

BEDFORD PLANNING BOARD
Zoom Remote Meeting
Minutes
March 20, 2023

MEMBERS PRESENT: Steven Hagan, Christopher Gittins, Amy Lloyd and Todd Crowley

MEMBERS ABSENT: Jacinda Barbehenn

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

OTHERS PRESENT: Pamela Brown, Cynthia First, Ali Khaledi, Mark Vaughan, Sue Baldauf, Larry Croes, Michelle Puntillo, Steven Andress, Johanna Schneider, Patricia Lennon, Don Kennedy, Paul Schuman, Zach Richards, Heather Wellington, Kristine Hung, Bob Holmes, Joseph White

Chair Hagan called the remote meeting to order at 7:32 pm, called the Roll of Board Members in attendance, cited the Remote Meeting Guidelines, and stated that Bedford TV is recording.

DEVELOPMENT SESSION

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

Attorney Pamela Brown gave an update on behalf of the applicant. She reported speaking with the abutters on both the north and south sides of the development and stated that she is responding to concerns such as views, drainage and density.

Ms. Brown shared her screen to show a conceptual revised plan, noting that it has not yet been fully engineered. She stated that the proposal is being cut back to the base number of units, which she calculates as 13; the houses have been pulled away from the perimeter and the turning loop of the road has been shrunk. There will be one duplex next to the barn and single-family houses around the loop. #229 will now be placed near its current position but set back a bit. It will sit on a conforming lot which will include a portion of the old pasture/paddock parcel, separated by ‘Approval Not Required’ (ANR). The remaining portion of the paddock will still be a buildable lot for the future but isn’t proposed for development now. The open space for the PRD remains similar.

Ms. Brown reported that she received comments today from the BedfordShire Trustees, and has passed them to the applicant’s engineers. They will look at adding a shallow swale along part of the new road, as suggested, to improve capture of runoff. The trustees had asked if the proposed sidewalk could be placed on the south side of the road, but it needs to serve homes along it and

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the applicant team doesn't think it would change the visual impact much. The landscape architect will look at bolstering existing vegetation, perhaps with some evergreens interspersed with the existing deciduous trees.

Ms. Brown requested initial feedback.

Planning Director Fields stated that this is the first time the Board and staff have seen the new plan and that it has not been submitted formally for staff review yet. He added that the applicant may be hoping for some direction or reaction to the changed concept.

Member Gittins referred to the required finding for the special permit and asked what is the intention or benefit.

Ms. Brown pointed, as previously, to the open space protection benefit on the rear slopes and the historic houses to be renovated. She stated that clustering the houses is beneficial, and the density will now be between that on the north side and the south side. She characterized the new plan as a compromise that she hoped would make people happy. She noted that there will be more space near the Wade property and less regrading.

Member Lloyd asked if snow storage areas will be shown on the revised plans. Ms. Brown confirmed and said that they would not be next to the property lines.

Member Lloyd asked if the tract ownership will remain part of the syndicate. Ms. Brown responded that #251A will need to remain part of it for access along the old driveway. The intention is to remove the other units from it. The development will have an interest in Parcels A and B for emergency access only, and the connection will have a gate or removable bollards. The applicant may want to exclude both #229 and #251A from the Homeowners' or Condominium Association that will be set up for the other units and that will manage the drainage system.

Chair Hagan said he thought the revised conceptual plan looked like an improvement and that it is aimed at making the neighbors happier, which is part of the intent of the process.

Sue Baldauf, a resident of BedfordShire, commented that the plan looks less dense and a little better. She asked if the paddock sliver (the portion being removed) could be used for the driveway, instead of it being located next to the tract boundary. Ms. Brown responded that there isn't enough space between the barn and the Schuman house, but then acknowledged that the placement of the duplex is a factor. She undertook to get a more detailed answer via the engineer.

Larry Croes, a BedfordShire Trustee, said he was glad that the snow storage was being moved off the property line. He explained that BedfordShire's suggestion for the sidewalk was for it to only be on the south side where the road is close to the boundary, and that it could cross over. Also, the Condo Association hoped for an on-site meeting.

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Ms. Brown stated that she has visited herself and taken some photographs to share with the developer's landscape architect. She offered to arrange to meet and walk areas along the boundary.

Member Lloyd expressed reservations about the suggestion for re-routing the sidewalk; crossing over would be inconvenient, and five feet of additional separation distance would make little difference as it would not add trees. Headlights would probably not be an issue because of the drop in elevation, and pedestrians might actually affect privacy more than cars.

