

BEDFORD PLANNING BOARD
Zoom Remote Meeting
Minutes
April 25, 2023

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

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

OTHERS PRESENT: Pamela Brown, Cynthia First, Ali Khaledi, Daniel Carr (engineer), Jay Miller (landscape architect), Masoud (architect), Alec Francesconi, Don Kennedy, Stephen Andress, Paul Schuman, Johanna Schneider (attorney for Mrs. Wade), Sue Baldauf, Marcia Bushnell, Bill Sawyer, John Shutkin, Joe Katz, Laura Bullock, Shawn Hanegan (Select Board liaison), Paul Mortenson (Select Board alternate liaison), Lauren Ennis (for The Bedford Citizen)

Chair Gittins called the remote meeting to order at 7:04 pm, called the Roll of Board Members in attendance, cited the Remote Meeting Guidelines, and stated that Bedford TV is recording.

Chair Gittins summarized the agenda.

DEVELOPMENT SESSION

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

The Board voted by roll call to reopen the continued public hearing:

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

Chair Gittins asked if staff had any comments.

Assistant Planner Perry noted that she has given some initial comments on the new materials in her memo but that staff has not had sufficient time to fully review them. The Board could use this session to hear a presentation and ask some questions. She has supplied a copy of her memo to the applicant.

Planning Director Fields stated that we anticipate a subdivision application in connection with the revised plans, so time will be needed for that too. In the meantime, the Board could hear

reactions from the public to the revised plans. He reported that Attorney Pam Brown asked for the engineer to be allowed to speak, to which the Chair assented.

Daniel Carr of Stamski and McNary shared his screen, showing the site development plan sheet. He summarized the changes to the previously submitted design: they reduced the density, removed the duplex unit near the southern edge, shrank the cul de sac loop, added a piece of land from the paddock and shifted the proposed position of the #229 house. The road design is similar. Drainage will use catch basins in the road leading to two detention basins. The sewer system will have individual grinders, a shared force main to the highest point in the new road and then a gravity main to the Town sewer in Old Billerica Road. House roofs will drain to dry wells.

The road connection for emergency vehicles is still proposed, with a gate near the cul de sac loop. Mr. Carr reported that the Fire Department is satisfied with the 20 ft width for both of these roads, and the applicant team considers them adequate. The barn, with a portion demolished, is proposed to be a mail and recreation room. The intention is now for houses to have their own lots. The units will be further apart from each other and also from the neighbors. Mr. Carr added that a small swale, suggested by the Mitchell Grant Way neighbors, was incorporated to aid the direction of runoff near the boundary.

Mr. Carr reported that Jay Miller went on a site walk with the neighbors.

The Chair invited questions from Board Members.

Member Lloyd asked about the status of Parcel A on the southern boundary, which affected the base density. Mr. Carr stated that with the addition of the piece of land from the paddock, the calculation supports 13 units. Ms. Perry commented that the added land will need to stay part of the PRD special permit, but that the tract area now appears to support 13 units without relying on Parcel A, the full ownership of which still seems to be uncertain.

Ms. Lloyd asked if electric vehicle charging ports will be provided for each unit. Mr. Carr thought probably so, but will confer.

Ms. Lloyd asked about curb material. It is proposed to be asphalt. Ms. Lloyd referred to a comment in Ms Perry's memo about the 20 ft road width, wondering if a passing place might help; she added that asphalt berms can easily be damaged. Mr. Carr responded he liked the suggestion of setting the parking spaces near the barn a bit further back.

Ms. Lloyd asked about proposed uses for the barn, noting that it is somewhat distant from the new houses. Mr. Carr said they can look to define its use more clearly.

Member Crowley asked for confirmation that there are no affordable units in the revised proposal. Mr. Carr confirmed; they are now at the base density.

Chair Gittins asked about the grade behind units 8-11. Mr. Carr stated that the land is relatively flat outside the walkout basement, then 3:1, which he described as the typical maximum slope for a lawn.

Mr. Gittins asked what is the motivation for reducing the number of units from 17 to 13. Mr. Carr responded that it is mostly pressure from neighbors.

Member Barbehenn asked if the road will be a public or private way. Mr. Carr said he believes the Town has requested that it be private. The Home Owners' Association will be responsible for the common portions of the sewer system.

