

**BEDFORD PLANNING BOARD**  
**Zoom Remote Meeting**  
**Minutes**  
**July 11, 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:**

Chair Gittins called the meeting to order at 7:03 pm, cited the Remote Meeting Guidelines and called the Roll of Board Members in attendance.

Chair Gittins summarized the agenda.

**DEVELOPMENT SESSION**

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

Chair Gittins stated he understands that no progress was made with the Select Board in relation to the applicant’s request to amend the MOU on the Right of First Refusal. Director Fields reported that it was not on their agenda last night but will be on July 24. The applicant has not submitted a request to continue the Planning Board public hearing but does not propose to make a presentation tonight.

**MOTION:** Proposed by Member Lloyd and seconded by Member Barbehenn, to continue the public hearing.

The date for the continuation was discussed. August 8 was considered the best date and added to the motion (although Chair Gittins noted he will be absent).

**VOTE:** By Roll Call:

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

**Public Hearing: 60 Great Road – Horizontal Mixed-use Special Permit**

Director Fields reported that the applicant has requested to continue the hearing to July 25.

MOTION: Proposed by Member Hagan and seconded by Member Lloyd, to continue the public hearing to the Board’s scheduled meeting on July 25, 2023

VOTE: By Roll Call:

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

**BUSINESS SESSION**

**Potential Center Neighborhood Overlay District**

Director Fields referred to the presentation and discussion at the last meeting. Attorney Brown had mentioned Lexington’s zoning special permit provisions for housing developments that don’t meet normal requirements. He has supplied a copy in the Board’s packets. Lexington’s wording is complex and its parts might need to be teased out to adapt it. Also, he heard of an Amherst example and has supplied a copy of that. Mr. Fields remarked that with the Board’s current workload, he assumes it would not want to take the lead on this initiative but Attorney Brown might work on something that they could react to.

For disclosure, Member Lloyd drew attention to the fact that she lives in the area under consideration. She watched the video of the discussion. In terms of workload, she sees a risk of this becoming a new false priority. She is generally in favor of housing variety and opportunities to create small units, but she sees a real risk of this becoming a lengthy discussion with a lot of work to be done.

Member Barbehenn agreed. She found the concept interesting in principle but is uneasy that it starts as solving an individual’s problem. She would prefer this discussion be folded into the next Comprehensive Plan with a wider range of ideas.

Chair Gittins agreed. He said he didn’t care for Lexington’s bylaw as a model because it doesn’t set clear rules and could be applied inconsistently over time.

### **Opt-in Specialized Energy Code**

Director Fields stated that the Code will be on the Select Board's July 24 agenda, and therefore if the Planning Board wants to express a position to that Board it should decide that at this meeting. He reported that the Select Board has received some input from department heads and the Energy and Sustainability Committee's responses. There are also articles in the press relating to other communities.

Chair Gittins asked any Select Board representative present if they want to hear from the Planning Board. Paul Mortenson responded that, although he is not the chair, he thinks the Select Board would welcome it, especially any reaction to the staff concerns that came via Colleen Doyle.

Member Barbehenn said she is generally supportive of introducing the Specialized Code but also alert to worries about costs. She thinks we can't solve it, but at state level there may be other requirements that could be taken out of the Building Code and we could advocate for that.

Member Lloyd said she was surprised how negative the memo from the Interim Town Manager was, while some individual staff have been more positive. She noted there is a cut-off of 4,000 square feet for more stringent requirements, and thinks cost is less problematic for people who can afford such larger houses. Waiting for other changes to the state Building Code would be a risky and damaging delay. Coordinating timing with the new Stretch Code that is coming in seems a good thing to her.

Member Crowley asked if anyone knew how the 4,000 square feet is measured. Mr. Fields tried to check the wording and said he thought it was probably living space, which would exclude garages.

Member Lloyd commented that the type of housing we are trying to encourage is nowhere near 4,000 square feet.

Chair Gittins referred to a Boston Globe article which mentions that higher upfront costs would be offset by MassSave subsidies and by lower energy bills over time. A Rocky Mountain Institute study drew similar conclusions. A press article contained a comment from Lexington about all-electric houses having similar utility bills.