Michelle Puntillo, an abutter at 251 Old Billerica Road, pointed out that the plan on the screen shows 15 total units, not 13. Ms. Brown responded that it must be the wrong plan; it should be one with 9 new single-family houses, not 11.

Steven Andress, BedfordShire abutter at 46 Mitchell Grant Way, said he was concerned about privacy, noise, lights etc. He appreciated Ms. Brown's reaching out and Member Lloyd's comments on privacy. He asked if there are other public comments on record and any responsibility to respond to them.

Director Fields stated that a few written comments were received and they could be posted on the website and emailed to people who request. Ms. Brown said the applicant will respond to abutters outside the public hearing.

Attorney Johanna Schneider spoke on behalf of abutter Emily Wade. Her position is that the development is not in line with zoning, although it is moving in a better direction. She wants details of landscape buffering, and there will need to be changes to the syndicate agreement.

Patricia Lennon, a BedfordShire resident, said she has consistently asked for a lighting plan and hopes that will be part of the submission. She asked to be part of any discussion with the condominium residents. She inquired about the ownership/management structure proposed for the development – will it be a Condo Association with rules about exterior changes or just a Homeowners' Association with individual lots? Ms. Brown commented that they are similar in relation to drainage and common elements but a Condo Association sometimes does exterior painting too.

Member Lloyd suggested the applicant give attention to shielding/ screening lighting. Also, she will want to know what features are proposed for the central island (in the road loop).

Don Kennedy, abutter at 44 Mitchell Grant Way, mentioned that he wrote a letter. It raised issues of noise, traffic, loss of trees, discharge of water and snow. He is glad to hear of a chance to walk and talk over the details, and wants specific plans. He feels written comments should be responded to.

Ms. Brown noted that some residents had misunderstandings about drainage; the proposed roadway would, if anything, carry more runoff away than the previous situation, and the new proposed adjustment will improve it. Mr. Kennedy agreed that the swale appears to be in the place their engineering consultant pointed to.

Paul Schuman of 251C Old Billerica Road said that he anticipates working with Ms. Brown and her design team, especially the landscape architect. He reported that the syndicate has been meeting. He stated that trees near #229 will need consideration. Ms. Brown responded that they will look at them on site.

Mr. Schuman asked if the electricity line in the vicinity of #229 can be placed underground. Chair Hagan noted that such work will be a matter for the applicant and not the Town.

Ms. Puntillo stated that there should be clarity about responsibility for keeping the emergency access clear.

Chair Hagan concluded that the Board looks forward to a more detailed submission and said it looks promising.

MOTION: Member Lloyd proposed, and Member Gittins seconded, to continue the public hearing to the Board's scheduled meeting on April 11.

VOTE: By roll call:

Christopher Gittins	Aye
Amy Lloyd	Aye
Todd Crowley	Aye
Steven Hagan	Aye

Site Plan Review (amended plan): 40 Middlesex Turnpike

Attorney Mark Vaughan introduced himself as representing site owner FDS Bedford, and introduced Zach Richards of Bohler Engineering and Heather Wellington of the applicant company.

Mr. Vaughan stated that the application is pretty straightforward. A site plan was approved by the Board in October, for a General Services Administration (GSA) tenant. Now that tenant thinks its parking need is a bit higher, so an amended plan is proposed. The number of spaces, at 225, will still be a reduction from the current 240. The Board previously asked for some planting near Middlesex Turnpike, which was followed up on by supplying a plan.

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Mr. Richards shared his screen, first showing an aerial photo/map of the site and surroundings and then the proposed revised plan. He explained that they changed the arrangement of parking spaces within the fence, shrank the turnaround near the north of the building to add some spaces there, improved the ADA spaces and added visitor spaces outside the fence with a turning loop at the southern end.

Mr. Richards stated that the Fire Department is OK with the revised circulation layout; it will have the ability to access to the secure area if needed. Landscape planting is proposed outside the fence but crushed stone near the fence and little vegetation inside, to maintain visibility for security reasons. Additional stormwater improvements have been proposed, even though the project is under the permit threshold.

Member Gittins asked what led the applicant to reconsider the number of parking spaces, and how full they expect the parking lot to be. Ms. Wellington responded that the two GSA tenants need more non-secure parking due to less remote work. They do not expect it to increase again. The tenants have certain parking space requirements for government vehicles.

Member Lloyd commented that she was satisfied with the number of spaces but a bit concerned about the heat island effect of the asphalt; she recommended (but would not require) that they consider adding as many shade trees as possible within the fence.

