

BEDFORD PLANNING BOARD
Zoom Remote Meeting
Minutes
August 22, 2023

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

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

OTHERS PRESENT: Shawn Hanegan (Select Board liaison), Pamela Brown (attorney for 1 RR Ave), Matthew and Lizzie Dillon (applicants), Taylor Dowdy (BSC), Felix Zemel (code consultant for 1 RR Ave), Erin Sandler-Rather (28 Hume Road), David ____

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

Chair Gittins summarized the agenda.

DEVELOPMENT SESSION

Public Hearing (continuation): 1 Railroad Avenue – Mixed Use Special Permit

Attorney Pamela Brown acknowledged some clean up items that need to be addressed, relating to the DPW and Fire Department’s comments, and the need to seek Select Board approval for road alterations and possibly for tree work.

Taylor Dowdy with BSC group discussed meeting with DPW twice since the August 8 Planning Board meeting to go over action items. Stated that DPW sent final comment letter that read the Planning Board should be able to move forward with conditions. He also stated that the proponent has applied for a tree removal hearing.

Chair Gittins shared his screen to share the recent DPW comment letter dated August 22, 2023. Chair Gittins highlighted points made by DPW that were yet to be addressed.

In relation to Point 6 concerning an easement for sidewalks and parking, Ms. Brown questioned if it was needed for parking but Mr. Dowdy confirmed, as the proposed on-street spaces overlap the property line. Ms. Brown undertook to draft the easement.

In relation to the pipes mentioned in the additional comments, Mr. Dowdy said the applicant agreed to examine them as requested.

Felix Zemel, fire code and building code consultant from Pracademic Solutions, discussed that the proposed development exceeds code for a mixed-use structure. The building is designed to have Fire Department access from both Railroad Avenue and South Road, but the Fire Department does have the authority to request measures beyond the Fire Code due to this being a special permit hearing. He noted this building will comply with the Fire Code in two ways rather than one, and the 360 access being requested by the Fire Department, presumably meaning vehicular access around the outside of the building, is not required per the Fire Code. He also stated that the concern of the powerlines close to the building should not be considered an insurmountable obstacle since there are a number of standard practices that the Fire Department can use to begin to tackle a fire before the power is cut off. Mr. Zemel noted that the earlier comment about providing doors into the building within certain distances was addressed.

Board Questions

Member Lloyd asked for the Fire Department's response to these points and if there is reference in the Code to wires.

Mr. Zemel responded first to the second question that no, there is no requirement within the fire code. He also stated he has not received a formal statement from the Fire Department, but has received an email stating the Fire Department comments remain the same and that there appears to be limited access for the Fire Department. They have mentioned that the roads are heavily used, but the Police can control traffic.

Tony Fields confirmed that the Planning Board has not received a formal response from the Fire Department but they indicated that they wanted more time to consider the question of the wires. Mr. Fields noted that there is a current leadership change happening in the Fire Department and the new Chief's experience may help.

Member Lloyd asked for clarification on the sprinkler system within the main building.

Mr. Zemel stated the entire building is on a sprinkler system.

Member Lloyd asked for clarification on what the Planning Board is waiting to hear from the Fire Department.

Mr. Fields clarified that the Fire Department requested more time to review the plans, but it is not clear if they will be presenting a formal comment.

Liz Dillon stated that Captain Daniels responded to the applicants that their comments stand, that there is limited access for the Fire Department.

Attorney Brown shared her screen, sharing the landscape plans of the proposal with markup labels. She stated that the Town-owned public land will not be changed, however there are a handful of trees and greenery that will need to be removed. She showed photographs of these existing trees. She added that they are planning to replace the removed greenery with new trees and supplemental landscaping. They have kept the planting close to the building but could expand it if wanted. They have submitted a request to the Tree Warden and Select Board for work on Town land.

