

BEDFORD PLANNING BOARD
Selectmen’s Meeting Room
Continuation of Public Hearing Followed by Regular Session
June 9, 2015

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

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; Suzanne Bruhn, 3 Lavender Lane; Caroline Fedele, Selectmen liaison; Phil Fridan, 32 Washington St; David C. Fournier, 75 Page Road #3; Michael Harrington, 9 Patriot Circle; Andrew Jeffrey, 11 Patriot Circle; Phil Lombardo, 41 North Road, attorney representing abutters/neighbors of 57 & 75 Hartwell Rd; Meredith McCulloch, The Bedford Citizen; David Powell, Finance Committee liaison; Stephen Reimer, 75 Page Place #19; Daniel Sabbag, 7 Patriot Circle; Rosetta Sabbag, 7 Patriot Circle; Karlis Skulte, PE, EBI Consulting, Burlington, MA.; John Stella, 20 Washington St; Bonus Varghese, 57 Hartwell Ave.

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

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

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

MINUTES: *MOTION: Ms. Mustapich moved to approve the minutes of May 5, 2015 as amended. Mr. Cohen seconded. The motion passed unanimously, 5-0-0.*

MOTION: Mr. Hanegan moved to approve the minutes of May 19, 2015 as amended. Mr. Cohen seconded. The motion passed, 4-0-1 with Ms. Mustapich abstaining.

DEVELOPMENT PERMITTING #1:

CONTINUATION OF PUBLIC HEARING 57 & 75 HARTWELL ROAD:

Ms. Lloyd re-opened the public hearing.

Documents in hand:

- 1) Memo to Planning Board from Assistant Planner Catherine Perry, dated June 5, 2015 re continued hearing
- 2) Email from Capt. Charles Stone, Bedford Fire Department, dated May 19, 2015 stating that none of the proposed turnarounds meet the intent of the NFPA1 Fire Code
- 3) Extract from NFPA 1, 2012 re: Fire Department Access
- 4) Email from John Stella, Washington Street resident to Catherine Perry dated Tuesday, June 9, 2015 Subject: FW: MESSAGE TO ALL PLANNING BOARD MEMBERS TONIGHT
- 5) Letter to Bedford Planning Board c/o Cathy Silvestrone dated 5 June 2015 from Andrew Jeffrey, Patriot Circle resident

- 6) Email from Kristin Dowdy, DPW Civil/Environmental Engineer, to other reviewing staff, dated Tuesday May 19, 2015, expressing preference for original turnaround design for snow plowing reasons, and confirming that DPW will update its detailed comments when revised plans are received
- 7) Email from Heidi Porter, Public Health Director, to Cathy Silvestrone dated Friday, May 15, 2015 Subject: Updated documentation for Review—Alphonsa Lane—BOH comments, stating that previous comments stand
- 8) Email correspondence between Catherine Perry and Pamela Brown, latest date Wednesday, June 03, 2015, discussing the street turnaround
- 9) Memorandum on Brown & Brown PC letterhead dated June 4, 2014 to Bedford Planning Board RE: Supplemental Information
- 10) Letter on Brown & Brown, PC letterhead to Planning Board dated May 11, 2015 stamped received May 13, 2015, RE: 57 & 75 Hartwell Road—Alphonsa Lane 3 Lot Definitive Subdivision Plan, responding to issues raised at May 5 session and attaching:
 - Landscape Exhibit LS-1 dated May 12, 2015 showing trees to be planted or retained, including shaded no-cut zone, based on plan with original turnaround
 - Two Fire Truck Turning Movement exhibits: Fig. 1 with original T and draft Fig.3 with modified T
 - Fig. 2 Turning Movement exhibit for Vehicle with Trailer

Also distributed by Pam Brown at the meeting:

- Plan by EBI Consulting Title: Figure 3.1B “Fire Truck Turning Movements” date June 9, 2015;
- Draft Drainage Easement on 75 Hartwell Road, for 7,9,11 Patriot Circle from Bonus Varghese and Reena Thopurathu;
- Draft Restrictive Easement on 75 Hartwell Road, for 7 & 9 Patriot Circle, from Bonus Varghese and Reena Thopurathu (“Owners”);
- Memorandum from Brown & Brown, PC to Planning Board dated June 4, 2015 **Revised 6/9/15** RE: Supplemental Information
- Email from David Grunes to Pamela Brown dated Tuesday, June 9, 2015, 6:16 PM, RE: Success, stating that he cannot do an adequate review [of the latest turnaround design]from his phone but that it definitely looks more in line with the regs.

Assistant Planner Catherine Perry gave an update on progress since the last Planning Board hearing session. There have been discussions centered on the design of the emergency vehicle turning T and drainage at the back of the property.

Ms. Perry said that Attorney Brown and the Fire Chief have been in communication about the turnaround and the Chief is willing to compromise although he hasn't had the chance to fully review the latest drawing. The development team has addressed the DPW's engineering comments but with plans based on the original turnaround shape; the DPW hasn't been able to respond to the most recent plan changes.

There is an open question about a proposed reserve strip, to protect abutters from changes to their yard status under zoning, which is not to be part of the street right of way but is envisioned by the developers as becoming Town-owned—a situation Ms. Perry deemed “unusual.”

In Ms. Perry’s estimation, there are still several loose ends that await solutions.

Ms. Brown distributed material bulleted above. She then walked through what she sees as the remaining items to be addressed.

First, on the topic of the T turnaround for emergency vehicles, Ms. Brown said it took a long time to get a face-to-face appointment with the Fire Department for review but she did meet with Chief Grunes briefly yesterday and today.

