

**BEDFORD PLANNING BOARD**  
**Selectmen’s Meeting Room**  
**Regular Session Minutes**  
**April 7, 2015**

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

STAFF PRESENT: Glenn Garber, Planning Director; Catherine Perry, Assistant Planner; Kim Siebert,  
Acting Recording Secretary

STAFF ABSENT: Cathy Silvestrone, Planning Administrative Assistant

OTHERS PRESENT: Pamela Brown, Brown and Brown PC; R. Griffin, PO Box 7061, Beverly, MA;  
Mike Harrington, 9 Patriot Circle; Andrew Jeffrey, 11 Patriot Circle; Elina Kiner, 30 Chelmsford Rd;  
Yakor Kogan, 30 Chelmsford Rd; Ken Larson, 79 Pine Hill Road; Meredith McCulloch, The Bedford  
Citizen; David Powell, Finance Committee liaison; Dan Sabbag, 7 Patriot Circle; Robert Scarano, Esq.  
1147 Main St. Tewksbury, MA.

Ms. Lloyd called the meeting to order at 7:30 PM.

**Emergency Evacuation notice** read by Ms. Hackman, Clerk.

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

**DEVELOPMENT PERMITTING #1: 57-75 Hartwell Road/16 Beacon St. ANR Plan**

Documents in hand:

- Form A application for determination that a plan does not require Planning Board approval under the Subdivision Control Law, signed by applicants Bonus Varghese and Reena Thopurathu of 57 Hartwell Road and filed with Town Clerk on March 30, 2015, giving the reason that: “*The plan shows a division of property creating a reconfigured lot for the home at 57 Hartwell Road (Lot 1), re-creating the original lot at 16 Beacon Street (Lot 2) and Parcel A which is the remainder of the land and unbuildable in its present configuration. In accordance with the MGL c 41 section 81L, this division is not a ‘subdivision’ by definition.*”
- Plan of Land in Bedford, prepared for Bonus Varghese by Brian Parmenter, Registered professional land surveyor, PFS Land Surveying of Groveland, Massachusetts, dated March 30, 2015
- Cover letter from Attorney Pamela Brown, dated March 30, 2015, with photocopy of Massachusetts General Law c 41 section 81L that defines “subdivision.”
- Further memorandum from Pamela Brown to Planning Board, dated April 7, 2015, attaching a revised ANR plan (still dated as March 30, 2015)
- Memorandum from Assistant Planner Catherine Perry to Planning Board, dated April 2, 2015, commenting on the application, addressing frontage of proposed lots, status of the ways, and

accuracy of information on the plan and supporting materials, and attaching correspondence with Pamela Brown and a copy of the last recorded plan for the land, dated March 22, 2010

And, submitted later in the meeting by abutter Andrew Jeffrey:

- A photocopy of pages 22, 23, and 27 of the “Town of Bedford Zoning Bylaws as amended through Annual Town Meeting 2014—Section 6. Dimensional Regulations with specific reference to “frontage” requirements.
- An overview of the Subdivision Control Law, from the Massachusetts Department of Housing and Community Development, pages 1-12.
- A photocopy of the submitted plan with the width of the narrow portion of Parcel A marked on it..

Attorney Brown framed the matter at hand and provided a recent history of the property. “Tonight, we’re looking for your endorsement of an Approval Not Required plan...This ANR is intended to help clarify the subdivision we looked at previously by carving out a couple of existing or modified lots.

“Starting with Beacon Street, this is a lot that was created in 1987. It was modified in 2010 by an ANR that merged the 16 Beacon Street with the rear portion of 75 Hartwell. 75 Hartwell had originally been a very large, over-sized lot; a lot was created for the existing house at Hartwell and the remainder was to be merged with the Beacon Street lot. Mr. Varghese had the thought of constructing a house for himself, actually using this lot for access to construction. He subsequently purchased the ‘Sullivan lot’ in 2012 adjacent to this which is what gave rise to our prior application [now withdrawn] for [cluster] subdivision approval.

“Through that process, a number of issues and questions were raised, related to both of these lots, regarding a question as to whether or not the Beacon Street lot was buildable. We just decided to take it out of the whole subdivision picture. There are no plans for this lot at this time. We don’t want to say it’s not buildable but it’s clearly in question. There was prior permitting for it; it did get merged and we’re looking to bring it back to the original 1987 lot configuration and just leave it out of the subdivision completely, understanding that it may or may not be buildable.”

