm (1% annual probability) standards.

Mr. Russell said that the applicant was aware of the need to go before the Conservation Commission for approval of the final house positions on Lots 2 and 3, and the current plan is conceptual rather than precise on this aspect.

In terms of the road layout, the width and turning circle of the proposed cul de sac have been designed to meet full subdivision standards but no sidewalk is currently proposed; the applicant is prepared to construct one if the Board requires. Mr. Russell is aware of the DPW engineers' comments and said that most of them are matters of detail which he will address. The applicant is prepared to add a landscaped island in the turning circle. Mr. Russell proposed to discuss the road width with the Fire Department.

Board discussion

The Board discussed whether to ask for sidewalk(s) to be provided. Jeffrey Cohen asked how sidewalks would affect the stormwater calculations; Mr. Russell thought the impact would be minor. Mr. Cohen further asked if pervious paving, which was suggested by some town staff, would raise any concerns such as a greater need for maintenance. Mr. Russell responded that the intention is to have the street accepted for maintenance by the Town but that he believes the DPW engineers do not see it as a problem. Sandra Hackman said she favored a sidewalk; Lisa Mustapich felt it was unnecessary within a development of this size, whereas a sidewalk on the main road would make more sense. Richard Iovino, the developer, suggested that if the road width is reduced, a sidewalk may be needed.

Shawn Hanegan noted that town staff had expressed concern about the proposed street name, Frances Lane, because of the potential for confusion in an emergency with Francis Kelley Road. Staff had recommended choosing an alternative name, possibly one with a historical or geographical relevance. Mr. Hanegan asked if the applicant was amenable to a different name. Mr. Iovino responded that Frances was his mother's name but Isobel (Isabella?) would be his next choice.

Neighbors' comments

The Chair invited comments on the development from neighbors. Yakov Kogan of 30 Chelmsford Road, on the opposite side of the road, said that he welcomed the development but wanted to know if it would preclude him from doing a similar subdivision on his parcel because of the positioning of the access roads. The Board was not certain if there were any rules governing the alignment or offsetting of roads in this type of situation but thought it was probably not an issue for developments of this size. Catherine Perry pointed out that the current applicant does not have flexibility because the subdivision road needs to be in the reserved 40 feet of frontage, whereas Mr. Kogan's parcel is likely to offer more flexibility as it has a wide frontage.

Richard Farina of 31 Chelmsford Road asked for an explanation of the operation of the infiltration system which is proposed on his land. Mr. Russell explained how water from the development will flow through pipes into the underground system and gradually soak into the ground. Richard and Judy Farina asked where any overflow will go; Mr. Russell answered that it would flow away from their house, as the land slopes down toward the northwest. Lisa Mustapich asked if the system's installation requires vegetation clearance and if it will constrain the Farinas' use of their yard. It was confirmed that existing woodland will need to be cleared and that the land can be grassed but not planted with woody species. The size of the system was described as approximately 90 x 50 feet. Mr. Russell stated that it is intended that the Town will become responsible for maintenance of the system. He mentioned that the DPW has asked the applicant to add a water quality unit and to designate an access route for maintenance, which will be from Chelmsford Road. Sandra Hackman asked what would happen to this route if a sidewalk is constructed on Chelmsford Road; it was agreed that it could be treated like a driveway. Judy Farina mentioned that there is a stone wall on their lot. Catherine Perry advised that stone walls in this vicinity do not have any legal protection. It was established that the applicant still needs to reach agreement with the Farinas on the easement, and does not have an alternative plan.

Mr. Kogan asked if there was any risk of stormwater overflowing across Chelmsford Road onto his property; Mr. Russell stated the road is crowned, therefore his property should not be affected.

Board's closing comments

In closing comments, Board members stated that they would welcome further information on several aspects of the proposal, as discussed earlier. Sandra Hackman said that she would like to see a variety of trees, pointing out that one species can become diseased and result in many trees being lost at once. She did not favor a pear tree for the landscape island, and suggested a crab apple. Lisa Mustapich welcomed the placing of electrical wires underground and commented favorably on Mr. Iovino's other developments. She generally would like the development to minimize tree clearing and impervious surface. She would prefer street lights to continue to be omitted but would accept them with dark sky cutoffs. Shawn Hanegan supported the Conservation Administrator's suggestion of shifting the positions of two houses and reducing tree cutting.

Mr. Russell confirmed that a full landscape plan will be prepared and attention will be given to the DPW engineers' questions about sight distances at Chelmsford Road.

Motion and vote

A Motion was proposed by Lisa Mustapich and seconded by Shawn Hanegan, to continue the public hearing to July 30.

The motion was voted 4-0-0.

Time: 8:45 PM.

Minutes submitted by Catherine Perry, Assistant Planner