Jay Miller, landscape architect, shared his screen, showing marked up aerial views of the north and south edges of the property. He reported that he walked the roadway with abutters. He noted that the line was staked. They discussed evergreen plantings and lights, and views from Mitchell Grant Way properties. They agreed on a planted buffer. It will screen the headlights and give a bit more screening of the view.

Mr. Miller described the street lights as "pedestrian scale", about 14-15 feet tall, with LED bulbs that are directional and therefore eliminate spillage. He can supply a photometric plan. The smooth circles on the plan are proposed street trees. For the additional buffer planting, three species of evergreen are proposed to give a variety of colors and textures.

Mr. Miller reported he also spoke with the Wade neighbor and proposed a similar evergreen buffer. The new housing units have also been pulled further away. The plan has two retaining walls, and the planting will be above them. In the circle formed by the loop road, they intend to keep as much existing vegetation as possible, including some nice trees. Land in the vicinity of the barn and paddock can be a nice open space for the community to use and could have a play area.

Member Lloyd asked if the street trees are full-size shade trees. Mr. Miller confirmed and said they are as shown on the previous full landscape plan, with a variety of species, in groups. Ms. Lloyd asked about the pear trees, as some have caused problems, and suggested using other flowering trees such as cherries.

Member Barbehenn asked if the applicant still proposes to give the open space at the rear of the site, all along Route 3, to the Town. Mr. Miller confirmed.

Chair Gittins asked more about the tree choices. Mr. Miller said he likes the Zelkovas as they have a nice shape and fall color.

Attorney Pam Brown joined the meeting at this point. In relation to the open space, she stated that she supplied a draft deed for the rear parcel to the Town in the past. It was clarified that the PRD open space includes the rear parcel 251F and a portion of parcel 251A. Mr. Fields noted

that the open space is not shown on a single plan sheet, so it may be hard to understand. Ms. Brown said she will provide a new graphic at the next meeting.

Chair Gittins asked Ms. Brown about the elimination of the affordable units. Ms. Brown said it was mainly to reduce the impact on the neighbors, but that affordable units do involve a significant process.

Mr. Gittins referred to Ms. Perry's comment about the front lot being part of the PRD tract and needing to remain under the terms of the special permit, including the 50 ft perimeter no-build setback. Ms. Brown agreed that the 50 ft setback would still apply, but then spoke about considering creating a "conforming lot" for the #229 house and noted that this piece has frontage. She said she may want to exclude it from the PRD.

Ms. Perry stated that excluding the front portion would require drawing a new tract boundary and re-doing the calculations. She also asked about the timing of the subdivision application that is needed for the revised proposal, as that and the PRD special permit are inextricably linked. Ms. Brown said she could submit that right away.

Ms. Brown discussed the road width and the proposed arrangements for individual house lots, HOA for the common areas within the development, and a condominium for the two units in the duplex.

Don Kennedy of 44 Mitchell Grant Way said that the BedfordShire residents were grateful for the site walk and discussion and it was well-attended. They were left with some questions and concerns. One is that the entrance to the trail is right on the border of their property; he asked if it could be moved. Mr. Carr responded that the utility easement between the houses on the slope might be a potential alternative location, but there is a retaining wall. Mr. Kennedy asked about the nature of the infiltration basin next to the trail: is it underground? Mr. Carr explained that it is a depression in the ground. Mr. Kennedy said he would encourage the applicant team to look at other options.

Ms. Brown interjected that there are existing trails in this area, and this would let BedfordShire residents come into the site. Mr. Kennedy responded that he did not think the residents would be likely to do that and were more concerned about the privacy issue. Ms. Brown undertook to consider options.

Mr. Kennedy asked if there could be fuller staking of both sides of the road, as it wasn't very clear. Also it would be helpful to stake the proposed buffer planting areas.

Mr. Kennedy asked about new snow storage areas and if the snowmelt and swale runoff would be treated for sediments. The applicant team responded that the snow storage is now on the north side of the road, so it won't drain onto the neighboring property. The storm drainage system includes quality treatment elements: the catch basins in the road have sumps to hold sediment,

and the basin has a sediment forebay to help further sediment to drop out. The basin infiltrates the water into the ground. It meets Massachusetts stormwater standards.