“We rotated [the hammerhead or capital T design] to make it more direct and have the turns a little more even rather than having one bit wider and one a little bit tighter,” Ms. Brown explained. Ms. Lloyd pointed out that the design shape in hand is not the same one on the easel at the front of the room. Ms. Brown said the one in hand is the design that the Fire Chief wants but that DPW prefers the other, original, one. “I believe that the Fire Chief and Adrienne [St. John of the DPW] have spoken and the Chief looks at this as part of the updated regulations that came out January 1.

Buffers and fences have been discussed to increase the buffer along the shared property line with Patriot Circle residences. The developers will replace older fences along the boundary to “blend it in and make it a consistent-looking fence,” Ms. Brown said. Along the shared boundary line with Mr. Harrington at 9 Patriot Circle, the parties are still discussing additional fencing and/or landscaping. The plans currently show that there will be a fence there.

An agreement for an increased side yard buffer for Lot3 has been reached and Ms. Brown has drafted an easement in favor of Patriot Circle abutters Sabbag, Harrington, and Jeffrey. “This would ensure there would be no structures within that 25 foot buffer. The intent is to maintain the trees that are there, although there’s been some discussion about whether sheds would be allowed...[The new house] might not be significantly further away than 25 feet,” Ms. Brown said.

A no-cut zone is shown shaded in green on the landscape exhibit distributed by Ms. Brown. Trees to be retained are circled and the intent is to preserve as many as possible, although specific house locations on the three lots are unknown.

The street grade will be 1-2 feet higher than the existing grade of building lots to accommodate underground utilities and infiltration chambers.

Ms. Brown said the drainage system is “over-designed from what the standard is.” Mr. Skulte added that the DPW asked the developers to “contain and infiltrate the entire 100 year storm [capacity].” Ms. Brown mused that, with the modification of road bed, there might also need to be a change to the infiltration system but she added that the amount of pavement had not significantly increased.

Ms. Brown added, “The other issue that you are fully aware of is the concerns of residents in the neighborhood of both Washington St. and Patriot Circle because of existing drainage conditions. We did

explore that as best we could. What we learned at the last hearing was there's a mix of opinion [about the cause and what needs to be done to improve the situation]. And reading the CDM memorandum from 2000 when a significant study of those drainage issues was done, their result was that there are a few things that we can do that don't give you much bang for the buck. In addition to that, almost anything they could propose would create either upstream or downstream effects that were negative. "We're dealing with an existing condition," Ms. Brown concluded.

Ms. Brown said that any work to improve drainage would have to be done to the rear of the development parcel. She said that one reason for the drainage easement is to allow access for abutters to clear any fallen trees or anything that causes drainage blockages. The second is to allow the Town access. She suggested that by opening up some landscape berms or blockages, more water could be directed to the detention basin behind Patriot Circle. "The bottom line is that we're in a state of cooperation but with no great solutions as yet to the existing problem. What we're doing with this design is not exacerbating the existing conditions."

Mr. Skulte spoke about the 20 foot turning radius onto Hartwell Road from the proposed subdivision that caused concern among the Planning Board members at the last meeting. "We did model that and verify that a passenger vehicle with a trailer could safely make the maneuver and stay inside the westbound lane on Hartwell Road."

Ms. Brown then addressed wetland delineation. "When we switched from doing a cluster subdivision this became not as much of an issue for us. We're completely compliant with the upland guidelines no matter whether this entire area [the rear of the property] were called wetland area or not. The [blue] wetland line shown on the plan—that forward line has been confirmed and has been a good line for the last couple of years... There's actually a [Conservation Commission] meeting on this tomorrow night to issue the determination of resource area delineation."

Ms. Brown said that Conservation Officer Elizabeth Bagdonas had walked the line as far as she could but stopped at a certain point because of brambles. "We finally decided it wasn't important for us to know the exact location of the wetland down there. They were asking us to clear off half of the brambles but it just didn't make sense to disturb the vegetation," Ms. Brown said.

Questions from the Board:

Street turnaround and reserve strip:

Mr. Cohen asked if the paved area had gotten closer to the Patriot Circle abutters' property lines because of the change to the T turnaround design. Mr. Skulte said that he believes the total of paved area near the property line has been reduced but the turnaround is now 10 feet away from the property line instead of 15. Trees and vinyl fencing should mitigate the proximity "and it will look virtually the same as it did before."

The infiltration system position has not changed. If there is any impact to the system because of the change in road configuration and T turnaround, it will be addressed in the final design.

No changes to the lot lines are being proposed with the compromise T turnaround configuration; instead, a portion of the turnaround is shown in an easement on Lot 2.

Ms. Hackman said she has no memory of the Planning Board granting an easement for a T turnaround. Ms. Perry said that it's not the usual way to resolve turnaround issues, although exceptions have been made in a couple of cases where there was a one- or two-house development. She added that the normal approach under subdivision and zoning law is to separate streets from lots. "The most recent subdivisions have been Isabella Lane which has a full turning circle and Irene Road which was a capital T," she noted.

Ms. Brown disagreed: "There is no 'normal' at all. There are a lot of smaller subdivisions that have a T that would no longer be acceptable. My point is, there's no need to change property lines for a turnaround. We're not asking for the road to be an easement; we're talking about the turnaround."

Ms. Lloyd asked about the area outside the paved street but within the right-of-way which is "essentially a large square that leaves quite a lot of area that would be, presumably, the responsibility of the Town for maintenance. Would it not make sense to have the lot line follow the curvature/slant of that turnaround?"

