

**BEDFORD PLANNING BOARD**  
**Zoom Remote Meeting**  
**Minutes**  
**January 3, 2023**

**MEMBERS PRESENT:** Steven Hagan, Chair; Christopher Gittins, Jacinda Barbehenn; Amy Lloyd; and Todd Crowley

**STAFF PRESENT:** Tony Fields, Planning Director; Catherine Perry, Assistant Planner

**OTHERS PRESENT:** Lauren Ennis, Bedford Citizen, David Bernstein, Marc Hamilton, Nicholas Howard, Ed Pierce (Select Board liaison), Shawn Hanegan (Select Board liaison), Patricia Fabian, Jeff Cohen, Pamela Brown, “Greg”

Chair Hagan called the remote meeting to order at 7:00 pm, called the Roll of Board Members in attendance, cited the Remote Meeting Guidelines, and stated that Bedford TV is recording.

**PUBLIC HEARING**

**Two-Family Dwellings: Proposed Zoning Bylaw amendment to Section 4.2.2 and Table 1**

Chair Hagan opened the continued public hearing and inquired if Board Members have comments on the current revised draft from prior discussions.

Member Lloyd stated that she was generally happy with the wording. She floated some suggestions for possible fine-tuning:

- consider an alternative to word “provision” in opening sentence of Section 4.2.2
- replace “shall” with “must” in Section 4.2.2.2, as it might be more readily understood
- is the term “front yard” in Section 4.2.2.1 sufficiently understood/defined?

She also stated that she thought the Board should soon be working on square footage definitions in the Bylaw and their relationship to Code Enforcement and Assessors data. To answer questions that may be posed on the 2-family bylaw, the Board should have to hand data on the numbers of pre-1945 houses, 2-family houses, 3-family houses etc.

Member Barbehenn asked to confirm why Accessory Dwelling Units were being prohibited on 2-family properties. She also noted that she had drawn attention to the ongoing public hearing on various social media groups.

The Chair invited any responses to the foregoing points raised by members.

Catherine Perry commented that the term “front yards” is generally recognized to be related to setbacks and interpreted as the area between the street and the front of the house. The term “shall” is used commonly in bylaws and is interpreted as being forceful, compared to the more discretionary “may”.

Member Lloyd recalled that the Board chose not to allow both a two-family house and an ADU on the same lot to avoid perceptions of overloading, which might affect the success of the bylaw amendment.

Tony Fields added that broadening opportunities for ADUs and for two-family houses have been handled as two separate topics coming out of the Housing Study. He believed they were conceived as options for single family house lots, with creation of a two-family being a bigger change, but still subject to size constraints.

The Chair invited public questions and comments.

David Bernstein, a builder, 7 Alaska Avenue, agreed that clarifying the definition and calculation of square footage is important. He questioned:

- in Section 4.2.2.1 whether one parking space is sufficient
- in Section 4.2.2.2 why the date of 1945?
- in Section 4.2.2.3 whether the proposed Floor Area Ratio is the right percentage
- in Section 4.2.2.4 whether “consideration” by the Zoning Board of Appeals means a requirement.

Tony Fields responded that the parking requirement of one space per unit is a minimum. The 1945 date was a pre-existing criterion in the bylaw and the Board chose to keep the ability of those older houses to convert to two-families. The FAR of 0.15 was based on examination of each district, and chosen to equate to the large single-family houses now being built; it still allows that overall size but as two units rather than one. For example 6,000 square feet on a 40,000 square foot lot. Non-conforming properties usually have to go to the ZBA. The Board can grant relief anyway, so the criteria were expressed as considerations.

The Chair asked if Mr. Bernstein was satisfied, having heard these responses. Mr. Bernstein said he thinks one parking space per unit may be too low as a minimum but he will consider what he has heard.

Member Barbehenn commented that floor area can be hard to pin down and asks why we don't just use Lot Coverage rather than FAR.