Mr. Kennedy stated that the Condominium Association received the December 8 stormwater report but not the revised one that has been mentioned (dated April 5). Ms. Brown agreed to send the most recent one. Mr. Kennedy asked, if possible, that the changes since the project began be redlined.

Mr. Carr stated that the main change in the report was to use higher storm numbers as suggested by the DPW. Updates to the plan that affect it include a smaller cul de sac and fewer roof drywells. Most of the calculations have changed but the system design is similar. Ms. Brown said she would try to highlight the main changes.

Mr. Kennedy noted that the Michael Bacon house (#229) will be one of the 13 units. He asked what happens if it can't be moved or is damaged. Also, what are the changes to vegetation? Ms. Brown responded that they can move the house onto a new foundation. She pointed to a siltation barrier on the plan (showing the limit of disturbance), indicating that the group of pine trees will remain.

Stephen Andress of 46 Mitchell Grant Way suggested that highlighting the changes just in the narrative portion of the stormwater report would be useful. He noted that no Operations and Maintenance Plan was included and he would like to see that.

In relation to the buffer planting, Mr. Andress said he liked the evergreen choices. He asked if the circle sizes mean anything. The applicant team responded that the sizes represent $\frac{3}{4}$ maturity. The evergreens will touch in about 5 years, first low down. The dotted circles represent existing trees to be kept and solid ones are new street trees.

Mr. Andress asked about any trees to be removed. The team responded that those are not shown on this supplementary landscape plan, but there are only small ones in this portion of the development property. Mr. Andress asked if yellow tags could be put on them.

Mr. Andress asked if dead wood will be cleared out and if the new Homeowners' Association will maintain these areas. Ms. Brown said they can include that.

In relation to the trail connection, Mr. Andress asked if screening could be improved there, as it is near residents' bedrooms. Ms. Brown agreed to look at that as well as relocation.

Mr. Andress commented that he likes the ability to direct and shield the lights.

Paul Schuman of 251C Old Billerica Road said he would like to confirm intentions for vegetation at the edge of the paddock, and will meet to discuss the barn with Ms. Brown. Since the syndicate seems to be involved, he asked if they couldn't all meet. Ms. Brown responded that she will make efforts toward agreement of all parties.

Attorney Schneider spoke on behalf of abutter Emily Wade. She noted only getting the materials on Saturday, with insufficient time for review. She sees progress but still has some questions and comments. The details and scale were unclear to her. She noted that the new plan seems contingent on an agreement with the syndicate, not yet complete, so she asked the Board not to take action until there is a formal executed agreement.

Sue Baldauf of Mitchell Grant Way said she appreciated the walk and talk. She asked who will supervise the work if the plan goes through, and how any problems would be worked out. Mr. Carr responded that once the development is approved, the site will be more fully staked for the contractor. At the end of construction, as-built plans will be supplied to the Town so that it can confirm compliance prior to final approval. Member Lloyd also stated that the Code Enforcement Department does checks along the way.

Ms. Baldauf asked what obligation there is to ensure that pedestrians have a safe walking path along Old Billerica Road. Ms. Lloyd stated that the Select Board are the road commissioners.

Ms. Baldauf asked if bollard lights were considered. Mr. Carr responded that they wouldn't light the road and are hard to maintain.

Ms. Baldauf asked if there will be any parking for users of the open space. Ms. Brown replied in the negative. Board members suggested that there may be trailhead signage.

Comments were given on behalf of Patricia Lennon of Mitchell Grant Way, who was unable to attend. These asked about lighting for the mail room and on the #229 house; also if there are minimum requirements for road lighting, if the lights will stay on. Mr. Fields said there may be requirements for intersections, hydrants etc. but we can work with the applicant to optimize. Further questions were about intentions, protections and possible disincentives related to the house. Ms. Brown confirmed the intention for it to be occupied (either sold or rented) but preserved. She noted they haven't made an application under the Demolition Delay Bylaw but believe the house would be considered preferably preserved. She also noted that it counts as one unit under the PRD.

Marcia Bushnell of 2 Mitchell Grant Way asked if the assumptions in the stormwater report are up-to-date with the changing climate. Mr. Carr responded that they come from NOAA and are issued as up-to-date based on zip code. The design caters for rainfall events up to the "100 year storm".

