

BEDFORD PLANNING BOARD
Zoom Remote Meeting
Minutes
January 24, 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: Pamela Brown, Paul and Kristen Marcus

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

229, 251A and 251F old Billerica Road – PRD Special Permit (continuation)

Chair Hagan stated that the applicant has requested a further continuation, to the February 14 meeting.

MOTION: Proposed by Member Lloyd, seconded by Member Barbehenn, to continue the Public Hearing without testimony, to the scheduled meeting on February 14.

VOTE: By roll call:

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| Christopher Gittins | Aye |
| Jacinda Barbehenn | Aye |
| Amy Lloyd | Aye |
| Todd Crowley | Aye |
| Steven Hagan | Aye |

BUSINESS

42-44 Hillside Avenue – request for input on development options

Attorney Pamela Brown stated that her clients Paul and Kristen Marcus are on the line also. She shared her screen showing a letter and attached application to the Zoning Board of Appeals with Exhibits, for two adjacent properties her clients own at 42 and 44 Hillside Avenue. She stated that the contents are the same as the letter and exhibits provided in the Planning Board's packets.

She highlighted a plan showing the lots on an aerial photo base and photographs of the current #44 house (a 1924 bungalow) and the #42 small house/ 'garage apartment'. Both lots are undersized and #44 is especially small. Ms. Brown said they are looking at two options for redevelopment:

- Combine the lots, tear down both structures and build one larger house
- Keep #44 and rebuild #42 as a somewhat larger 'cottage'.

She showed an elevation drawing of the potential larger house. Proposed changes will need to go to the ZBA but the proponents would like an opinion from the Planning Board in advance. Ms. Brown suggested that the nicer option may be the one with two smaller houses and that the Planning Board may feel it aligns better with housing goals and policies coming out of the Comprehensive Plan.

Member Lloyd asked about some of the dimensions.

Planning Director Fields confirmed that reconstruction of either building would need ZBA approval.

Members Lloyd, Barbehenn, Crowley and Gittins all expressed a preference for the option with two smaller houses. Member Crowley noted that he lives near the properties, in the interest of disclosure. Member Gittins added that he thinks it is important to keep 'missing middle' housing where possible and that it would be a shame to lose one of the small houses.

Chair Hagan concluded that the Board should state its support for the two-house option, in a letter to the ZBA.

Members discussed whether to state reasons. Member Lloyd suggested some brief bullet points could be added, to be worded by staff.

Ms. Brown stated that the ZBA application has been submitted and will be on the February 9 agenda.

MOTION: Proposed by Member Barbehenn, seconded by Member Lloyd, for Director Fields to write a letter conveying the Board's support for the two-house option, and send it to the ZBA.

VOTE: By roll call:

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| Christopher Gittins | Aye |
| Jacinda Barbehenn | Aye |
| Amy Lloyd | Aye |
| Todd Crowley | Aye |

Steven Hagan

Abstain (to express objection to amount of time spent)

PUBLIC HEARING

Two-Family Dwellings: Proposed Zoning Bylaw amendment to Section 4.2.2 and Table 1 (continuation)

Chair Hagan noted that Director Fields presented the proposed amendment as a Town Meeting article to the Select Board the previous evening.

Director Fields reported on the points covered in his presentation, and noted that the reaction seemed receptive but that the Select Board had not yet taken a position on the article. The next step for the Planning Board will be to publicize the proposal and work on the Town Meeting presentation.

Assistant Planner Perry noted that this is the continuation of the public hearing and the Board should probably vote to close it tonight. This is the last chance for any members of the public present to have input, before the matter appears on the Town Meeting warrant.

Member Gittins asked about any comments received or questions raised at the presentation to the Finance Committee.

Member Barbehenn asked if any staff time will be able to be committed to the engagement effort. Director Fields responded that he anticipates staff involvement in background work but that Town Meeting presentations are usually given by Board members.

Member Lloyd returned to some aspects of the wording of the article. She referred to some detailed questions asked by Margot Fleischman at the Select Board meeting. These made her wonder if it is clear that a 2-family dwelling can't be two detached units, and if the references to nonconformities are in the right places.