No public comments were received.

Chair Hagan was also satisfied with the revised number of spaces. He checked on the voting requirement; Ms. Perry advised that it requires a simple majority of the Board to approve the site plan.

MOTION: Member Lloyd proposed and Member Crowley seconded, to approve the modified site plan

VOTE: by roll call:

Amy Lloyd	Aye
Todd Crowley	Aye
Christopher Gittins	Present (abstain)
Steven Hagan	Aye

Site Plan Review: Minor engineering change to add generator, 201 Burlington Road

Attorney Kristine Hung of Riemer and Braunstein introduced Bob Holmes of Lantheus Medical Imaging and Joseph White of BSC Engineers. She shared her screen and showed a GIS plan with the site outlined. She explained that Lantheus occupies the rear building and is expanding into the front one. It needs a generator and concrete pad. The proposed location is in an area where it will be protected, and takes account of the floodplain. The project has been approved by the Conservation Commission. It will displace about five parking spaces. The redlined plan shows the changes from the previously approved site plan.

Mr. Holmes related that the company moved into this better, amenity-based property, like it and wants to move some laboratory operations into the front building. The company is pleased with Bedford's professional approach.

Assistant Planner Perry asked about a nitrogen tank that was previously approved in this area of the site, for previous tenant Keurig. The applicant believes it is not there now.

Member Crowley asked if the generator is just for emergency use. The applicant confirmed. It will need to be exercised occasionally.

Member Gittins said he was pleased to know the Conservation Commission approved it first.

No public comments were received.

MOTION: Member Lloyd proposed and Member Gittins seconded, to approve the site plan amendment.

VOTE: by roll call:

Christopher Gittins	Aye
Amy Lloyd	Aye
Todd Crowley	Aye
Steven Hagan	Aye

Town Meeting Preparation

Chair Hagan reported that he publicized the Two-family dwelling article on Bedford TV's Bedford Common show.

Member Gittins reported receiving questions about parking spaces and screening, which the Board should be prepared to answer. It was noted that these matters are addressed in the existing bylaw and are not changing significantly, but members should be ready to explain.

Member Crowley said his understanding as to who would check on any required landscape screening is that the Code Enforcement Department would check it in a 'by right' situation and the ZBA could look at it in cases that go to them. Director Fields confirmed, and noted that there is already a 'by right' route under the existing bylaw, for new builds on lots with 1 ½ times the standard minimum area.

Member Gittins has received a letter from Irene Gravina, who spoke at a previous meeting, setting out her comments. As she is unable to attend Town Meeting, he intends to read it out.

The Chair asked about arrangements for a pre-meeting at 6:00 PM. Director Fields reported he has booked a conference room in the High School guidance center. He will send directions. In terms of the purpose of a pre-meeting, staff noted that this is the Board's traditional practice; it offers a final opportunity to confer on any points relating to Town Meeting, and sometimes there are business items that need a quick turn-around such as ANR plans.

It was agreed that a second pre-meeting on Tuesday will not be needed even if Town Meeting runs over.

Update on MBTA Communities Zoning – multifamily unit capacity tool

Board packets included a memo by Assistant Planner Perry, describing her process to test the application of DHCD's Compliance Model to Bedford's three mixed use areas along bus route #62: the Shawsheen, Marketplace and Depot areas. The memo discussed some of the input assumptions needed (in addition to allowing housing-only developments), the model's treatment of various constraints, unit capacities calculated, issues raised and possible next steps. The set of spreadsheets was attached.

Member Lloyd commented on the large amount of work involved in applying the model and thanked Ms. Perry for doing this.

Ms. Perry asked if the Board had any comments on findings in the memo or suggestions for next steps in these investigations, which might include: probing the issue raised about treatment of the floodplain; considering and testing a sub-set of sites in these areas for allowing housing-only development; and refining the zoning parameters to apply.

Member Lloyd said she thought one or two sites in these areas might be appropriately considered for allowing housing-only development, but most not.

The Board encouraged Ms. Perry to continue with her explorations in whatever directions seemed useful.

Director Fields reported that DHCD approved Bedford's Action Plan. He noted that we have until the end of 2024 to get compliant zoning in place.

Reorganization of the Board

MOTION: Member Lloyd nominated Christopher Gittins as Chair and Todd Crowley as Clerk for the coming year. Seconded by Member Hagan.