Further Board questions and comments

Chair Gittins asked for a housing density comparison with Bedfordshire.

Member Lloyd expressed an opinion that two non-handicap spaces at the barn may not be enough. She also saw a need for signs at the trailhead to mark it and to prevent snow storage

there. She asked for a future response on EV chargers. She asked if some housing units will have low-threshold entries. She sought clarification about the intended process/status for #229. Ms. Perry noted that it is currently shown as within the PRD tract but Ms. Brown indicated she was considering something different, so that needs to be clarified. Ms. Brown said she will address it. Member Lloyd further discussed tree selections.

Member Crowley noted that the stormwater system has important functions and asked how we ensure that the O&M Plan is followed. Mr. Fields responded that we will apply conditions addressing it but Planning staff are not enforcers. Code Enforcement staff could be involved if a zoning matter is involved; the Board of Health or DPW could be involved if there is a need to correct a non-functioning system. Typically, there is communication with the Homeowners' Association. If needed, legal action could be taken.

Chair Gittins stated that he has discussed the criteria that apply to granting a special permit with Director Fields. He pointed to Zoning Bylaw Section 14.6 on special permits and Section 9 on PRDs.

Chair Gittins asked if the applicant wished to continue the hearing to the next meeting. Attorney Brown confirmed.

MOTION: Proposed by Member Lloyd and seconded by Member Hagan, to continue the public hearing to the Board's scheduled meeting on May 9th.

VOTE: By Roll Call:

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

The Board took a 5-minute break.

BUSINESS SESSION

Planning Board Priorities and Goals for FY24

Chair Gittins apologized for not yet discussing pair-wise ranking with Member Lloyd or writing his outline of work for the Specialized Energy Code. Mr. Fields likewise apologized for not getting his part of the work to where he intended. He reported discussing with the Chair the

addition of Incomplete Development Projects as an item. That related mainly to subdivisions and would involve status updates, establishing timelines, bond estimates etc.

Member Lloyd suggested that, in view of needing to add this work item, the Board should not add other new things. She noted that staff's capacity is an issue.

Ms. Lloyd asked the Chair about the relative merits of the Specialized Opt-in Code and the Stretch Code. Mr. Gittins said that he sees the former as having some extra points that are good, although he wants to reach out to builders for a reality check and to build support.

Member Hagan observed that with two staff and five board members, we don't have the capacity or complexity in our workload to need pair-wise ranking. He suggested starting with the mandatory items.

Member Barbehenn asked if there is a letter from Mothers Out Front. Mr. Fields said he thinks there is one to the Town Manager; he agreed to check and if so, supply copies for the next meeting.

Ms. Barbehenn asked if there are onerous or obsolete things that we can take out of our code. Ms. Lloyd pointed out that the energy codes are written by the state. Mr. Fields noted that some things may be reviewed as part of the Zoning Bylaw Reorganization Project, e.g. parking ratios. Zoning requirements are often a delicate balance of interests. The Energy Code is a General Bylaw matter; it currently references the state law and would be amended with the new reference.

Mr. Gittins noted he is more interested in exploring practicalities such as electricity supply issues or difficulties with obtaining equipment to comply with the Specialized Energy Code requirements.

Ms. Lloyd asked if Mr. Gittins has discussed sponsorship of the Specialized Energy Code with the Select Board. Mr. Gittins noted the changeover in the Town Manager may be a constraint; also they normally set their priorities in the summer. Shawn Hanegan, liaison from the Select Board, commented that his Board might head up the Town Meeting article but would welcome groundwork by the Planning Board.

Ms. Lloyd suggested that for the Planning Board's priority list, the 'highs' should be the essential items, with incomplete developments added, and the other things could be labeled as mediums, ranked, and picked up whenever time allows.

Mr. Gittins expressed doubt that we would reach anything on the medium list. He noted that the previously identified (essential) highs were: Zoning Bylaw Reorganization, preparation for Comprehensive Plan and MBTA zoning. He wanted to see the table filled out with deadlines etc.