Member Barbehenn asked if education of local builders is part of the program. She said that if the changes are a big burden to them, they will pass on the cost to buyers.

Member Lloyd noted that building is financially risky and so most builders are conservative about what/how they build until they are forced into changes that come along. In the current market, she felt that margins are high, large houses are being built and some increased costs

could be absorbed with less effect on buyers. In the longer run, better, more energy-efficient housing stock would pay off.

Chair Gittins said it appeared the Board may be in favor sending a letter to the Select Board supporting adoption of the Specialized Energy Code at the fall Special Town Meeting. He suggested it be written by staff and asked if a one-liner was sufficient.

Member Lloyd suggested including the effects on different house sizes.

Member Hagan said he was opposed to sending a letter, as he thought the Select Board already knew the Planning Board's views and that they should consider it from a broader perspective.

Member Crowley thought it would be helpful to the Select Board.

Member Barbehenn said she was not ready to express an opinion; she would prefer to consider it more prior to any Town Meeting vote.

Chair Gittins suggested a potential motion, to send a letter consistent with Director Fields' earlier memo to the Select Board that summarized the Planning Board's discussions and views.

MOTION: Member Lloyd proposed and Member Crowley seconded, to send a letter to the Select Board supporting adoption of the Specialized Energy Code at the fall Special Town Meeting, consistent with Director Fields' memo of June 23, 2023.

VOTE: By Roll Call:

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

### **MBTA Communities multifamily zoning**

Member Lloyd thanked Ms. Perry for the work she has done, including writing emails with questions to DHCD/EOHLC. She noted the responses so far have been minimal. Ms. Perry said that her latest email has been forwarded to two staffers, and agreed to keep the Board informed of any response.

Ms. Lloyd asked if some explanation could be added to the maps of Excluded and Sensitive land that have been placed on the website. Listing the types of land in each category, in terms understandable to Bedford residents, would be helpful. Ms. Perry agreed and noted that her proposed next step was to create an expanded and updated explanation of the MBTA zoning rules, since the state's final Guidelines and Compliance Model were issued more recently than

our last summary, which was done for Bedford Day last fall. Using the PowerPoint format again is probably best.

Member Barbehenn asked when we are going to do outreach, and what software use is planned. Ms. Perry felt that expanding the information on the webpage is a good first step for outreach, and noted that Mr. Fields has also been talking to CHAPA.

Mr. Fields reported that CHAPA is probably going to hold a 'cohort' meeting. He also hopes to do a public survey of some sort.

Chair Gittins referred to the proposed timeline for the work, as submitted to the state in the Action Plan. He considered that an update against that would be useful for the Board. He asked Mr. Fields to prepare one for the next meeting.

Ms. Barbehenn asked if we can solicit funds from the Town Manager or help from the DPW with a town-wide mailing to publicize the survey, or ask for a page in the Town Meeting Warrant. Mr. Fields noted the date for the Town Meeting Warrant may be too late. Ms. Lloyd suggested an insert in the Recreation Department's brochure that goes out just before school starts.

### **Comprehensive Plan – Funding Strategy**

Mr. Fields reported that his research suggests a budget of around \$200,000, and that the Select Board thinks we should ask for it all at once. His intention is to aim for half of it to be covered by grants, but there is uncertainty about their future availability. The item is not strictly a capital expense but its categorization/processing is being discussed. There could be a Community Preservation Act funding element, for relevant topics.

The Board asked how funding was handled last time. Ms. Perry responded that there was a smaller consultancy budget, which may have been comprised of a main amount and a small supplement. The Board requested it from the Finance Committee as a temporary addition to its budget.

Ms. Barbehenn asked why Mr. Fields used the date 2025 in referring to the proposed plan. Mr. Fields said that is the date he anticipates for its completion/ release.

The Board discussed the potential for use of CPA money.

### **Board Liaison Reports**

Member Hagan reported that there was a delay in the Conservation Commission's review of 1 Railroad Avenue, but it may be able to run in parallel with the Planning Board's.

Chair Gittins noted that he placed on tonight's agenda an item to consider designation of Member Barbehenn as liaison to EOHLC. Member Barbehenn asked if it was necessary, as she only wanted to talk to them. Mr. Gittins explained that he wanted clarity on her role if she does so.