Ms. Brown said that frontage in that case would have to be modified. Mr. Skulte said that the infiltration system is rectangular, part of it under the road and part under the landscaped area.

Ms. Mustapich asked who would maintain the area that is not in the right of way and not part of any of the proposed lots. Ms. Hackman asked Ms. Perry if she knew of any instances where property owners mow/maintain areas that are not a part of their house lots. Ms. Brown said this happens all the time—property owners mow strips of land they don't own-- and that this piece is "just a different shape."

Ms. Perry said that common land could be made the responsibility of the property owners through a homeowners' association. However, if the area were to become the Town's responsibility, it would have to be accepted when the street is accepted at Town Meeting.

Ms. Mustapich said it's an assumption that the homeowners would maintain areas outside their lot lines voluntarily. Ms. Brown said it made sense to her "to treat that area the same way as the other half of the landscaped strip on that side of the road" although it might require some "creative drafting" of the Town Meeting warrant that would deed the whole piece to the Town.

As an alternative, Ms. Mustapich suggested that the property owner, Mr. Varghese, retain the orphaned area and maintain it himself.

Ms. Hackman addressed one of the suggestions from the abutters that proposes shifting Alphonsa Lane ten feet away from the Patriot Circle property lines in order to create a deeper buffer and to allow for a "normal" T turnaround.

Ms. Brown said if the road shifts, the lots won't have the required dimensions. She added that the Fire Chief approved of the latest T design and that the developers have already made substantial sacrifices and have been working on the subdivision for a year. "We struggle with trying to make changes and push one interest at the expense of another. This is only a three-lot subdivision."

Ms. Lloyd said, “Do I understand correctly that the Fire Chief wants this sort of canted configuration, not any sort of 90 degree configuration?”

Ms. Perry responded, “I think his idea was a 90 degree configuration but— on the shape of this property where the all the houses are on one side— it raises the question of how to accommodate that.”

Ms. Lloyd said that she wants verification of the Fire Chief’s approval of the T turnaround design. The most recent email from him on the subject indicates he was unable to do an adequate review on his phone and said only that “it definitely looks like it’s more in line with the regulations.” Ms. Brown said she met with him and the Chief said he didn’t need to see a full-scale drawing. “He’s always been agreeable to having 93 feet; we’ve got 95.”

Mr. Hanegan added his concerns about the ownership of the small reserve strip.

Ms. Brown said, if this was a cluster development with open space, she could easily see the need to establish a homeowners’ association that included shared responsibility of the parcel. “What’s being suggested here is we have to establish a homeowners’ trust, we have to establish rules and regulations, we have to record all of this at the Registry of Deeds for this little, two-foot wide sliver of land. It just makes much more sense to associate the green space with the road [acceptance]... We had not intended to have a homeowners’ association with a conventional subdivision. It’s the same as any other green strip.”

Ms. Hackman then asked how the buffer area from the road to the fence on the Patriot Circle property lines would be maintained. “There are going to be trees but we don’t really know what else is going in there. [Ms. Lloyd] has asked specifically for a landscaping plan. What will be underneath the trees?”

Mr. Skulte replied that the trees are shown, as required for a subdivision plan; there would also be groundcover. Existing and additional trees are both marked on the map. The street trees to be added are “generally about 30 feet apart on alternating sides of the roadway, supplemented with existing trees.”

Ms. Mustapich said she can’t agree to ask the Town to take on the ownership of the two-foot green strip.

Ms. Brown said that the DPW would already be taking ownership of the right-of-way land. Showing the area on a plan, Ms. Brown said, “There are approximately 20 feet between the road and the fence. So, rather than having the Town be responsible for the first 18 feet and the homeowners for the last 2 feet, it made sense for this entire yellow parcel to be deeded to the Town that includes the right-of-way and a single party to maintain from the curb to the fence. We are completely open to some ground cover that doesn’t need to be mowed below the street trees so that we’re not creating an enormous burden.”

Ms. Lloyd pointed out that the Board had discussed increasing the buffer between Alphonsa and Patriot and that the Town would have “take possession of that, essentially....I don’t think this is radically different from what we’d been asking for.” She added that she would like “a final written word from Chris Laskey about protecting the Patriot Circle homeowners from having a second frontage on Alphonsa.”

Turning radius of the road intersection:

Mr. Skulte pointed to the May 11 response as a resource document on this issue and saying that a right-turning vehicle with trailer would stay entirely within the westbound travel lane on Hartwell. Mr. Cohen said that an exiting vehicle might go over the center lane on Alphonsa before turning onto Hartwell but Mr. Skulte called this a “typical maneuver” and said it would not happen all that often with only 3 houses in the subdivision.

Ms. Hackman questioned the dimensions of the vehicle and trailer used to demo the turn. “[The actual landscapers’ vehicles] are not passenger vehicles. They’re big trucks with long trailers. I think we can assume that that size vehicle won’t make the turn [without going over the center line].”

Mr. Skulte said that Ford F 150’s, at 18-19 feet long with a trailer, were roughly the size of the vehicle used for the model. Ms. Lloyd commented that landscapers in her neighborhood all drive mini-dump trucks and use 20 foot trailers. Ms. Mustapich agreed with this assessment. Ms. Lloyd said she had no problem with the vehicles swinging wide on Alphonsa; it is upon entering Hartwell that middle line crossing would become problematic.

Mr. Skulte said the barrier to increasing the turning radius is encroachment into the property adjacent to Alphonsa toward the west on Hartwell. Sightlines on Hartwell at the turning point are long, as the road is flat and straight.