Continuing on, Ms. Brown discussed the proposed new lot for 57 Hartwell Road. “You’ll remember that when we had something similar to this in the [cluster] subdivision plan there were many questions about the house that stands there and whether it would be razed or kept. The desire was to keep it so we did not go through the Demolition Delay/Historic Preservation Committee process...There was some confusion so what we’ve done because this lot has frontage—it’s non-conforming now—is we’ve reconfigured the lot to maintain the house on a fully-conforming lot. The non-conformities with the building itself remain but the Zoning Board has voted to give it a Special Permit to allow those non-conformities to stay so this house could remain on the newly configured lot...The frontage on Hartwell Road more than satisfies the zoning requirement. And, while an ANR plan is really only looking at frontage and access, in fact this lot fully complies.”

Ms. Brown said that the remainder of Mr. Varghese and Ms. Thopurathu’s property—labeled Parcel A in the drawing, is the site of a future conventional subdivision application for 3 houses. Although the subdivision is not under discussion this evening, Ms. Brown said that she and the applicants have been

working to respond to issues raised previously—road width, buffers, redesigned drainage— before presenting a new plan to the Board.

Turning back to the ANR, Ms. Brown said that the Beacon Street lot was fully conforming “dimensionally.”

Assistant Planner Catherine Perry referred to her memo and reviewed the criteria for ANR endorsement. She addressed the issue of whether Beacon Street is or is not a public way, concluding that even though there appears to be no record of acceptance by Town Meeting, it is probably sufficient that Beacon Street has long been treated as a public way. “The evidence is quite complicated but there are some suggestions that Beacon Street has been treated as a public way, at least for utility purposes. There’s a water line in part of it, a sewer going through and electric lines in parts of it but it doesn’t seem to ever have been accepted by Town Meeting, which is the normal way in which a public way has to be created—unless [the street] goes back to the 1840s which it doesn’t appear to,” Ms. Perry explained.

Ms. Perry added that she has raised questions with Attorney Brown about “inaccurate and potentially misleading” details of the plan: 1) The garage building at 57 Hartwell should be labeled, for when the ANR plan goes into place, as intended for demolition so as to be consistent with a similar label for the house at 75 Hartwell, because it is not covered by the ZBA special permit; 2) It would be better not to label Beacon Street as a “public way” given that, if firmer documentation is not found, the Town might have to vote in future to accept the road; 3) The changes should be described in relation to the current legal plan i.e. the recorded 2010 ANR plan and not the Assessors’ maps. This is especially important since it is acknowledged that the Assessors’ maps are not up-to-date, perhaps because the 2010 plan was not recorded promptly by the applicant and therefore the notification fell through the cracks.

Also, Ms. Perry said the construction of Beacon Street as it currently exists is not ideal for emergency vehicle access. The minutes from 1987, when lots were previously created here, mentioned an intention for the developers to complete the road construction but the lots weren’t developed and construction never happened; there is no evidence of any legal agreement to create the appropriate accessibility. She added that it seems unclear to her why Lot 2 was being created when it does not meet the Zoning Bylaw because its percentage of wetlands exceeds what is allowed..

Ms. Brown said she would, if permitted, strike the words “public way” (referring to Beacon Street) from the ANR Mylar plan, as well as the reference in note 10 to Assessors maps, and to add a note that the garage at 57 Hartwell will be razed. The Board agreed. Ms. Brown said that if anyone in future “pulls a permit” to construct additional houses on Beacon Street, the Fire Department will be called upon to evaluate emergency access there.

Ms. Lloyd said that, in her research, the State is very liberal about what can be considered a “viable way” for ANR purposes. Ms. Perry said there are three different types of way that can qualify and the standard of construction is also part of the criteria. Mr. Garber added that it is “somewhat contextual” and that the standard can be “localized” and “infinitely variable.”

An abutter to the Hartwell and Beacon parcels under discussion, Andrew Jeffrey, asked to be recognized by the Board, saying he had two primary points to make:

- The proposed ANR plan does not meet frontage requirements;

- The ZBA has not issued its decision on the special permit for Lot 1 and the appeal period has not expired.

The Board noted that the ZBA has voted to approve the special permit.

Ms. Brown said that the Planning Board, not the ZBA, would approve Lot 1 by endorsing the ANR. She clarified that the request to the ZBA was to retain the non-conforming setbacks for the house on Lot 1. “This board endorses the ANR plan to create the lot...If the decision [by the ZBA] were to be appealed by [Mr. Jeffrey and the other abutters] and the Special Permit ruling overturned, the only result would be that the house would be torn down...The appeal period will end in approximately three weeks.”