Director Fields said that a 2-family dwelling is interpreted as one building, although no definition is provided in Section 4. Assistant Planner Perry added that the Zoning Bylaw has a provision that where no definition is given, it relies on the Building Code meanings. On that basis a dwelling, in the singular, is one building. A 2-family dwelling has two dwelling units within it. She felt the meaning was well-established. Some Board members thought it might be beneficial to add a definition in Section 4.2.2 anyway.

On the references to nonconformities, Director Fields said he believed staff knew how to interpret them, but we can still consider if the wording can be made any clearer for the public. He suggested shortening the title of Section 4.2.2.4. He pointed out that the text of this section does not refer to conversion, only to replacement or new construction, so it should not be seen as conflicting with Section 4.2.2.2.

Member Lloyd asked if the reference to nonconforming lots should be made broader to cover other nonconformities. Director Fields responded that the most common scenario is under-sized lots, which may also have other nonconformities such as building setbacks. The section is mainly intended to show that owners of such properties may still be able to have a two-family dwelling, although the route through the ZBA still applies. If the Board wished, it could add a sentence at the start of this section explaining that new construction on nonconforming lots requires a ZBA special permit under Section 7.

Board members agreed that Director Fields will draft and circulate edits to the article wording based on points raised above. Members can respond to staff.

Returning to Member Gittins' question about the Finance Committee's responses, Director Fields reported that they asked about projections of revenue, Town costs, numbers of residents, traffic etc., comparing two-family houses to one-families. Most of these aren't amenable to simple answers. We should keep in mind that with the size restrictions, there may be little difference in the total number of bedrooms and potentially little increase in the number of residents. Some Finance Committee members also thought that the timeframe may be tight for a full examination, and/or were worried about cumulative effects with other housing proposals in the offing, and suggested that the timing is bad and a delay might be warranted.

Member Gittins shared some information he has obtained from the Assessors Department, about existing properties classed as single-family residences (Land Use Code 101) and two-family residences (Land Use Code 104). Both the average value and the average tax are slightly lower for the two-families. Assistant Planner Perry drew attention to the fact that this data reflects the existing stock, where a high proportion of the two-family houses, in particular, are quite old and small, so it isn't directly translatable to future construction. Director Fields agreed that any predictions would have to consider lot sizes, larger house sizes favored for new construction, and the values of one and two-family houses with representative numbers of kitchens, bathrooms and bedrooms. Also, the sense of a need for overall projections may be based on assuming there would be a rush of development, which other areas haven't seen. Member Gittins suggested only attempting to answer specific questions, and perhaps only any that have been raised equally in the past in relation to single-family zoning.

No new public comments or questions were received. The Board discussed whether to close the public hearing, noting that the Warrant closes on February 13 and presentation materials will need to be prepared well in advance of Town Meeting.

MOTION: Proposed by Member Lloyd, seconded by Member Barbehenn, to close the Public Hearing.

VOTE: By roll call:

Christopher Gittins Aye

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| Jacinda Barbehenn | Aye |
| Amy Lloyd | Aye |
| Todd Crowley | Aye |
| Steven Hagan | Aye |

BUSINESS SESSION

Preparation for Town Meeting – Two-family dwellings zoning amendment

Director Fields stated that presentations can be posted ahead of Town Meeting on a Town webpage devoted to that purpose. Member Barbehenn suggests having a Planning Board page with a range of background materials and just posting a link to it on the more central page.

Chair Hagan suggests we need to consider preparing: a Town Meeting presentation; publicity; and a list of supporting speakers. Members agree that only one Town Meeting presenter is needed, although others can speak also if they feel the need.

Chair Hagan suggested that Todd Crowley would be a good presenter, especially if nonconformity/ZBA questions are likely to arise. Others agreed. The time allowed for presentation is 10 minutes and it could involve a set of slides. Chair Hagan noted that the presenter should be the final author. There are guidelines for format.

All members expressed some interest in the preparation work. It could include a video and website information. Staff said that although they are still learning their way around the new website, they know how to set up an additional page, accessed from the Planning page. It could display material that is produced in Word format, including inserted pictures.

It was agreed that all members will send a list of bullet points of what they think needs to be included to Director Fields by close of business on January 30, and he will consolidate them. Then a full working group can hold a posted meeting to share out the work and make a start.