Drainage:

Mr. Hanegan asked about seasonal high groundwater, saying he had done some research into the matter. “The drainage system is proposed for two feet above seasonal high groundwater which is an average based on the coloration of the soil,” Mr. Hanegan said. “I did see some municipalities require buildings to not go below three feet above seasonal high groundwater. I know you said the water would never rise above that two feet threshold. I wonder on what basis you can say that with certainty?”

Mr. Skulte said there was no 100% certainty but this measurement is a standard engineering practice for seasonal high groundwater and for how elevation is defined. “It meets the State regulations [even though] I don’t think we can say that in no case ever it wouldn’t reach 1.9 or 1.8 feet from the proposed bottom of the infiltration system.”

Mr. Hanegan asked to what point a 100-year flood would rise above the typical seasonal high groundwater. Mr. Skulte said it’s hard to say how that scenario would impact the groundwater and that the Washington Street residences are “a few feet below”.

As for what the Town might have to do to improve things for the Washington Street residents, Mr. Skulte said he wasn’t entirely sure. “I think there are conflicting positions between what would benefit the Washington Street homeowners versus the Patriot Circle homeowners. If we do alleviate the wetland ponding issue that’s of concern to Patriot Circle, then that would then allow the water to discharge into a swale that’s behind the Washington Street homeowners. There is a larger question at play than just the impact of this project.”

Pointing to the corner of the map that abuts the Jeffrey property at 11 Patriot Circle, Ms. Brown said so far the discussion vis-à-vis the drainage easement has been about clearing out accumulated debris to allow for open drainage flow. “Some of the people on Washington Street believe that this drainage swale is separate from this detention basin—that they’re not connected—and there’s a belief that this drainage swale overtops. I’ve heard an alternate argument that the berms at the backs of their properties may actually be holding water. But either way, there’s a concern about putting water into the swale. So, if something were done, we believe that what would be done is to clean this out and to create a shallow drainage system that would run into the detention basin. This is all Town land. There’s a tiny bit of the Jeffrey property and the rear of the Varghese property...Everyone at Town Hall appears to have a ‘hands off’ perspective.”

Ms. Perry said it is uncertain exactly what is going on with the drainage but that it was not appropriate to send more water into the detention basin. The suggestion was rather that, to help local runoff to drain into the swale that runs behind the detention basin, it might be beneficial to clear material that’s been dumped at the rear corner of the application property. However, it’s not actually clear whether it will help or hinder the overall situation because the material might be holding back flood water coming from the Elm Brook. She concluded that it seems like a complicated issue and there are several property owners involved.

Ms. Brown said she, too, has heard opposition to clearing the debris.

Mr. Cohen asked about the impact of snow storage to the stormwater drainage system. Mr. Skulte said it might be desirable to keep snow piles on the pavement to stagger the flow of the melt runoff that would then be channeled into the infiltration system. However, it was agreed that the paved area will need to be kept free for turning vehicles.

Ms. Lloyd asked about the impact of the 1-2 foot higher road elevation on runoff flow into the infiltration system. The highest point is approximately 1/3 of the way down the road, Mr. Skulte said, and that portion of the roadway is canted toward the Hartwell Ave. infiltration system. The other 2/3 would drain “to the north”. Ms. Lloyd suggested that a larger portion of the road be canted toward Hartwell but Mr. Skulte replied that this design would result in a higher road grade increase than the 1-2 feet already planned.

Ms. Lloyd asked if any planning had been done to date for the houses themselves. Mr. Skulte said the elevation of the street-based utilities services is as far as planning has proceeded. Ms. Lloyd asked if basements are planned for these houses. “This is an area where it’s hydrologically not advantageous to have one. Were you planning on slab-on-grade?” Ms. Brown said, as far as she knows, basements are planned.

Elevation:

Ms. Lloyd asked abutter Andrew Jeffrey what he meant in his letter to the Board when he said there would be a 4-foot elevation rise. Mr. Jeffrey said the end of the proposed lane is between elevation 120 and 121. “I recall that the highest elevation was 124 feet [somewhere between 123 and 124] so that means about a four foot increase in the existing grade to the curb.”

Mr. Hanegan said this was the first time he understood that basements were in the house design. “My concern is, if you put a basement too low the homeowner is going to want to finish it and they’ll probably put a sump pump in and create a zone around the house where there won’t be groundwater stored. Are you talking about a full basement or half basement?”

Ms. Brown said she assumes the expectation for house of this type would be to have full basements but she deferred the question to Mr. Varghese. “But, if it’s not feasible, it’s not feasible. It’s not a question to look in at a subdivision approval.”

Comments from the audience: Attorney Phil Lombardo, representing Patriot Circle residents, thanked the Board for their consideration of the strip of land so as not to create a second road frontage.

He added that there is ongoing negotiation about the buffer zone, particularly between Lot 3 and the Harrington property at 9 Patriot Circle. “What’s been proposed is about 25 feet, with the possibility of accessory structures. Mr. Harrington and Mr. Varghese are discussing that but nothing seems to have come from it yet. We are hopeful that with all of the money that Mr. Varghese has spent to date, that he can see his way to where he would locate that house [on Lot 3] so that we could get more of a buffer and an idea of what trees would be left in place.”

Lastly, Mr. Lombardo said the abutters hope to see a final landscaping plan with additional trees and groundcover as has been discussed.