Member Lloyd commented that the main concern seems to be wires, and asked if the applicants could elaborate on the proposed tree plantings in relation to where the wires hang. She suggested putting some shade trees further out from the building where they could provide more useful shade and better visual screening as well as avoiding conflict with the wires.

Attorney Brown stated that the landscape architect can look at revising the proposed plantings and including some shade trees further out from the building.

Member Lloyd stated that she believes the 360-degree fire vehicle access will not be necessary given the 3-point access and sprinkler system.

Chair Gittins stated he agrees that the trees to be cut will not be a great loss as they are not specimen trees. He agrees with Member Lloyd that the proposed trees appear to be tight with the building and wires, and hopes to see them moved towards South Road.

Member Lloyd commented that the trees to be planted along Railroad Avenue should be a lower growing type to avoid growing into the power lines.

Public Questions and Comments

Chair Gittins read an email he and Mr. Fields received from resident Patricia Maxwell of 106 South Road. Ms. Maxwell's email raised concerns about the scale of the project, inadequate parking, retail space and Fire Department access.

Chair Gittins commented about the retail space portion of the email. He asked the applicants how their project will succeed where Short Stop Cafe failed.

Attorney Brown stated that the closure of Short Stop was not due to business failure, but rather a change in lifestyle of the owners. The proposed development will bring multiple retailers to the neighborhood, which will make this location a place to go with options for consumers.

Matt Dillon added that they are offering an appealing complex that will bring life to the

neighborhood, and they are hoping to see success similar to other mixed used developments in the surrounding towns. Their potential restaurant unit will have fuller cooking facilities than Short Stop Café. Mr. Dillon also commented that they hear the concerns of Ms. Maxwell, and they are willing to add additional, larger specimens to the landscape to provide something the neighbors are proud of.

Member Barbehenn commented that the Dillon's have the chance to build it right for success. She added that more activity will help the location become a place that people love to go.

Board Discussion

Member Barbehenn stated that this applicant team has gone above and beyond for the requirements of the town and concerns of abutters, and added that the Planning Board moving forward should look to work closer with the Fire Department.

Member Crowley thanked the applicant team for the information provided and the offered landscape efforts. He also stated he is puzzled by the Fire Department's process with the late emergence of concerns about the wires. However, with state confirmation about code compliance and sprinklering of the building, he is comfortable with approving. He wondered how to handle the order of process with the Tree Warden and Select Board.

Member Barbehenn commented that she appreciates the landscaping conversation. She hopes the remaining approvals will move quickly.

Member Lloyd commented she is ready to vote with conditions, but would like to discuss what conditions the Planning Board should apply.

Member Hagan said he had no comments. He stated that from a Conservation Committee standpoint, this project has been approved with conditions.

Member Crowley asked if there is a need to address lighting trash pickup.

Member Lloyd stated the Planning Board can comment on where dumpsters will be placed and has in the past.

Mr. Fields added that the dumpster location is shown on the site plan, and pick up times are usually left to be governed by the General Bylaws. We sometimes ask for lights to meet certain standards. Timing of both could be added as conditions.

Chair Gittins commented that the Board has addressed landscaping and the applicant will need to abide by the outcome of the tree hearing. Parking can be addressed by conditions. He thinks the fire issues are not a show-stopper although he understands the Fire Department has concerns and

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preferences. Referring to Section 18 of the Zoning Bylaw, he likes the project, thinks it will be a nice addition to that part of town, and thinks it meets the requirements for a special permit.

He suggests that the Board closes the hearing, discusses conditions and proceeds to a vote.

MOTION: Member Hagan proposed and Member Lloyd seconded, to close the public hearing.