MOTION: Proposed by Member Lloyd and seconded by Member Gittins, to schedule a working meeting of the Planning Board on February 7 at 7:00pm

VOTE: By roll call:

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| Todd Crowley | Aye |
| Amy Lloyd | Aye |
| Jacinda Barbehenn | Aye |

Christopher Gittins Aye

Steven Hagan Aye

MBTA Communities Multifamily zoning – Action Plan

Director Fields noted that the state’s online form does not format properly as a pdf, but showed it as well as possible on his screen. He ran through the entries completed by staff, with some added points, such as amplifying Bedford’s past and current housing efforts, and minor adjustments to the timeline. The proposed strategy still involves exploring a range of options, with some preferred considerations listed.

Mr. Fields observed that the Mass Works grant program, which is theoretically an incentive for compliance with the MBTA Communities program, is currently unfunded, and MBTA service to Bedford is also likely to be reduced. Nevertheless, we propose to submit the form this week.

Member Gittins commented that large parcels are likely to attract different forms of multifamily housing development than smaller ones. He suggested that we may want to include some areas of smaller lots that would likely be redeveloped incrementally and not result in large apartment blocks. Director Fields responded that this idea could be looked at. At least one district has to be at least 25 acres in size (although it may be composed of multiple parcels) and there can be more than one district making up the required total.

Members noted that in looking at potential for multifamily housing in the business areas on The Great Road and in the Depot Area, one concern is not to displace the key retail sites. Meeting the MBTA requirement elsewhere would leave the town free to pursue the types of housing it wants here. They briefly discussed the pros and cons of turning to large sites along Middlesex Turnpike, such as the Woburn Sportsmen’s Club, to meet the requirement. They noted that the area has some bus routes connecting to Lowell and Burlington but it is remote from the center of Bedford and town amenities, and creating a walkable mixed-use area there is challenging.

Examples of different housing densities were asked about. Member Gittins offered to circulate a list that staff sent him in October of 2021 which could be a useful resource.

MOTION: Proposed by Member Lloyd and seconded by Member Gittins, to approve the Planning Director’s completion of the MBTA Communities Zoning Action Plan Form.

VOTE: By roll call:

Todd Crowley Aye

Amy Lloyd Aye

Jacinda Barbehenn Aye

Christopher Gittins Aye

Steven Hagan Aye

Great Road Traffic Optimization Study

The Board members discussed their reactions to the Study which was circulated.

Member Lloyd commented that Michael Siebert's letter, also circulated, raises many points that she agrees with. One problem with improving traffic flow is that it can generate more traffic. Also the study has insufficient focus on non-motorized users.

Member Barbehenn agreed. She would prefer a more system-wide approach. She noted there were some recommendations for cross-walks etc. but not a comprehensive approach to pedestrian needs. She asked if the Study was funded by the Town or the State.

Member Gittins concurred, saying the recommendations are innocuous but it doesn't capture the big picture. He notes it refers to revisiting suggestions from a 1967 study, but some of them are bad or outdated ideas.

Member Lloyd said that the truly big picture can't be covered by a limited traffic study, as it involves a combination of land use, transportation system and housing issues.

Member Crowley said he thinks some of the suggestions in the Study are good. We are still going to get through traffic heading to and from the nearby major highways, and local residents also use The Great Road. We know there is room for improvement of some of the intersections.

Member Barbehenn stated that some of the bigger discussion could take place in connection with the next Comprehensive Plan.

Chair Hagan suggests that the Board takes no position. Individuals can comment if they wish.

North Airfield

Director Fields reported that we have received a copy of an Environmental Notification Form for proposed joint development of the North Airfield portion of Massport's land and the former Navy hangar that is in private ownership. The ENF is used by MEPA to determine whether a fuller Environmental Impact Statement will be needed.

Other departments may comment on the ENF and are interested in having a forum for neighborhood comment. Utility connections will be from Hartwell Road and the need for upgrades will need to be examined. Access for employees will also be from Hartwell Road.

Routes within the airfield for fire vehicle access etc. will be extended. The amount of impervious surface will increase, and aircraft fueling and idling will be closer to Bedford residents.

The Board noted that as a state authority, Massport is exempt from local zoning, and Director Fields added that under our Zoning Bylaw, the proposed use for aviation-related activities is allowed under the Industrial zoning without site plan review. The proponents have agreed to participate in a public forum which may be somewhat similar to a site plan review, likely coordinated by the Select Board and Town Manager.

Bedford Safe Campaign

Chair Hagan states that all departments and boards are being asked to support this campaign led by the Police. Director Fields notes that the Health Department is also leading it. It involves a gun buy back program and an education program.