On the subject of flooding, Mr. Fridan of Washington Street said he bought his house in 1964. “In the years that we’ve been here, we’ve had 4 floods; there was a 20 year span of time after Washington Street was built when there was no flooding. But since Hartwell Acres was built, there have been 5 floods—one when the previous owners lived in the house and four since then. It seems that something has changed. I’m sure that Washington St. was given assurances when Hartwell Acres was built that the detention basin would mitigate any flooding. Clearly that’s not been the case. While I appreciate the developers being sensitive to this, I’m skeptical that anything they’re going to do will help the situation and I’m fairly convinced it will most likely make things worse.”

Comments from the Board: Mr. Hanegan appreciated the collaborative efforts between the different sides of the issues. However, given the outstanding, unresolved questions, he favors continuation. “Certain entities have also not see the latest set plans and I certainly want to get the proper feedback from [everyone on the most recent changes] –the DPW etc—and make sure we know what issues still remain.”

On other points, Mr. Hanegan said he is in favor or a waiver for the sidewalk but the trade-off should be for more trees. He likes the easement to increase the potential drainage to the detention pond. On the subject of basements, he is considering an added condition not to allow full basements. He is in favor of a condition to limit mounding to 2 feet. He encourages continued discussion and sees progress in an admittedly drawn-out process.

Ms. Mustapich agreed with Mr. Hanegan on the issue of waiving the sidewalk in favor of additional street trees. She also agreed on the subject of mounding, limiting addition to two feet. Although Ms. Mustapich

prefers canted granite curbing, it was pointed out that the DPW doesn't like this style because it gets out of alignment more easily and is prone to being hit/damaged by plows.

Mr. Cohen said he prefers post lamps to streetlights, despite DPW sentiments to the contrary. Ms. St. John of the DPW is concerned that future homeowners might come back and lobby for streetlights to be put in at Town expense whereas, if installed during subdivision construction, they would be the developer's expense. A stipulation to guard against this could be added to the approval/permit.

Ms. Lloyd said she thought it reasonable for the abutters to prefer lamps as a gentler light source.

Ms. Hackman said she agreed there should be a condition to limit mounding. However, she remains dissatisfied with the T turnaround design. "Why can't it just be straight?" Ms. Brown said the simple answer is that without houses on both sides of the street, a T configuration is harder to carve out. She reiterated that she is sure that the latest design meets with the Fire Chief's approval.

Ms. Hackman said she is uncomfortable with the strange relationship of the T turnaround and the lot lines.

Ms. Brown said she did not see what the problem was and was not sure why the lot lines should be further complicated, given there's been significant compromise for the varied interests in negotiations for this development.

Mr. Cohen said he appreciated the creative thinking that had gone into resolving some of the issues. On the subject of maintaining the green strip, he said the Town would be mowing the right-of-way and would undoubtedly mow the extra land as well.

However, he is less happy with the T turnaround and its proximity to the Patriot Circle abutters. "It was going to be 25 feet away and now it's now 10 feet away and I have a feeling there's going to be a big pile of snow at the end of it."

He agreed with other members about limits to mounding and about diverting money to landscaping, adding that "clear cutting is a function of development. You can only save so many trees. I would like to see as enhanced a buffer as we can get."

The drainage, Mr. Cohen said, is a tough situation. "I can't say with 100% certainty that this will make it better or worse. Some of the run off that will be directed to the street now would have otherwise gone into the wetlands. The condition to have no basements is an interesting thought... It's an imperfect situation. You're asking us to choose which neighbors would be affected...I'm in favor of continuation. We're getting there but I'm just not there yet. "

Ms. Brown said there would be a shallow swale on both sides that would direct water toward the wetlands.

Ms. Lloyd said that one of the abutters has done research and claims that a National Resources Conservation Service (an arm of the US Department of Agriculture) soil survey data "indicates that these

three lots are not suitable for basements given the high groundwater and soil conditions.” She has not verified this information but believes the question merits additional research.

Ms. Lloyd said her concern about basements was less for the new homes than it is about the practice of mounding. She asked if Mr. Skulte had done topographical surveys as well as geological surveys. He said one had been done and mapped. Ms. Lloyd said she would agree to limiting elevation change and to adding the requirement of an as-built survey to ensure mounding has not occurred during construction. “We cannot provide a dry basement for these houses at the expense of an already troubled neighborhood,” Ms. Lloyd said.

Ms. Brown said that soil tests have been done. Mr. Skulte said that additional research would be needed to determine whether basements would have an impact to the hydrology and what that impact might be. Specifications for elevation changes were expressed in terms of current-to-finished ground measurements, allowing for variations in topography.

To summarize, Ms. Lloyd enumerated the remaining issues to be resolved for the next public hearing session:

- The nature of the strip that protects abutters from having a second frontage and from having to go before the ZBA in future for requests like siting a shed in their backyards;
- Mounding;
- A final landscaping plan including tree species and whether a specific existing tree cluster can be saved.

MOTION: Ms. Mustapich moved to continue the public hearing on 57 &75 Hartwell Road to June 23, 2015. Mr. Hanegan seconded. The motion passed unanimously.

DEVELOPMENT PERMITTING #2, REGULAR SESSION: Page Place Condominiums—informal discussion of expansion concept.

Documents in hand:

- 1) Memo from Catherine Perry, Assistant Planner to Planning Board dated June 1, 2015 Subject: Page Place Condominiums: Informal Discussion of Expansion Concept Involving Re-zoning.
- 2) Memorandum on Brown & Brown letterhead dated May 16, 2015 to Bedford Planning Board from Pam Brown RE: Page Place Condominiums, including lot renderings and attached letter to Adrienne St. John Department of Public Works from Page Place Condominium Trust, Board of Trustees David C. Fournier, Joseph Greelish, Stephen Reimer, concerning decommissioning a well.