Referring to the documents he distributed to the Board, Mr. Jeffrey addressed the frontage requirement pertaining to subdivisions. He added that Bedford’s own zoning bylaws address frontage as well. Asked which of the lots he was specifically referring to, Mr. Jeffrey said the focus of his comments was Parcel A.

Ms. Mustapich said that Parcel A was not currently under discussion. She advised Mr. Jeffrey that the time to address concerns about Parcel A is when/if Parcel A is proposed for subdivision “but that’s not on the table right now.” Ms. Lloyd said she has every expectation that the applicants will return in the future and propose that a road be put on Parcel A, “in which case it will fall under the subdivision control laws and be deliberated under a different set of rules than ANR.”

Mr. Jeffrey said he believes that Parcel A should be viewed together with Lot 1 and Lot 2 when it comes to frontage requirements. Ms. Perry clarified that while all the land covered by the plan should be examined, Parcel A does not have to meet the frontage test because it is noted on the plan as “not a buildable lot in the current configuration”. Ms. Lloyd said it is not uncommon to see lots that are “vestigial and not buildable.” “They can exist without adequate frontage because nothing can be done with them. That’s what this back lot is allowed to be *at this point in time.*”

Ms. Mustapich asked Ms. Perry what recourse the abutters have to appeal the Planning Board’s ANR approval. Ms. Perry said that since an approval is not required, the Planning Board’s endorsement can’t truly be considered a decision; at least it isn’t a permit. Mr. Garber added that anything can be taken to Land Court or Superior Court but he’s not sure what grounds there would be for a case in this instance. “You’re changing lot lines but you’re always changing lot lines in an ANR. But, if the lot in question meets the minimum frontage on the way—a subdivision way, a public way, or a pre-existing way that is deemed to be adequate—it’s approved.”

Ms. Hackman said to Mr. Jeffrey, “Part of the issue is that this is a strange statute and this state is the only state that has it. The Legislature has been trying to get rid of ANRs for many years and can’t do it because of the opposition from the real estate industry. This is what we’re up against. It’s a really bad provision but, as far as my understanding is—and if you wanted to challenge it, that would be interesting—but we more or less have to approve this, given the criteria.”

“But the criteria does include frontage, so I’d encourage the Board to take a look at that,” Mr. Jeffrey said. “There is more case law in the handout I gave you –it’s an excerpt from a larger document so there is potential to look into it further.”

Ms. Lloyd replied that the Board is “required to look only at the frontage of the lot in question.”

Mr. Hanegan agreed, saying the issue is “black and white.” He added, “It’s not like with a subdivision where you can talk about the spirit or intent of the law or the impact on the neighborhood. These are specific provisions and we have to say ‘yes’ or ‘no.’”

At the suggestion that the Board delay the decision and ask for legal opinion, Mr. Garber said that ANR is “truly a quagmire.”

Ms. Mustapich said although she understands the neighbors’ concerns about a subdivision potentially going into their backyards, she is ready to vote to endorse the ANR. “This conversation is not germane to this application; we can’t discuss something that’s not before us.”

Mr. Hanegan made a motion to endorse the Approval Not Required plan. Ms. Mustapich seconded. The motion passed 3-0-1 with Ms. Hackman abstaining.

Ms. Hackman told Mr. Jeffrey she appreciated the research he had done into the matter and added, “It’s a really difficult law.”

To save time, the Board decided to apply their signatures to the ANR Mylar at the end of the meeting.

**DEVELOPMENT PERMITTING #2: 30 Chelmsford Road, preliminary subdivision plan**

Documents in hand:

- Form B application for approval of preliminary plan;
- Cover letter from Griffin Engineering Group on behalf of owner/applicant Yakov Kogan, dated March 17, 2015 summarizing a preliminary subdivision plan for 30 Chelmsford Road, so-called Elina Circle;
- Submitted plan set: Preliminary Subdivision Plan for Elina Circle, dated March 17, 2015 prepared by Griffin Engineering Group LLC of Beverly, Robert H. Griffin PE, consisting of Sheets C-1 Lotting Plan, C-2 Site Plan and C-3 Profile & Section;
- A memo from Planning Director Garber summarizing staff comments/questions/concerns/recommendations about the preliminary proposal, and providing a sketch concept plan of a possible Planned Residential Development alternative;
- A letter from Conservation Commission authored by Conservation Administrator Elizabeth Bagdonas enumerating concerns about subdivision of the property that is within the Concord River watershed, abutting or adjacent to a number of conservation-protected areas;
- A memo from Town engineers Adrienne St. John and Kristin Dowdy listing Public Works comments/concerns;
- An email memo from Charles Stone, Bedford Fire Department with 2 comments;
- A two page conceptual plan set comparing the conventional subdivision layout with a alternative cluster layout, prepared by Griffin Engineering, dated April 7, 2015.