Ms. Lloyd offered some comments on the MBTA communities zoning memo supplied by Ms. Perry: she was interested in the idea of a height incentive for mixed use: suggested considering adding Alfred Circle properties to the Shawsheen area; had doubts about designating the two properties on the corners of DeAngelo Drive for residential-only development; and wondered if the Board should publicize information on the MBTA zoning rules and challenges before summer.

The Chair felt this was getting off track; its substance could be discussed at the next meeting, in addition to further discussion of the priorities list.

Liaison Reports

Member Hagan reported he attended the HFAC meeting, which was well-attended. HATS is not meeting and HFAC will be discussing the North Airfield Project for several meetings. Tom Hirsch from Bedford seemed well-informed and reported that electric vertical take-off planes have limited potential in the near term. Many comments were generally anti-development, but there are real questions over the large size of the hangar development proposal and its limited analysis. The towns are asking for more information. In the meantime, upcoming meetings will cover wetlands, wildlife matters and the regular noise reports. The Bedford-side development is likely to re-emerge in July.

Member Gittins reported that the Energy and Sustainability Committee has been discussing the Energy Code (as referred to above).

Assistant Planner Perry reported that she attended a kick-off meeting for a Dementia-friendly Communities group comprising Bedford staff and board members. Planning is not central to this but it overlaps the Age-friendly Communities effort; she suggested that any relevance/involvement for us might be in connection with housing or communications.

Minutes

The Board reviewed the minutes of its April 11, 2023 meeting.

MOTION: Proposed by Member Hagan, seconded by Member Crowley, to approve the minutes as submitted.

VOTE: By Roll Call:

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

Adjournment

MOTION: Proposed by Member Lloyd and seconded by Member Hagan, to adjourn, at 9:45pm.

VOTE:

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

Minutes submitted by Catherine Perry

Approved May 9, 2023

DOCUMENT LIST

Agenda

Memo from Planning Director Fields to Planning Board, dated April 21, 2023 with respect to matters to be taken up at the April 25, 2023 Planning Board Meeting.

Letter dated April 18, 2023 from Pamela J. Brown of Brown & Brown, PC, re Michael Bacon Way PRD Special Permit – Response to Comments

Revised set of Site Plans for Michael Bacon Way PRD, dated as last revised April 5, 2023, by Stamski and McNary

Revised Stormwater Management report for Michael Bacon Way PRD, dated April 5, 2023, by Stamski and McNary

Landscape buffer plantings plan sheet L-3, dated April 15, 2023, by Jay Miller Landscape Architecture, covering portions of edge of site near Mitchell Grant and Wade properties

Memo dated April 21, 2023 from Catherine Perry, Assistant Planner, discussing new materials and process and giving some initial comments

Letter from DPW engineers dated April 25, 2023 giving updates on their past comments and initial comments on the revised materials

Copy of Select Board’s pair-wise ranking tables used for prioritizing goals

Planning Board Minutes
042523

Memo dated April 21, 2023 from Catherine Perry, Assistant Planner, re MBTA Communities zoning – progress update, enclosing maps relating to Shawsheen, Marketplace and Depot areas

Copy of Powerpoint slides dated April 3, 2023 prepared by Chris Gittins, relating to Municipal Opt-In Specialized Energy Code, as presented to Mothers Out Front (with note: not reviewed or endorsed by Planning Board)

Summary of Proposed New 225 CMR 22.0 and 23.00 (Updated September 22, 2022)

Town of Lexington’s 2023 Annual Town Meeting motion on Article 26, to adopt the Specialized Energy Code

Town of Lexington’s Powerpoint slides in support of Article 26

2023 Planning Board Members’ Committee Assignments list (for checking)

Draft Planning Board Minutes of April 11, 2023

Boston Globe editorial article dated April 10, 2023, “A hundred years of choking housing growth catches up with Massachusetts”

Article by Jared Brey in *Governing* dated April 10, 2023, “Zoning Changes Have Small Impact on Housing Supply”

Boston Globe editorial article dated April 7, 2023, “Lexington’s proposed zoning changes set bar”

Article by Andrew Brinker in *Boston Globe* dated April 13, 2023, “With high costs and little new housing, Lexington becomes first town to meet ambitious new zoning law”

Boston Globe editorial article dated April 14, 2023, “Lexington seizes opportunity to pass inclusive zoning reforms”