Two Page Place residents, Dave Fournier and Stephen Reimer, spoke as trustees on behalf of the condo association. Attorney Pamela Brown and Karlis Skulte are also engaged in the project.

Primarily, the association wants to explore the expansion potential of the former Page School, decommissioned in the early 80’s, that would add 10-20 units with 1-4 bedrooms to the existing 31 1-2 bedroom units. Most of the larger additional condos— measuring approximately 1800 sq. ft.—would

allow existing residents to upsize. 16 of the current 31 units house residents 70 years or older. The condo community as a whole is multi-generational. The back portion of the 15.4 acre property is wetland but there is space for expansion and the addition of garages. No garages currently exist and parking can be far away from certain units, particularly in winter and particularly for older residents. Parking flow would also be improved with this project.

Current zoning prohibits expansion without a Special Permit. Ms. Brown said the bylaw that was passed when the School was decommissioned and the condos created was “drafted narrowly for this particular site and this particular project.” She said that the zoning change would have to be passed first and then the Board would have a large degree of discretion about what ultimately gets built.

A Town well on the property is being decommissioned because it is no longer in use. Ms. Brown said she had met with the DPW and reports it is “supportive of the process.”

Trustee Dave Fournier said, “The number one objective of this project is to raise the value of the assets of every owner by building out the property so that the majority of people who wish to stay can do so. [We also want to] take the money realized from the land and have garages built but not charge current owners for those garages and we want to raise the income for ongoing maintenance which would help our seniors as well. We also have a growing mix of younger folks with children so we have a nice blend and we’d like to add to that blend by attracting a high percentage of younger people.”

Ms. Perry, looking into the background of the bylaw, questioned how the common open space was treated and whether there should be a Conservation restriction on the property. Section 11 of the zoning bylaw references a provision in Section 10 that was created for Carleton-Willard which does have a CR. Ms. Brown said she would research whether specific restrictions have been recorded at the Registry of Deeds.

Mr. Cohen asked if the condo association was operating at a deficit. Mr. Reimer said they were solvent but that certain improvements need to be made and garages need to be built.

Mr. Fournier said the idea is basically to “kickstart the entire property [by upgrading the current building] so that the new construction doesn’t make the old construction look shabby.”

Ms. Brown said the developer wouldn’t need to pay for the land and so the final cost of each unit can be more reasonable than current rates. Similar to the Coast Guard property on Pine Hill, an RFP would be put out for proposals.

Ms. Mustapich said the project would need to include affordable units and the association would need to go before the Housing Partnership. Mr. Garber said there’s no mandated affordable provision in this case. Mr. Reimer said that Page Place is “the most affordable place in Bedford. Home values have not gone up in 12 years. Bedford has gone up 40%, on average. Lack of garages is part of the reason.”

Ms. Hackman said she’d be more interested in keeping the unit pricing down than specifically creating legally-defined affordable units. “I really like coming in at the lower end of the price range and also, maybe 10 as opposed to 20 units. Just to keep things slightly under control—the town is adding a lot of units, generally. I love your vision of multi-age but also of providing real service for downsizing seniors.”

Continuing, Ms. Hackman said she was unsure of where the garages would go, considering the amount of wetland in the rear of the property. Mr. Reimer said that residential units wouldn't go back there but there is enough room for garages. He added that the plan is not to create density; residents like the open space.

Ms. Hackman said she likes all the open space at the front of the property but thinks it's somewhat sterile. "I would like to see it become a public park. Because if there's supposed to be a Conservation restriction, let's make it there. Why not have something to serve that neighborhood. Benches facing each other, a gazebo—it would go with your multi-age vision that's part of the town. And access in terms of sidewalks and paths is critical. There's a cut-through now on the property that's completely overgrown... This connects really well to Springs Brook and would be a fabulous asset."

Ms. Hackman also asked if two parking spaces per unit are really needed. Mr. Fournier replied that, once the garages are built, there will be less need for outdoor parking.

Mr. Hanegan asked if the wetland delineations had changed over time. Mr. Reimer said there had been one flooding event that was due to blockage on Route 62. Ms. Perry said this property's wetlands are the same as those on the nearby Carleton-Willard property and those have enlarged.

Mr. Hanegan said he likes that the project would target underserved populations— downsizing seniors and relative affordability for first-time owners— and sees granting a zoning change and Special Permit in this case as a viable trade-off for the benefit provided. He is concerned, however, about the potential impact on the schools of the number of three and four bedroom units. He also spoke in favor of including affordable units.

Mr. Fournier and Mr. Reimer said that current condo owners with children would have first dibs on the larger units, thus not adding significant numbers of children.

A Board member noted there is an adjacent property on the market that could be purchased to increase buildable acreage. Mr. Reiner said that parcel is non-conforming but the owner is potentially interested in selling. Ms. Brown said the project is not in need of additional acreage but a purchase was something they have considered as a way to even out property lines.

The land around the well will most likely be retained by the Town rather available for purchase. Ms. Lloyd said owning that parcel where the well is sited would be advantageous to the condo project as it would provide some additional design options.

Where the wetland line lies and how far back on the lot building can occur was discussed but not resolved.

Ms. Lloyd agreed she would prefer to keep units moderately priced rather to require a percentage of affordable units that would then increase the purchase price of the market rate units. She agreed with Ms. Hackman's points about connectivity but was not enthusiastic about a park or playground to the front of the property, due to proximity to the road.