Robert Griffin of Griffin Engineering made the presentation on behalf of applicant Yakov Kogan.

The property is “slightly more than 5 acres” near the north end of town. It is connected on the southern

end to the Minnie Reid conservation area and there are four residential abutters along Chelmsford Road. It is bounded on the west by wetlands, currently owned by the Daughters of St. Paul. Applicant Kogan currently lives on the property in a 100 year-old house in poor condition with a garage and a shed that, under the plan, will all be torn down. The house is not believed to be of historic significance but the Historic Preservation process has not yet been initiated. There is an old pump house on the mostly-wooded property as well as indications it was once used primarily for agricultural purposes.

Mr. Griffin said the land slopes gently from east to west, toward the wetlands “that were defined by Mary Trudeau, a well-known biologist in the area, but the line has not been ‘blessed’ by the Conservation Commission. We haven’t filed an ANRAD (Abbreviated Notice of Resource Area Delineation) application to certify the line. We hoped to get to that this winter but there was no way to do a site walk. We’ll probably do that in the next month or so.”

Mr. Griffin described the proposal as a fairly conventional 4 lot subdivision. The roadway to the property would go through the footprint of the existing house. The distance between the access road and the recently-approved Isabella Lane would be 125 feet. The overall length of the road is 400-450 feet and Mr. Griffin said he believes that the “roadway geometry meets all of the subdivision rules and regulations. We have asked for one waiver in this preliminary plan that relates to the creation of a 2-to-1 slope in the vicinity of the cul-de-sac that helps minimize the need for retaining walls to support the level area at the cul-de-sac.”

Mr. Griffin added that the property is split into two residential zones— R and A—with frontage and area requirements that are “significantly different.” Residence R requires a 60,000 sq. ft. lot with 200 feet of frontage lot and Residence A requires a 40,000 sq. ft. lot with 150 feet of frontage. Therefore, the plan shows the lots closest to Chelmsford Road, within Residence A, as smaller and the lots away from Chelmsford Road, in Residence R, as bigger, so as to comply with the separate requirements.

Because of the drainage issues and the slope of the land, there is an acknowledged need to construct an underground storm water filtration system. Because of the preliminary stage of proposal development, deeper detail about the system has not yet been designed. Town water and sewer services are accessible by connection.

Mr. Griffin said a cluster development plan has also been submitted for the Board’s review.

Mr. Hanegan said, in his view, the property is “almost a textbook example of what a cluster subdivision law is for: to protect sensitive areas. I’ve read the preliminary subdivision plan, I’ve read a lot of the comments made by Conservation and other entities and as of now, I’m much more favorably disposed to the cluster idea.”

Ms. Mustapich reacted to the size of the road, saying that other developers have sought to minimize pavement and impervious surface area, instead of having “a huge, unsightly, cul-de-sac. Doing something along the lines of [a cluster development as shown on] page two seems to make a lot more sense....I’d like to see some minimization of the impact.”

Ms. Hackman agreed. “Given that this is such a sensitive and important area to the town, and to the surrounding conservation areas, I would also be in favor working toward a cluster-style development. I

would not be in favor of granting a waiver of the slopes and wall provision because I think that would allow this [conventional development] to happen and I don't think it should be done with that design.”

Ms. Lloyd agreed and added, “[This conventional plan] strikes me as a scorched-earth approach where, frankly, everything is to the maximum rather than being sensitive to the site. The Conservation Administrator has serious concerns about it. I also question whether Lot 4 is even a conforming lot. We'd much prefer a cluster development on this site.”

Mr. Griffin responded to the issue of Lot 4, saying the dimensions can be adjusted to make it conforming. As for the concerns of the Conservation Commission, Mr. Griffin said he is confident the plan can meet all the performance standards in the Wetlands Protection Act even with the conventional plan as shown.