VOTE: By Roll Call:

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

The Planning Board discussed conditions they would like to apply in order to see this pass. The conditions identified are as follows:

- Provide an easement to the town for on-street parking and sidewalks. (Mr. Fields referred to the DPW engineers' memo of today outlining the terms discussed, including that the Town will provide maintenance except that the applicant will maintain the trees.)
- The Board acknowledges that the landscape plan is subject to a Public Shade Tree hearing. The Board's recommendation is to look at relocating some of the new trees out into the space to avoid wires.
- Points noted in DPW memo comments 11-13. The applicant should obtain whatever approvals are needed to do the work.
- Final sign off on the landscape plan for the Planning Board will be by the Planning Director in consultation with the Tree Warden, and may include substitution of species if appropriate to fit the space. Landscape planting shall be done prior to occupancy, unless the season is not conducive in which case a bond shall be provided. The applicant should maintain the plantings going forward.

The Board noted that Fire Code compliance can be checked again at Building Permit stage.

MOTION: Member Hagan proposed and Member Lloyd seconded, to approve the special permit with conditions as described.

VOTE: By Roll Call:

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

The Board took a five-minute break and resumed.

BUSINESS SESSION

MBTA Communities multifamily zoning

Mr. Fields stated that with recent changes to the MBTA Communities guidelines, there are a lot of unknowns surrounding the provisions for mixed-use.

Member Hagan asked for clarification of whether the Town can drop its Zoning Bylaw provision for the flood plain to enable the Great Road/ Shawsheen district to meet the MBTA Communities requirements.

Ms. Perry stated that it won't be as simple as that; the Town may be able to regulate the floodplain through a different means instead of a zoning special permit, but its regulations will still need to satisfy the National Flood Insurance Program so any changes would involve careful work.

Chair Gittins asked a hypothetical question to gauge the Planning Board members' broad opinions, asking what 50 acres they would currently prefer to designate for multifamily housing zoning, independent of details or how others would react.

Member Barbehenn stated this is the best opportunity to create a walkable community. She stated she would rezone anything within a 15-minute walking distance of the 4 subdistrict centers off of Great Road.

Member Lloyd stated she would rezone the large chunk of Middlesex Turnpike already zoned as residential, and then be able to pick and customize smaller pieces of land near the center of town. She stated she would not like to designate large areas in the center and surrounding neighborhoods due to the historical buildings standing that have a significant impact on the visual character of the town.

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Member Hagan agreed with Member Barbehenn, to keep the district close to the main bus line to Boston.

Member Crowley agreed with Member Lloyd on designating the Middlesex Turnpike area.

Chair Gittins said he was more aligned with Member Barbehenn and Member Hagan. He stated he would like to see mixed use and more smaller parcels rather than a few larger parcels, as it would favor a gradual conversion rather than immediate large developments.

Member Crowley asked if 1 Railroad Avenue meets the density requirements.

Mr. Fields confirmed 1 Railroad Avenue meets the density requirements. He also noted that the revised rules state that mixed-use zoning will qualify for up to 25% of the unit requirement. However, it is unclear how to deduct the mixed-use zoning from the 50-acre requirement.

Ms. Perry added there is a webinar scheduled for this Thursday, August 24 where staff hopes to receive more clarification on the revisions made this week.

Member Barbehenn stated that for Bedford Day, they should have paper copies and a link to the website for residents to complete the survey drafted by Mr. Fields. Member Lloyd mentioned that she has some comments on the survey. She offered to prepare the paper copies for Bedford Day.

Member Barbehenn offered comments on the survey. She stated for question 2, she would like to add pictures of triplexes, quads and courtyards in addition to the existing image. She also suggested omitting the term "high rise" as that type will not be developed here in town. She would like to add places to absorb multifamily housing such as the town center. For question 4, omit the "yes or no" style and change to a percentage, also ask what level of affordability.

Member Lloyd stated the Planning Board is looking to get the most participation, and creating more complex questions might lead to people abandoning the survey before completion.

Member Barbehenn and Chair Gittins agreed that if the questions take too much effort to complete, they might not have a strong turnout for the initial survey.

Member Lloyd added that the Planning Board will be looking for further input, however this is just the beginning.

Chair Gittins stated that with question 7, he and other residents may struggle to remember their precinct. All members agreed.

