

FINAL APPROVED MINUTES

BEDFORD PLANNING BOARD
29A Chelmsford Road/Isabella Lane
SUBDIVISION PUBLIC HEARING MINUTES
Town Hall – Selectmen’s Meeting Room
September 10, 2013

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

MEMBERS ABSENT: Sandra Hackman and Shawn Hanegan

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

STAFF ABSENT: None

OTHERS PRESENT: See Attached

Emergency Evacuation read by Amy Lloyd, Acting Clerk

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

Jeffrey Cohen, Chair, convened a continued public hearing for 29A Chelmsford Road/Isabella Lane at 7:45 pm.

Amy Lloyd informed the public @ **7:45pm** that the Board is continuing its public hearing discussion from July 9, 2013 in relation to a definitive subdivision application and plan-set dated May 14, 2013, which was later revised on August 6 and August 31, 2013 in response to comments from town staff and board members on a proposal to create four new house lots on a 4.65 acre parcel including a construction of a new way **for 29A Chelmsford Road.**

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

Materials submitted by applicant:

- Definitive Subdivision Plan entitled Isabella Lane (Off Chelmsford Road) dated May 14, 2013 with revisions made on 08-06-13 and 08-31-13. Plan set consists of 8 sheets; **1.** Locus Plan, **2.** Existing Conditions Plan, **3.** Lot Layout Plan, **4.** Site Construction Plan, **5.** Landscape Plan, **6.** Plan & Profile, **7.** Construction Details Plan I and **8.** Construction Details Plan II.

- Form K/Proposed Street Name—Applicant Richard Iovino, at the request of town staff and Planning Board members, submitted a new Form K dated September 8, 2013 proposing street name Isabella Lane to replace Frances Lane which was originally proposed during the first public hearing in efforts to address concerns that Frances Lane was too similar to existing street Frances Kelly Road.

Staff memoranda:

- Updated memorandum to the Planning Board from Assistant Planner Catherine Perry, dated September 5, 2013 providing a summary of changes since the July 9 public hearing and offering her recommendations.

- Revised memorandum to the Planning Board from Adrienne St. John, Public Works Engineer and

Kristin Dowdy, Civil/Environmental Engineer dated September 5, 2013 stating that they have reviewed the revised plan set for 29A Chelmsford Road (which included August 6 and August 31 2013 revisions) and providing updated annotations to DPW original memorandum from July 2, 2013.

- Email dated September 4, 2013 from Heidi Porter, Director of Public Health stating that she reviewed the revised plans for 29A Chelmsford Road and has no further comments to offer beyond those originally submitted on June 28, 2013.
- Email dated September 10, 2013 from David Grunes, Fire Chief indicating that the Fire Department is Agreeable to the change of street name from Frances to Isabella Lane (revised Form K). Chief Grunes noted that the Fire Dept. is not in support of deviating from the subdivision guidelines and narrowing the road; however, Chief Grunes also noted that the developer has considered everyone's input regarding the proposal.
- Email dated September 10, 2013 from Donald Corey, Historic Preservation Committee (HPC) Chair, referring to the revised Form K (Proposed Street Name) submitted by applicant, Richard Iovino, stating that although HPC doesn't have an opinion regarding the proposed street name Isabella Lane, HPC prefers a street name that has a historic significance to the town, and offering some suggestions.

Applicant's Comments

Fred Russell, Engineering & Surveying, shared some changes to the proposed subdivision plans since the first public hearing of July 9 as follows:

- 1) Per the request of town staff, a new Form K was submitted proposing Isabella Lane instead of Frances Lane.
- 2) Obtaining an easement from property owners at 31 Chelmsford Road where the original infiltration system was proposed didn't work out; and therefore it was necessary to completely redesign the stormwater system. Mr. Russell explained that each new house lot in the subdivision will have its own small infiltration systems, and there will also be two larger underground systems (one located in the street and one in an easement on new lot #1) which will handle infiltration of street runoff and any overflow from the front portion of the lots. Mr. Russell further explained that Public Works Engineer, Adrienne St. John, recommended including a rain garden in the center of the cul-de-sac circle to absorb runoff from paved areas and also pointed out that the rain garden will not impact abutting properties because of the way it slopes.
- 3) The width of the road was reduced from 24 feet to 22 feet, to have a lower environmental impact.
- 4) Street light will be installed (L.E.D. lighting).
- 5) Developer will provide a street sign.
- 6) A majority of the comments outlined in DPW's latest memorandum dated September 24, 2013 were addressed.

Staff's Comments

Catherine Perry, Assistant Planner, reviewed comments received from town staff and information in her current memorandum to the Planning Board dated September 5, 2013 and updated it with the following points:

- 1) A new Form K was circulated to the Post Office, Fire Department and Historic Preservation Committee proposing Isabella Lane as the subdivision name. All three had no particular objection to the proposed name Isabella Lane; however Donald Corey, Chair of the Historic Preservation Committee (HPC) pointed out that HPC prefers a street name that has a historic significance to the town and Isabella Lane has no known historic significance. Alternative suggestions were Hutchinson or Kimball.

- 2) Fire Chief Grunes articulated in a September 10, 2013 email that the location of the fire hydrant for the proposed subdivision was questionable. Ms. Perry recommended adding a condition of approval that prior to endorsement of the final plan, the final location of the fire hydrant at the end of the water line and related positions of the individual house water service lines shall be determined by the Fire Chief and Public Works Engineer, and any changes made shall be shown on the revised plan.
- 3) Adrienne St. John, Public Works Engineer suggested installing pavers instead of granite curbing around the edge of the circular rain garden to ensure that runoff from the paved areas will reach the rain garden.
- 4) The applicant/developer needs to provide the Planning Board and DPW a copy of an O&M (Operation and Maintenance Plan) for the stormwater drainage and the porous asphalt sidewalk, plus provide an additional O&M Plan for the rain garden. This requirement should be added to conditions in the Certificate of Action.
- 5) The following are recommended as waivers: 1) Curbing: omit granite curbing around the turning circle only and install pavers instead; 2) Hydrants: omit fire hydrant at the entrance of the proposed subdivision; however install a fire hydrant in the vicinity of the turning circle; 3) Road width: reduce from 24' to 22'.