However, he agreed, after meeting with Planning staff and careful consideration, that the applicants are also more interested in a cluster-style plan. “There is a potential zoning hurdle we might need some help with”—the Residence A/Residence R issue—“and that's one of the reasons we didn't start off with the cluster approach.”

Fleshing out the issue, Mr. Griffin said that 49.7 percent of the land is in Residence A and 50.3 is in Residence R. “Section 8 of the zoning bylaw - Bedford's cluster bylaw - requires that cluster projects have a minimum tract size of 5 times the lot size for the zone that it's in. So in Residence A you need to have 200,000 sq. ft. but Residence R projects need to have 300,000 sq. ft. We've got 232,000+ so we would be compliant with the Residence A requirements but not with the Residence R requirements.

In response, Mr. Garber said he'd spoken to the Code Enforcement Director and there may be an opportunity to request a Special Permit from the Zoning Board of Appeals, provided there was a favorable recommendation from the Planning Board.

Mr. Griffin said, “We also need to talk to our attorneys to make sure it would satisfy any future appeal. But assuming we can get over that hurdle, we'd prefer to apply for a cluster subdivision. We've only had a short time to consider a cluster layout but we are certainly open to suggestions that might modify the layout shown . I think we can create this Lot 5 [as the common open space] which would have about 25% of the area [of the whole tract]; that would comply with the cluster requirements and it would have conforming lots in the zoned districts as required.” Mr. Griffin added that, of that 25% of open land, 12% is wetlands.

Asked for his reaction to the cluster plan, Director Garber said the lots in the Residence A zone as shown in the cluster plan could be trimmed of an excess 12,000 sq. ft. . That regained sq. footage could be added to the undeveloped common land on the western, wetland/wooded buffer side. It might also be possible to include easements on the two lots that have no excess square footage so that sensitive land is protected. “You've got a 100 ft. wetland buffer, you've got considerable vegetation and considerable grade. So, something that increases materially the conservation value and habitat would be very desirable because right now, the common space/open land is at the minimum required. Bedford's minimum, in turn, is a very low figure compared to most cluster laws.”

Mr. Garber added that Section 9 of the zoning bylaw - Planned Residential Development— written in 1979, it is suspected, specifically for the 300 acre Huckins Farm development—mandates that 20 percent

of units in PRDs must be attached. Lane Farm is another example of cluster development in Bedford that has “minimally touching staggered single-family duplexes”.

Ms. Mustapich asked staff if the Planning Board could make a condition that the landscape buffer be designated as “no-cut.” Mr. Garber and Ms. Perry replied such a Special Permit condition is within the Board’s purview.

Mr. Garber said Section 9 of the bylaw is more flexible than the cluster provision in Section 8 because it gives the Planning Board “greater leeway and options for amassing open space but you do have to have two of the units touch [in this case].”

Ms. Lloyd asked Mr. Griffin if he and Mr. Kogan had discussed the PRD option. Mr. Griffin said the concept needed careful examination because attached houses are not what was originally envisioned. He added that four houses on five acres in a cluster development is not particularly dense. He and his client are also open to ideas like “no cut” zones. “Anything’s open to us. We’re here filing a preliminary plan because we wanted an opportunity for the Board to comment before we get too far with our engineering.”

Mr. Hanegan asked if the applicant is adamant about razing the house currently on the parcel. Mr. Griffin replied that they believe knocking it down makes the most sense, given its age, condition, and lack of architectural significance.

Mr. Garber said that communication with Don Corey of the Historic Preservation Commission indicates that the house, due to its age, is subject to the Historic Preservation Demolition Delay law. Once the application is processed for a determination on the significance of house, a ruling is mandated within 15 days. Ms. Perry said the process has two stages: 1) to determine whether the house is historically or architecturally significant and 2) if it is, the demolition delay bylaw is applied that temporarily halts demolition for a period of up to 18 months. If the house is not significant, the applicant can raze or retain the structure as he sees fit.

Mr. Garber said he finds the rigid minimum land requirements in cluster development rules to be frustrating, especially in built-out suburbs where land parcels have gotten far smaller than those for which the rules were originally written. “After talking to Code Enforcement and staff, I think there would be a reasonable case to apply here, under Section 2.3.4 that I call ‘encroachment laws.’ We have the basis for a Special Permit decision, although it would be better if it was all crystal clear and we didn’t have this minimum tract size.... One thing that makes this parcel unique is that it has been designated a priority acquisition parcel for conservation purchase [by the Town]. It’s on the list and identified for a range of uses and roles in the greenspace network in town. Most importantly, it’s upland buffer for Mill Brook and Concord River watershed. That’s what makes this different.”