Ms. Barbehenn said she was happy that Ms. Perry went ahead and submitted our questions about the MBTA zoning rules. She offered to tap them to follow up if we don't hear back.

Mr. Fields advised that the Board doesn't have to take action on this if it doesn't want to. He noted that both of the previous Town Managers have been sensitive about who represents the Town in speaking with state officials. Ms. Lloyd added that the Planning Board's purview is within the town, and Select Board approval might be needed to have someone acting as a representative or reaching out to talk to the state.

Members Crowley and Gittins considered there was a difference between exchanging information and advocating for or making decisions. Mr. Gittins saw this role as just information sharing, with no formal responsibilities. Ms. Barbehenn said she only saw it as helping communications along.

Ms. Lloyd noted she has not watched the part of the video of the the last meeting where this matter arose, therefore she will abstain.

MOTION: Proposed by Member Crowley, seconded by Member Hagan, to endorse Jacinda Barbehenn as informal liaison to EOHLC

VOTE: By Roll Call:

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

### **Staff Reports**

Mr. Fields and Ms. Perry reported on meeting remotely with the Barrett team on the Zoning Bylaw reorganization project. The team has produced a draft of the relocated sections based on the Crosswalk document, and Bedford staff is reviewing it, mainly trying to note any missed sections or suggest a different order for subsections etc.

Ms. Perry reported that staff have been interviewed by consultants working on the Town's Classification and Compensation Study. The study was launched at the end of last year with a

presentation and opportunity to ask questions, then staff completed questionnaires about their current positions. The interviews were to clarify information in the questionnaires. Ms. Perry noted that the exercise seems similar to one that was done a few years ago. She raised questions at the launch about why it isn't addressing the inequities and lack of transparency caused by the wide, overlapping ranges for each grade, the lack of any rules for placing staff within the ranges (such as using qualifications and experience), and the lack of a system for people to advance tangibly through the ranges. Ms. Perry's questions were not answered. She noted that she is placed near the bottom of the Assistant Planner range despite having top professional planning qualifications and experience. She felt this situation should concern the Board, firstly because she is anxious about affording to retire, and secondly because the Board has always seemed to want this level of performance but they wouldn't get anything like it from a replacement with the minimum qualifications.

The Board briefly discussed its limited knowledge of salaries, positions, placement or advancement systems and the history of this position. Mr. Fields suggested a discussion between staff and the Chair.

### **Development Update**

Mr. Fields noted the chart reflects the applicant's postponement of 1 Railroad Avenue.

### **Minutes**

The Board reviewed the minutes of June 27, 2023.

Mr. Gittins re-attributed a comment on page 3 to Mr. Crowley. Agreed.

MOTION: Mr. Hagan proposed and Ms. Barbehenn seconded, to approve the minutes with the correction.

VOTE: By Roll Call:

Todd Crowley	Aye
Steven Hagan	Aye
Jacinda Barbehenn	Aye
Chris Gittins	Aye
Amy Lloyd	Abstain (due to absence from the relevant meeting)

### **Adjournment**

MOTION: Proposed by Member Hagan, seconded by Member Crowley, to adjourn, at 8:33 pm

VOTE: By Roll Call:

Planning Board Minutes  
071123

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

Minutes prepared by Catherine Perry

Approved July 25, 2023

**DOCUMENT LIST**

Agenda

Memo from Planning Director Tony Fields to Planning Board, dated July 7, 2023 with respect to matters to be taken up at the July 11, 2023 Planning Board Meeting

Example Zoning Bylaw provisions from Lexington, for Special Permit Residential Developments

Example Zoning Bylaw from Amherst for Planned Unit Residential Development

Memo to Select Board from Colleen Doyle, Interim Town Manager dated June 26, 2023 re Specialized Energy Code

Response Q and A dated 6/29/23 to Bedford Department Heads and Select Board concerns regarding adoption of the Specialized Energy Code

Email correspondence from Assistant Planner Catherine Perry to Chris Kluchman re MBTA Communities multifamily zoning questions

Development Update chart dated 7-7-23

Draft Minutes of Planning Board meeting held on June 27, 2023

Various press articles on matters of planning interest