Amy Lloyd asked for clarification regarding the easements.

Ms. Perry shared that the applicant will need to provide the Planning Board with recorded copies of easements for the use of the road by the property owners of the existing houses at 29 and 31 Chelmsford Rd, plus provide a recorded easement for drainage on newly proposed Lot 1.

Lisa Mustapich raised the following questions in relation to the rain garden: 1) who would be responsible for maintenance, including its cost? (town versus a Homeowners Association); 2) What is the annual cost to maintain the rain garden; 3) If a homeowner association is the responsible party and they don't maintain the rain garden, does the responsibility fall back on the town; 4) How deep is the rain garden? (Ms. Mustapich was concerned about safety)

Mr. Russell replied that the depth of the rain garden is around 2 ft. and that he is not sure at this point what the annual cost is to maintain the rain garden. Mr. Russell commented that in discussions he had with Adrienne St. John, she made it clear that DPW doesn't want the responsibility of maintaining the rain garden; however, they discussed how other communities handle these types of situations. Mr. Russell said that in other communities a Homeowners Association is created (via a legal document) stating what the homeowners' responsibility is to maintain the rain garden and/or drainage systems.

Planning Director Garber said even with agreements in place, the responsibility can sometimes fall back on the town.

Catherine Perry mentioned that it would be the town that may need to ensure that the homeowners, or the Homeowners Association adheres to whatever agreement is in place once the town has accepted the street as a town way.

Mr. Russell mentioned that other towns have requested that the Homeowners Association have written in their agreement that if it comes to a point when the Homeowners Association is no longer abiding by its agreement to maintain the drainage system(s) and/or rain gardens, and the town needed to step in and do the maintenance, then the town would be in the position to back charge each homeowner for the cost of maintenance they provided. *Board members seemed favorable to this suggestion.*

Chair Cohen asked if the agreement would be for just the four new house lot owners.

Mr. Russell replied; yes.

Ms. Mustapich inquired if it were the developer's responsibility to get the Homeowners Association (HOA) started and to maintain the drainage system and rain garden up until the time the property is sold and the homeowners have bought into the HOA.

Chair Cohen asked Ms. Perry to work out the details/responsibility of the Homeowners Association with Adrienne St. John.

Amy Lloyd commented about the curb that surrounds the turning circle; and asked if someone could explain the difference between pavers and cobblestones. Ms. Perry stated that Adrienne St. John wanted the proposed granite curbing to be omitted and pavers used instead. Mr. Russell suggested using granite paving blocks (cobblestones) which would provide a firm edge without being raised.

Chair Cohen asked Mr. Russell if there are any showstoppers in the comments he has been asked to address. *Mr. Russell replied no; and that he was willing to address any outstanding comments.*

Public Comments:

Richard Farina, 31 Chelmsford Road, asked if a proposed Homeowners Association would consist of just the four new house lots and not the two existing lots. *Ms. Perry replied; yes.*

Judy Farina, 31 Chelmsford Road, asked if the town would be responsible for snow plowing the proposed subdivision. *Ms. Perry replied; once the road is accepted as a town way, then the town would be responsible for snow plowing this new subdivision.*

Jeffrey Santerre, 29 Chelmsford Road, questioned if utilities would be installed underground. *Mr. Russell replied; yes.*

Judy Farina asked if during construction she would be able to access her property. *Mr. Russell replied; yes.*

Chair Cohen asked how much interruption of services the abutters should expect. *Mr. Russell explained that there will be some interruption of services, but it should be for short periods of time and not for a full day.*

MOTION: Lisa Mustapich moved to close the public hearing for 29A Chelmsford Road Definitive Subdivision. (Amy Lloyd seconded the motion)

VOTE: 3-0-0

TIME: 8:10PM

Deliberations:

Lisa Mustapich said she was pleased that the utilities will be buried underground and was in favor of the reduced road width.

Amy Lloyd voiced that she was satisfied with the reduction in road width, as it reduces the overall amount of impervious surface.

Chair Cohen commented that he agrees with his colleagues in respects to narrowing the street width even though the Fire Chief was not in favor of this change. Mr. Cohen also shared that he is fine with the current street name request of Isabella Lane.

The Board reviewed the following suggested waivers;

- Curbing: omit granite curbing around the inside of the turning circle only and install granite paving blocks instead.
- Hydrants: omit fire hydrant at the entrance of the proposed subdivision; however install a fire hydrant in the vicinity of the turning circle.
- Road width: allow reduction of paved road width from 24 feet to 22 feet.

MOTION: Amy Lloyd moved to adopt the presented waivers as discussed. (Lisa Mustapich seconded the motion)

VOTE: 3-0-0

MOTION: Amy Lloyd moved to approve 29A Chelmsford Road Definitive Subdivision with conditions listed in Assistant Planner, Catherine Perry's September 5, 2013 memorandum and incorporating further recommendations listed in the Department of Public Works memo dated September 5, 2013 and adjustments discussed this evening. (Lisa Mustapich seconded the motion)

VOTE: 3-0-0 (Lisa Mustapich, Amy Lloyd, Jeffrey Cohen)