Ms. Hackman said she wanted a park, not necessarily a playground. She and Ms. Brown agreed that a lot of people walk in that area Ms. Lloyd said she doubted that people would use such a park, although she was in favor of creating an appealing landscape.

Ms. Mustapich said she likes an open space, park-like area, but not a playground.

Ms. Lloyd encouraged the group to contact the Planning office for a list of developers with experience building cottage-type housing, rather than those who build commercial-looking developments.

Ms. Lloyd counseled the group to minimize the number of larger units in order to make passing a zoning bylaw amendment more palatable.

How much detail to include in the zoning bylaw warrant article was a matter for discussion. “My instinct is to keep it simple,” Ms. Brown said. “How much needs to be specified and how much do we leave to your discretion in the permitting process?”

Ms. Perry suggested considering the appropriate density in relation to the character of the surrounding neighborhood and the site’s location relative to town amenities.

Mr. Garber said that, potentially, this bylaw amendment might usefully be applicable to other scenarios but that it could get complicated if it was larger than a site-specific. Mr. Garber and Ms. Perry invited Ms. Brown come into the office to go over the background of the original bylaw and to talk through various scenarios for the amendment.

Ms. Mustapich cautioned that taking the larger picture approach could lead to unintended consequences. Ms. Brown said this was the challenge of doing it “the right way.” Writing a bylaw for this specific site might be the best path to take.

NEW BUSINESS: Update on project completion issues at Lavender Lane cluster subdivision.

Documents in hand:

- 1) Letter on Planning Board letterhead dated June 5, 2015 to Mr. Tony Nuzzo, Chairman, President & CEO, First Commons Bank signed Glenn H. Garber, AICP Planning Director delivered by certified mail # 7014 0150 0000 0285 4522
- 2) Letter on Planning Board letterhead dated June 5, 2015 to Mr. Rosario Ferrante delivered by certified mail # 7014 0150 0000 0285 4515
- 3) Letter on Brown & Brown letterhead dated June 4, 2015 to Glenn Garber RE: Lavender Lane Completion signed Pamela J. Brown

Ms. Brown said she would be speaking for Lavender Lane developer, Rosario Ferrante, “to the best of [her] ability.”

Mr. Garber gave a summary of the situation to date: The Lavender Lane development is a 4-lot cluster subdivision that was previously part of the Princeton Properties 40B site.

Last week, the Town Manager became upset about a number of Lavender Lane-related issues, some outside the domain of the Planning Board which Mr. Garber defined narrowly as “the roadway, period.” Town Counsel, Code Enforcement, Planning, Police, and DPW were pulled together to address the issues. Mr. Garber said, “It’s been a huge effort. We’ve all dropped everything to work on this.”

Mr. Garber referred to two of documents in hand: A certified letter to Mr. Ferrante asking for response before the “rapidly impending date on the tripartite agreement—one of the allowable types of performance security in the State’s subdivision control law—expires; a second, similar letter from Planning addressed to the First Commons Bank—the mortgagor.

Mr. Garber explained, “It turns out that the mortgages— against which the sum of \$234,000 for the roadway improvements— have in fact been paid off which renders the encumbrance for the roadway completion moot. New information I received tonight reveals that while the mortgages have been paid off, they have not been recorded as discharged. This opens up the time window and takes some of the pressure off from that June 29th expiration date.

“The bottom line is, if Mr. Ferrante would simply get his crews out there, put the hot top and the missing section of curbing and a couple of street trees in, the matter is finished. If he does this quickly, the neighbors will feel a lot better about the roadway and we don’t get into a hassle and potential litigation. However, Town Counsel said he *will* go to court, if the Board takes official action. Tonight is not any kind of official action. We don’t yet have estimates from Adrienne St. John but if it comes to complete default and there’s not performance security in place, legal counsel said to tell you he will take action.”

One of the good faith actions Mr. Ferrante could take undertake is a clarification or an amendatory letter to the certificate of action, Mr. Garber said.

Mr. Ferrante was invited to tonight’s meeting but he neither replied nor appeared. Mr. Garber said Mr. Ferrante was sent the certified letter and a number of emails. Ms. Brown said she was cc’d on the emails. She called Mr. Ferrante who said he did not receive the emails.

Ms. Brown said she has no personal knowledge of the following events but is merely relaying what Mr. Ferrante told her: He spoke with the DPW last fall about completing the street. He did not understand that streets were accepted at Town Meeting; he thought they were accepted during regular town government board meetings. Ms. St. John told Mr. Ferrante that in order to have the street accepted at spring town meeting, any winter damage would have to be repaired. This led him to postpone the work until spring. “I can’t explain what happened between when the snow melted and today except that there’s someone installing a pool [on a separate property adjacent to the new road] and his opinion of that is there are trucks coming and going and he doesn’t want to finish the work until that pool is completed. I asked him if he could get it finished before July 1 and he said he can but he wants the pool guy to finish first.”

Ms. Brown said that the pool construction seems to be taking a very long time. She said Mr. Ferrante is “committed to doing the work” and “has been talking to Adrienne St. John all week but there’s been no hint that from her that there’s a problem. He’s not in town today so that’s why he’s not here and he wasn’t aware there was a meeting.”

Ms. Brown said she's been in contact with Town Counsel but the fact is that the deadline has not yet passed. The tripartite agreement says there is a sum of money that won't be distributed to Mr. Ferrante, which means the bank should still be holding the performance security even if the mortgage has been paid off.

Ms. Mustapich noted that the name of the street on the sign is spelled "Lavandar" instead of "Lavender" and asked that it be corrected.