Ms. Perry mentioned that she has done an approximate calculation using Section 2.3.4 to adjust the divide between the two zoning districts and then apply the different lot sizes to each portion, which comes out at just over 5 lots, so that may possibly be a way that the tract size could qualify.

Mr. Garber acknowledged it was unfortunate that the applicants would have to apply to a second board—the ZBA—for approval but “until we have a better cluster law, we have to be creative and find ways to

accommodate good development. Think of the alternative: a conventional subdivision that will pretty much remove the characteristics of the site.”

Ms. Hackman said she would like to see the PRD or the more standard cluster configuration considered rather than the conventional. She added, “It sounds like you might possibly be able to get another (5<sup>th</sup>) house in there but it might need to be attached, like at Huckins Farm, which is a gorgeous development. There are ways to design it to give people privacy. It’s a desirable form of housing...Also, it might be something to consider retaining the stone wall on the property. Maybe it can be rebuilt?”

Mr. Griffin said the “dry set” stone wall runs across the entire property but “it would be very easy to save the stones and re-use them. There are also a couple of masonry pillars and those can be reconstructed and [potentially] incorporated into the new entrance.”

Ms. Lloyd asked if it would be advantageous to pull the road “into a tighter bend and hew it closer to the eastern property line with a strip for plantings to pull the houses a little bit closer to that eastern line and reduce the lot size down to a minimum so that we’re putting the majority of the open space into the sensitive area?... Not only is this a sensitive site but backing onto conservation land, the future owners of the sites are going to be benefitting from open land out there so having a larger lot isn’t [necessary]. It would be marketable either way but it might be more marketable to pay less taxes on a smaller lot.” Ms. Lloyd agreed that retaining the stone wall is desirable and would “add charm.”

Mr. Garber said that, this being a preliminary plan, there is time for the plan to be reconsidered and brought back before the 45 day window has expired. Even if it were to expire, the deadline can be extended.

Mr. Hanegan agreed that the Board feels favorably about cluster/ PRD development but, in addition, he hopes the applicants will consider low-impact designs that include rain gardens and vegetative swales to help with storm water management in the watershed area.

**NEW BUSINESS: 162/150a/158 South Road cottage cluster –preliminary discussion for Planned Residential Development**

Documents in hand: A schematic rendering of the site plan labeled “Conceptual Plan 3 (P.R.D.), dated March 26, 2015.

Attorney Robert Scarano of Tewksbury made the presentation. The 3 ½ acre South Road property is across from Hartwell Road and currently the site of an old house that Mr. Scarano and his clients believe has no historical significance. There are also several collapsed/collapsing chicken coops on the property that, along with the old house, will be razed. Due to the vintage of the old house, the Historic Preservation Commission will be asked to make a determination. The development proposal is also been submitted to the Conservation Commission and an ANRAD has been filed.

The development includes three house designs: 1) a duplex; 2) three garage models with smaller porch; 3) four garage models with larger porch. The floorplans are open with a large kitchen, great room, loft overlook, one-bedroom, measuring 1,800 sq. ft. with slab-on-grade radiant heat in concrete flooring and a walk-out deck. The designs meet LEED (Leadership in Energy & Environmental Design) certification for energy efficiency; the homes will have southerly orientation to take advantage of passive solar lighting

and heating. Old growth trees will be retained. A buffer of no less than 25' is provided between the closest house and the Elm Brook (inadvertently labeled as River on the plan). Mr. Scarano said his team is "looking at the possibility of providing access to the open land [between the houses and the river], the rail trail and the conservation area." Water and sewer will need to be brought into the development site; all utility conduits will be located underground.

Describing the broader vision of the development, Mr. Scarano said, "We're trying to couple the 'village concept' that's going on in Depot Square with this 'cottage concept'. We think this project will enhance the mixed-use in Depot Square."

He added, "From a marketing standpoint, we're appealing to people that want to downsize but stay in Bedford and want to walk or bike to the shops as opposed to driving," Mr. Scarano said. The target market is an "active, adult" population that desires "maintenance-free" living.

A 20 foot wide, 625 foot long roadway loop will provide access to/from South Road. This ring road is located within the 50 ft. setback under the PRD. Short driveways spoke off the road to the individual homes. Mr. Scarano added, "We have explored all the options available under the zoning bylaws for the best and highest use of this property. Glenn and Catherine have been very helpful to us in this." The plan also meets the requirements of zoning bylaw Section 9 by including an attached duplex unit.