MOTION: Proposed by Member Lloyd and seconded by Member Gittins, to endorse this program.

VOTE: By roll call:

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| Todd Crowley | Aye |
| Amy Lloyd | Aye |
| Jacinda Barbehenn | Aye |
| Christopher Gittins | Aye |
| Steven Hagan | Aye |

Liaison Reports

Member Crowley reported that the ZBA discussed a draft decision for 330 South Road. It also had a training session led by lawyer Jay Talerman. Most members attended and it was useful.

Member Lloyd asked if the Code Enforcement Director's recording of the training session is available. Director Fields agreed to ask.

Member Lloyd reported that the Select Board discussed its goals, and mentioned potential improvement of access to the tot lot.

The MAGIC meeting introduced two new coordinators and held a community exchange.

Member Barbehenn reported that the Bedford Housing Partnership revisited the Carlisle Road housing proposal and voted to support it moving it forward to the Select Board. The developer is holding a public information session tonight.

Member Gittins reported that the Community Preservation Committee will be making recommendations for funding of projects at Town Meeting.

The Energy and Sustainability Committee will look to the fall Special Town Meeting for a proposal to opt in to the Specialized Energy Code.

Director Fields reported that a national campaign to boost housing provision is getting started. In economic development news, Magellan Jets opened at Hanscom and will coordinate hangar space with users to reduce the number of flights that are just moving planes to and from other sites. A company is proposing to take up space released by iRobot at 4 Crosby Drive. EMD Serono is laying off some staff.

Assistant Planner Perry reported that the Planning facebook page is back in operation, at least in terms of being able to post new items.

Minutes

The Board reviewed the minutes of January 3, 2023. Member Lloyd offered an edit on page 3.

MOTION: Proposed by Member Crowley, seconded by Member Lloyd, to approve as modified.

VOTE: By roll call:

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| Todd Crowley | Aye |
| Amy Lloyd | Aye |
| Jacinda Barbehenn | Aye |
| Christopher Gittins | Aye |
| Steven Hagan | Aye |

Adjournment

Member Lloyd moved, and Member Gittins seconded, to adjourn at 10:05 pm.

Roll Call: Member Gittins – Aye

Member Lloyd – Aye

Member Barbehenn – Aye

Member Crowley – Aye

Chair Hagen - Aye

Minutes prepared by Catherine Perry,

Approved February 28, 2023

DOCUMENT LIST

Agenda

Memo from Planning Director Fields to Planning Board, dated January 24, 2023 with respect to matters to be taken up at the January 24, 2023 Planning Board Meeting.

Revised Draft proposed warrant article: Zoning Bylaw amendment relating to two-family dwellings (with added explanation in italics)

Letter to Planning Board from Pam Brown re 42-44 Hillside Ave redevelopment (Marcus property) with attached plans, elevations and Assessors property cards

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

Commonwealth magazine articles by Amy Dain: “What the MBTA Communities law means for your town”, “Solving the MBTA Communities zoning puzzle”, “Seeking predictable permitting for new housing”, “Where should new families go?” and “Overcoming the restrictions on multi-family housing”, January 2-6, 2023

Boston Globe article, “We can fix the housing crisis. But we have to act now”, by Vanessa Calderon-Rosado, January 4, 2023

Online article by Daniel Herriges, Editor-in- Chief of Strong Towns, “There’s no such thing as affordable housing”, January 4, 2023

Online article by Matt Murphy and Jon Keller, MASSter List, “The straight poop on housing”, January 10, 2023

The Great Road Traffic Optimization Study, dated December 12, 2022, prepared by Jacobs Engineering for the Town of Bedford, with Appendix A, B and C

Planning Board Minutes
012423 Final

Email letter dated Jan 8, 2023 from Michael Siebert to Jeanette Rebecchi, DPW, Subject: 2022 Jacobs Great Road Study

Letter to Department Heads dated January 9, 2023 from Bedford Police Department and Health and Human Services Department and Board of Health, concerning the Bedford Safe Campaign

Boston Globe article, “There’s a dam breaking: Cities and towns start to kick fossil fuels with new building code” by Sabrina Shankman

Development Update chart 1/19/23

Bedford ZBA – list of topics, questions for training

Bedford Planning Board – Draft Minutes for January 3, 2023