Member Crowley sought clarification of the duties of Clerk. Other members explained that the Clerk’s name goes on official documents but we have staff to draft things including the minutes; the Clerk steps in if the Chair is absent, and by convention they are in training to be the next Chair.

VOTE: by roll call:

Amy Lloyd	Aye
Christopher Gittins	Aye
Todd Crowley	Aye
Steven Hagan	Aye

Christopher Gittins assumed the role of Chair.

Liaison Reports

Member Hagan reported that the Conservation Commission approved the generator project at 201 Burlington Road (as referenced earlier)

Member Lloyd reported that MAGIC had an update from member communities and a brief presentation from MAPC on assistance with Diversity, Equity and Inclusion (DEI) matters.

Member Crowley reported that TAC is producing a FAQ document. He will be presenting to the League of Women Voters on the 2-family dwellings article.

Member Gittins reported that the Energy and Sustainability Committee voted to support the 2-family dwellings article.

Staff Reports

Staff noted that the continuation of remote meeting rules has not yet been settled by the state legislature, but there is hope that it will be by the end of the month.

An article on a legal case from Southborough, relating to Open Meeting Law, is in the Board’s packets.

Chair Gittins asked for a status update on the Page Hill subdivision. Mr. Fields reported that DPW met with town counsel on it recently.

Ms. Perry reported that she gave a “What’s going on around town?” public talk at the Council on Aging (together with Chris Laskey). She mentioned the 2-family dwellings article, relating it to the audience’s concerns about mansionization. Ms. Perry also reported on some interesting sessions she attended at the CPTC Conference on Saturday.

Minutes

The Board reviewed draft minutes from February 28, 2023.

Member Gittins supplied a correction on the date of his presentation to Mothers Out Front; it will be on April 3.

MOTION: Proposed by Member Lloyd, seconded by Member Hagan, to approve the minutes of February 28 with the noted correction.

VOTE: by roll call:

Amy Lloyd	Aye
Todd Crowley	Aye
Steven Hagan	Aye
Christopher Gittins	Aye

Other Business

Chair Gittins stated that he has been reviewing the Board’s work priority list. He sees several high priority items and looks forward to a full schedule for the coming year.

Adjournment

MOTION: Member Hagan moved, and Member Lloyd seconded, to adjourn at 9:42 pm.

VOTE: by Roll Call:

Amy Lloyd	Aye
Todd Crowley	Aye

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Steven Hagan Aye

Christopher Gittins Aye

Minutes prepared by Catherine Perry

Approved April 11, 2023

DOCUMENT LIST

Agenda

Memo from Planning Director Fields to Planning Board, dated March 15, 2023 with respect to matters to be taken up at the March 20, 2023 Planning Board Meeting.

40 Middlesex Turnpike: Cover letter dated February 21, 2023 from Riemer and Braunstein on behalf of FDS Bedford LLC, for site plan modifications, attaching: Project Narrative by Bohler Engineering; Drainage Report by Bohler; Site Plans by Bohler, last revised 2/21/23 (11 sheets including cover and 2 survey sheets by others); fire truck and loading dock turn exhibits (3 sheets)

201 Burlington Road: Cover letter dated March 2, 2023 from Riemer and Braunstein on behalf of Lantheus Medical Imaging, for site plan modification, attaching: Redlined Site Plan for generator installation project, by BSC Group Inc dated February 22, 2023 (2 sheets including detail sheet)

Final Town Meeting presentation slides for Zoning Bylaw Amendment – Two Family Housing (Article 22)

Opinion letter published in *Bedford Citizen*: “Mothers Out Front Supports Two-Family Zoning” by Karen Willson

Memo from Assistant Planner Catherine Perry to Planning Board, dated March 9, 2023 re: MBTA Communities Zoning Requirement – Update

GIS maps of 3 areas being examined in Test 2 of Compliance Model showing categories of ‘Excluded land’ and ‘Sensitive land’

Compliance Model workbook (Excel sheets) showing entries and results for Test 2 (first run)

Development Update chart dated March 8, 2023

Bedford Planning Board – Draft Minutes for February 28, 2023

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Press articles:

Seattle Times article dated March 7, 2023 by David Gutman, “WA House passes bill banning single-family zoning”

Boston Globe article dated March 2, 2023 by Andrew Brinkler, “Healey wants more housing. But how hard will she push communities to approve it?”

Planetizen article dated February 27, 2023 by Diana Ionescu, “How Single-Family Zoning Became Unaffordable for Families”

Lowell Sun article dated March 3, 2023, “Middlesex Community College receives funding to renovate biotech department on Bedford Campus”