Houses would be "marketed at much lower prices than what's traditionally out on the market," Mr. Scarano said. "I think we have the ability to be flexible on the price point that allows a resident of Bedford to sell their home and be able to stay in town. The models are designed to reduce the impact to Town services. The site itself would be under Condominium Statute 183A and the [condo association] would be entirely responsible for the maintenance for the site, including the roadway plowing and mowing." The anticipated selling price of these units is \$850,000-\$875,000. Mr. Scarano added they will "try to keep it as reasonable as possible but we don't know for sure yet how much we'll have to do [to satisfy the regulatory requirements] under Section 9."

Ms. Hackman reacted with surprise at the price. "It would only be a small slice of people who could afford this." She asked if the homes would be deed-restricted for 55+ ownership or, possibly, to Bedford residents only. Mr. Scarano said he is not sure the restriction would be necessary but emphasized the intent is to attract active, older, Bedford-experienced adults. Later, Ms. Hackman added that the price coupled with the lack of a finished basement would probably limit the interest pool to older adults rather than families with children. Mr. Scarano said he would leave copies of the floor plans for the Board to look at.

Ms. Mustapich asked if at least one of the units would have to be designated as affordable. Mr. Garber replied the quota would require one or two under the PRD. Ms. Perry said that the calculation is two of the nine units. Mr. Scarano said his team will confer with the Housing Partnership about the issue after the Planning Board has a chance to offer comments. Ms. Mustapich recommended that Mr. Scarano contact Assistant Town Manager Jessica Porter to get on the Housing Partnership's schedule.

Ms. Mustapich asked if the buyers would own the lots or just the structures. Mr. Scarano said ownership would be limited to the structure.

Ms. Lloyd said she is thrilled with the cottage concept but added, “One of the hallmarks of cottage housing, typically, is that parking is pushed to the periphery and I see that’s not really possible on this lot with a 50 ft. buffer zone. But, I’m wondering if you can re-enforce the quad concept a little more by putting the single unit A that’s shown across from the duplex... [outside the ring road] to increase the quad and, additionally, design the houses so the front door is facing the quad and the garages become the utility entrance.”

Mr. Scarano said he had submitted something like that “on the first go-round and this is actually our third go-round, so we’ve been fooling with this quite a bit. We felt it important to get this in front of you because we need this feedback.”

Ms. Lloyd added, “You’ve got a natural alcove created from the back of the garage and the side of the house. Why not incorporate a porch where the garage is and make the garage the back. Don’t dress it up as the front, make it a canopy and put a true porch in the alcove, facing the quad.”

Mr. Scarano said this was a great idea. “We had thought of using that area for pavers but this idea is even more attractive, especially if we’re going to have more activity to the back of the building. We might be able to add a small pergola. We’ll explore this.” A Board member asked if, by flipping the floorplan, the driveways for the houses on the outside of the ring might be able to be shared and “come in from the side”. Mr. Scarano said one of the considerations was snow and snow removal, to move it into an area where it would recharge rather than put it onto pavement or near wetlands.

Mr. Hanegan thanked Mr. Scarano for the well-thought plans and for trying to accommodate a well-established need of Bedford’s empty-nesters.

**STAFF REPORTS:** Ms. Perry listed the upcoming projects scheduled, highlighting changes or withdrawals since the last meeting.

April 21:

The **15 Fletcher Road** developer wants to have the flexibility to put an office or a residence on the second floor. Previously, the plan had been for a residence only. Ms. Perry sees no impediment to this alternative.

**Bedford Woods Office Park:** The date remains to be confirmed.

**Carleton Willard** is deferring its expansion plans for the time being and it is unlikely this will be targeted for Special Town Meeting. It was noted that staff has spent a lot of time on this project and veteran Board members recalled it was not the first time Carleton Willard has withdrawn expansion plans. Ms. Perry said she believed that the process was instructive, nonetheless, and that CW knows the complexities of the site better now.

May 5:

**Hartwell/Beacon** conventional subdivision public hearing. Materials anticipated this week to send out to the newspaper.

**Bikeway Café** Special Permit public hearing. The applicant wants to have the option to put in a restaurant or a retail unit. Ms. Perry said that either could be applied for under the Depot Area special permit provision.