Catherine Perry recalls that FAR was the main measure used because it is a better proxy for the mass of the building, and it focuses on the house rather than any garages etc. Lot coverage

doesn't take account of whether the house is one or two stories, but it was added as an extra criterion as it was believed to have relevance in some cases.

Member Lloyd followed up on the date of 1945, saying she favors helping owners of antique houses to maintain them. She expressed support for maintaining an FAR.

Member Crowley explained his support for requiring an FAR. Also he supports the language giving the ZBA some guidance but with flexibility.

Nicholas Howard, 7 Daniels Drive, asked why the Planning Board says "we need this" bylaw amendment. He referred to the MBTA Communities multifamily zoning requirement and asked if this bylaw would comply with that.

Member Barbehenn noted a statewide need for housing production, citing a shortfall of 400,000 units, with the demand being mainly in the metropolitan area. She added that it is important for the economy.

Member Crowley noted that a diverse set of housing is an expressed goal of the Bedford Housing Study. The proposed bylaw tries to create flexibility but with restrictions, and has no relation to the MBTA multifamily housing law.

Member Gittins also clarified for attendees and observers that this discussion is only about two-family dwellings and not about MBTA Communities multifamily zoning.

Member Lloyd stated that eastern MA needs housing; many people cannot afford to live in the region. If employees continue to move farther away, businesses will leave. There have been economic cycles in the past and we should not take risks. All towns should try to diversify their housing.

Member Barbehenn also noted that the by right applicability of this proposal applies to conforming lots, but a high proportion of lots in Bedford are nonconforming.

Nicholas Howard followed up on the relationship to the MBTA zoning requirement, asking if the town will be given any credit for this current initiative.

Chair Hagan gave a summary of the criteria for MBTA multifamily housing, which will be discussed next on the agenda.

Member Barbehenn added that the Board is trying to tackle housing issues from two ends, creating a wider range of housing opportunities.

Member Gittins highlighted housing data from the Census, noting that only eight two-family units were added in the prior decade out of almost 400 additional housing units. So opportunities for two-family houses have been very limited in Bedford.

Member Lloyd added that school overcrowding is not as great an issue as many people fear. New families already replace seniors in existing housing units or in teardown/rebuilds. In some cases, two-family houses will meet the needs of childless households. A change in the bylaw is unlikely to trigger large numbers.

Member Barbehenn noted that currently much new housing construction is teardown and replacement with larger houses.

Nicholas Howard commented that the main impact of the bylaw amendment is likely to be more options for teardown lots. He asked if the Board has seen other towns make such a change and if data is available.

Tony Fields responded that we have identified 10-12 other Massachusetts communities, of varied sizes, that have made a similar change in one or more districts. They report that they have not experienced a rush of development in response, although detailed numbers are not available. He noted that the Housing Study, led by the Select Board, found that middle-income households cannot afford what is usually being built in Bedford – five or six bedroom houses, often replacing smaller capes or ranches. A two-family house of the same size may have a similar total number of bedrooms; essentially the proposed bylaw offers an alternative configuration. Single-family houses will still not be subject to an FAR.

Jeff Cohen, 17 Houlton Street, asked if there has been any cost comparison for two-family versus one-family houses.

David Bernstein noted that having two HVAC systems, two kitchens, and more total bathrooms within one structure will be somewhat more expensive to build.

Board members noted that although the total construction cost will be higher, the cost for each unit is likely to be lower since they would be smaller, and there is no additional land cost. Some builders find them feasible or preferable.

Member Crowley commented that he sees the bylaw amendment as an opportunity to get moderate-sized units that aren't being built otherwise.

Members discussed keeping the hearing open to allow further input while sending the draft forward to the Select Board for the Warrant.

VOTE:

Member Gittins moved, seconded by Member Lloyd, to continue this public hearing to the meeting of January 24, 2023.