Mr. Garber said Planning would be comforted to receive "some kind of written expression of good faith with a targeted completion date" sometime this week. To date, Planning has not heard anything whatsoever from Mr. Ferrante over the course of the development's progress, which is unusual. Mr. Garber added that the pool construction had been going on for a long time and is a "lame excuse."

Ms. Lloyd said that Mr. Ferrante has lived and done work in Bedford for a long time and it seems highly unlikely that he didn't know that street acceptances have to go to Town Meeting. Ms. Brown said he doesn't vote or attend Town Meeting.

Mr. Garber asked Ms. Brown for a letter from the applicant, stating an expression of intent with a reasonable window for conclusion.

OLD BUSINESS: Update on industrial zoning initiative. Mr. Garber said that work on major zoning initiatives continues despite a significant increase in development inquiries and applications.

Following completion of the Comprehensive Plan, the first zoning revision was the Industrial Mixed Use bylaw that easily passed Town Meeting and "seems to be a homerun so far and there's great developer interest."

The Planners then began work on two more sets of Industrial zoning amendments. "One is just a lot of fixes: dimensional things that make no sense, uses that are obsolete, inconsistent provisions." But the second amendment is more complicated: "Increases to floor area ratios, principally in the form of another story or two because there's no more land so you have to go up instead of out," Mr. Garber said, speaking of certain commercial/industrial areas.

This second initiative has impacts on parking layout, minimum landscaping, buffers etc. "so you have to test it extensively," he explained.

Mr. Garber said Planning's Westfield State intern has been slow to add value to the initiative but "we've structured an excellent database and a cross-sampling of locations which will allow us to make rational decisions."

In the best of scenarios, the two initiatives could be ready by fall Town Meeting but Mr. Garber said due to all the continuances, delays, and new business –and unprecedented regulatory activity in the summer months— the bylaw work might be necessarily shunted to the side.

REPORTS:

Planning Board Minutes –Continuation of 57/75 Hartwell Public Hearing
followed by Regular Session
June 9, 2015—FINAL

Bedford Market Place—possible adjustment to site plan: Ms. Perry said Marshalls wants to keep some of the parking spaces in front of the store rather than eliminate them as was the plan. What was envisioned was “a quite extensive concrete patio.” It has been determined that the modifications can be handled administratively without Board review.

Mr. Hanegan asked whether Marshalls has decided to upgrade the store sign. Mr. Garber said he thinks once the new facades and signs go up around Marshalls that the store will eventually upgrade.

30 Chelmsford Road special permit Planned Residential Development (PRD): 2nd preliminary discussion potentially scheduled for June 23.

57 & 75 Hartwell Road: Continued to June 23.

162 South Road PRD: Conservation issues not yet resolved.

Crosby Corporate Center IMU Special Permit: pending, probably July

285 Great Road site plan modification Salem Five Bank: pending, probably July

Evergreen Avenue Subdivision PRD: Probably August

Possible Hotel: Unknown

Ms. Lloyd asked if there would be a preliminary discussion for Evergreen Ave. Mr. Garber said he has urged the development team to consider a cluster development, not a conventional. “They’re designing concept sketches now and may come in for an informal discussion but my impression is they’re in a hurry.”

Due to the amount of business pending, the Board scheduled meetings on September 1, 15 and 29. Ms. Lloyd said that the Board will look ahead on June 23 to schedule meetings through Special Town Meeting.

Meetings attended/other business: Ms. Hackman reported that MAGIC— the Metropolitan Area Planning Commission sub-region organization of which Bedford is a member— is doing a climate change adaptation study with the intent to produce a model that can be applied to individual towns’ needs. Input will be requested from the towns. Ms. Hackman noted that Bedford, with so many wetlands, is particularly subject to changing conditions. She will let Ms. St. John know about the initiative and Ms. Lloyd will tell the Energy Task Force.

As far as the most recent iteration of zoning reform at the State level, Ms. Hackman said the Board should consider stating its position. “There are some really good provisions in here like impact fees from development, which almost every state other than Massachusetts has. It would change ANRs to minor subdivisions, set out a framework for expedited permitting and site plan reviews, it allows for inclusionary zoning which is affordable housing, it shortens grandfathering, and it would allow zoning revisions to bylaws to be passed by majority Town Meeting vote instead of by 2/3.”

Planning Board Minutes –Continuation of 57/75 Hartwell Public Hearing
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This initiative will go to committee next. Mr. Garber pointed out that these reforms have never yet made it to the floor of the Legislature. Opposition groups such builders and developers have stymied progress.

Members felt they required more information and contemplation before being able discuss a position statement. Mr. Garber said he would circulate copies of the proposed bill.

The Planning office is trying to get more public information out through avenues like The Byline, the website and Facebook.

A proposed expansion of Bieren's Garage has been sent from the Selectmen to the Zoning Board for review but the hearing has not yet taken place. Scott Gould, the ZBA admin, will keep Planning in the loop.

Ms. Hackman asked Ms. Mustapich to forward any information coming out of HATS (Hanscom Area Towns) about transportation as it affects what Ms. Hackman discusses at MAGIC meetings.

Code Enforcement's Chris Laskey videotaped the joint training session that took place with Planning and the ZBA. He is now editing it. Because the session was thought to be very useful, the Board asked Planning staff to urge Mr. Laskey to make the tape available soon rather than to worry about having a polished final product.

ADJOURNMENT: Mr. Hanegan moved to adjourn the meeting and Mr. Cohen seconded. The motion passed unanimously, 5-0-0.

Respectfully submitted,
Kim Siebert, Acting Recording Secretary

Approved as amended, July 14, 2015