**Crosby Corporate Center** Special permit public hearing may not happen on this date as materials appear not to be ready for advertisement as required.

May 19:

**South Road cottage development** just previewed. Special Permit public hearing could potentially happen on this date.

**120 Great Road restaurant** has been withdrawn from the ZBA so it can be deleted from the schedule for the time being. It is unknown whether Café Luigi's is still interested in moving to this site from the Bedford Marketplace.

**1-3 DeAngelo Drive/Depot Park Overlay** mixed-use informal discussion tentatively scheduled.

Ms. Hackman asked, given the number of cluster and PRD applications recently, whether it would make sense to address "some of the outdated provisions in some of our bylaws that are causing frustration" and "bring an open space residential design bylaw to Fall Town Meeting."

Mr. Garber has had considerable experience writing this type of bylaw and agreed there is a need to move ahead on this issue. "It's something I would really like to see happen but we have a formidable amount of work on that new round of industrial developments... Once the summer comes and we get past this, we'll really have to scramble. So, it's not viable for the fall but I think it's do-able for Annual Town Meeting which is only eleven months away...In some instances, a basic cluster is 'as-of-right' with a site plan review, not a Special Permit. We really have to craft a new bylaw to Bedford's needs and to our actual parcel sizes, even though there are plenty of examples out there [in other towns] to draw on."

### **LIAISON REPORTS:**

Ms. Mustapich said there is a Housing Partnership meeting next week.

Ms. Lloyd attended the Energy Task Force meeting and reported that Facilities Director Asani has installed two LED lights near the Town Hall as test cases to see whether the quality of light is good. She encouraged members to take note of the lights and provide feedback. The Selectmen/Town Manager will decide whether to buy more of these lights.

She also attended the Massachusetts Historic Commission Forum and reported that there are controls towns use to advance certain priorities, like preservation of older homes. Winchester, for example, does not allow cul-de-sacs. Other towns set a minimum length for the cul-de-sac road or they may make a street a private way. Another participant at the forum presented information about neighborhood conservation districts.

Ms. Lloyd was also given a copy of a large book about the Battle Road scenic byway corridor management plan. "They mention the Minuteman Bikeway many times in the book as an important,

integral part to the whole Battle Road area.” As such, Ms. Lloyd said the book suggests that “funding and recognition” could be available for the bikeway.

On the subject of cul-de-sacs, Ms. Hackman said they do not contribute to connectivity. “We’ve had no luck at all getting easements at the end of a cul-de-sac for people to be able to walk [through private property] to the next road over. People just don’t give those easements.”

Ms. Mustapich said she thinks it would be good to look at all the alternatives Ms. Lloyd brought forward and see if any of them are palatable to voters. Ms. Lloyd and Mr. Hanegan, while open to this investigation, also raised the concern of “unintended consequences” that should be well-understood before embarking on a course of action.

Ms. Lloyd said also the Depot Park Advisory Committee is meeting the next day to discuss details of easements at 54 Loomis St. with the developer.

**COMMITTEE LIAISON ASSIGNMENTS:** It was noted that the Sign Bylaw Committee had concluded its business and should be eliminated from the liaison list.

The list distributed at the meeting was recognized as being an older version. The correct list appeared in the Annual Report.

Ms. Hackman said she is covering Healthy Bedford as well as Middlesex 3; Ms. Lloyd and Mr. Cohen will probably continue to cover the ZBA and Selectmen. Ms. Mustapich is covering the two remaining housing committees—the Municipal Housing Trust and Housing Partnership— that were recently consolidated from four different groups.

Ms. Lloyd asked the members what their thoughts were about establishing closer ties to Depot Park Advisory, Historic Preservation and Land Acquisition. Mr. Hanegan said all three seem to be relevant to Planning. Ms. Lloyd agreed to look into the Land Acquisition Committee.

**MINUTES:** Ms. Mustapich moved to accept the March 17, 2015 minutes as corrected. Mr. Hanegan seconded. The motion passed, 4-0-0.

Ms. Mustapich moved to accept the March 23, 2015 minutes as written. Ms. Hackman seconded. The motion passed, 3-0-1.

**ADJOURNMENT:** Ms. Mustapich moved to adjourn the meeting. Mr. Hanegan seconded. The motion passed, 4-0-0.

Note: At the close of the meeting, the four members present signed the ANR Mylar for Hartwell Road and Beacon St.

Respectfully submitted,  
Kim Siebert, Acting Recording Secretary