Roll Call: Member Gittins – Aye

Member Lloyd – Aye

Member Barbehenn – Aye

Member Crowley – Aye

Chair Hagen - Aye

## **BUSINESS SESSION**

### **MBTA Communities Multifamily zoning – draft Action Plan**

Director Fields recapped the state legislation passed in 2021, followed by guidelines and a timeline for compliance. The next step is to submit a form outlining an Action Plan, by the end of January. He displayed the Action Plan form with draft responses, noting that the Town is required to identify players, existing plans and efforts around housing, anticipated strategies and a timeline to achieve compliance by the end of 2024.

Staff believes we do not have an existing compliant zone but that one strategy to explore will be making adjustments to zoning along parts of the #62 bus route. Other areas may need to be identified also, and a number of options could be explored. We may apply for technical assistance. A timeline that might make sense is to aim to hold Planning Board public hearings in November-December of 2023 and go to Annual Town Meeting in March of 2024.

Board members concurred with the general approach.

Member Lloyd commended staff's ongoing research to explore the application of detailed rules embodied in the compliance model. She noted there are issues to be addressed in the model related to wetlands, where DEP delineation differs from local records that include actual field delineation. Pam Brown, local attorney with Brown & Brown, added that isolated land subject to flooding is not regulated at state level and can have an impact on buildability of a parcel.

The Board concurred that staff should continue to move forward. It will review the completed form at its next meeting.

### **Liaison Reports**

Member Gittins reported that the Community Preservation Committee has been reviewing applications for funding and will be making recommendations at its meeting of January 12.

Member Crowley reported that TAC and BAC will have a joint meeting in February, and there will be in-house training for the ZBA.

Member Barbehenn reported that the Bedford Housing Partnership was requested to revisit the Carlisle Road proposal.

Assistant Planner Perry reported on the recent MAGIC meeting, where the Bedford REMAP initiative was presented.

**Adjournment**

Member Gittins moved, and Member Lloyd seconded, to adjourn at 8:41 pm.

- Roll Call:     Member Gittins – Aye  
                  Member Lloyd – Aye  
                  Member Barbehenn – Aye  
                  Member Crowley – Aye  
                  Chair Hagen - Aye

Minutes prepared by Tony Fields and Catherine Perry.

Approved January 24, 2023

**DOCUMENT LIST**

Agenda

Memo from Planning Director Fields to Planning Board, dated December 30, 2022 with respect to matters to be taken up at the January 3, 2023 Planning Board Meeting.

Revised Draft proposed warrant article: Zoning Bylaw amendment relating to two-family dwellings

Letter from Bedford Housing Partnership, dated 12-06-22, in support of the proposed two-family zoning bylaw amendment.

Email from resident Marge Heckman, dated 11-22-22, in support of the proposed two-family zoning bylaw amendment

Code Enforcement/ZBA Protocol on size of additions on under-sized lots subject to special permit

DHCD form for Action Plan pursuant to MBTA Communities multi-family zoning (Sec 3A of MGL Ch 40A)

Planning Board Minutes - Final  
010323

Memorandum from Assistant Planner Perry dated December 29, 2022 regarding MBTA Communities zoning requirement

3 sample maps of how the DHCD capacity tool might affect certain properties in Bedford

Article from Commonwealth Magazine, “Don’t try to flout the Housing Choice Law”, by Oren Sellstrom and Jacob Love, December 13, 2022

Boston Globe article, “How to ensure affordable housing in Massachusetts”, by Rachel Heller and Christopher Norris, December 14, 2022

Boston Globe article, “Vouchers for all?”, by Andrew Brinker, December 14, 2022

Town of Bedford Traffic Calming Policy, dated December 13, 2022, adopted by the Select Board on December 19, 2022

Town of Bedford Traffic Calming Toolkit, dated December 13, 2022

The Great Road Traffic Optimization Study, dated December 12, 2022, prepared by Jacobs Engineering for the Town of Bedford

Boston Globe article, “To curb greenhouse emissions by 2030, make traffic jams a thing of the past”, by Catesby Holmes, December 14, 2022

Development Update chart 12/30/22