Member Barbehenn continued her thoughts of question 4, to make it a more informative question to help educate residents of the MBTA Communities.

Member Lloyd stated question 4 may be a secondary question for another survey. Member Barbehenn agreed and suggested they omit the question from this survey.

Members asked if the CHAPA group has commented on the questionnaire. Ms. Perry said they didn't discuss it. She reported that Concord's consultant's approach is to ask about locations first before moving on to other aspects of zoning rules later.

Member Hagan suggested they add a question about adding mobile homes in Bedford. He states that the current Town Bylaws do not support mobile homes, however a question about them may help residents understand the scope of the survey. He also suggested a question about tiny homes.

Mr. Fields clarified that neither mobile homes nor tiny homes would comply with the MBTA Communities definition of multifamily housing.

Member Barbehenn stated she would like to include a question asking residents if they would like to be a part of further discussions and provide a space to add contact information.

Mr. Fields stated there is one more meeting before Bedford Day. Catherine Perry stated she will be away for both that meeting and Bedford Day.

Chair Gittins asked to schedule a second meeting before Bedford Day that can be cancelled if not needed.

Mr. Fields shared surveys from neighboring towns Tewksbury and Wilmington.

Member Lloyd stated this questionnaire should be informative as well as seeking opinions, as there has been misinformation circulating about the MBTA Communities rules. The residents should be properly educated about what it is before being asked in-depth questions.

Ms. Perry commented that this raises questions about what content should be in the introduction on the website and in the updated PowerPoint. A FAQ sheet could also be produced. Some of these items could be attached to the survey or distributed as separate handouts at Bedford Day. Ms. Perry stated she likes the idea that the residents should be educated with the correct information before being asked in-depth questions but that there is a lot of complexity. It may be best to start simple and encourage people to learn more from the website.

Chair Gittins and Member Barbehenn agreed that the survey should be short and simple. Member Barbehenn stated she likes Member Lloyd's point about educating the community throughout the survey.

Member Barbehenn suggested including a question as to whether people support implementing the MBTA Communities law. Mr. Fields noted that Holden is the only town that hasn't achieved interim compliance. Member Lloyd preferred noting the consequences of not complying. Member Barbehenn would like to mention the regional benefits.

Ms. Perry pointed to various avenues to consider for publicity: Bedford Citizen, Bedford TV, bulletin boards around town, and sidewalk sign boards.

Member Barbehenn supported the idea of sign boards and suggested they mention both the questionnaire and the Bedford Day booth.

Chair Gittins will mention the topic in an upcoming Bedford Common TV session.

Mr. Fields will circulate a revised survey soon.

Board Liaison Reports

Member Hagan reported that the Conservation Committee met and approved 1 Railroad Ave with certain conditions.

Member Lloyd reported vacations caused her meeting to be rescheduled.

Member Barbehenn reported the Housing Partnership also rescheduled, due to not having a quorum at the most recent meeting. She also asked if Member Crowley had any timeframes for sidewalk projects he shared with the Planning Board, and if prioritization could be revisited in connection with the MTBA Communities planning work.

Member Crowley stated that the timeframe is currently unclear as it depends on funding and that the list shared highlights projects to be worked on in the next fiscal year.

Chair Gittins reported that the Chamber of Commerce had a discussion on mixed use inspired by 100 Plank Street and 1 Railroad Avenue. He also reported that the Energy and Sustainability Committee discussed the opt-in Specialized Code and plans to hold an information session in conjunction with Mothers Out Front in September.

Member Crowley reported that ZBA meets this Thursday and that TAC did meet and discussed 1 Railroad Avenue.

Staff Updates

Mr. Fields reported he has no updates.

Ms. Perry reported she attended the CHAPA group kickoff meeting online with Maynard, Burlington, and Billerica in attendance; Lincoln and Dracut were absent. An interesting point of discussion was the varying types of organizational structures, including representative versus open Town Meetings. Outreach and educational/illustrative materials were also discussed.

Minutes

The board reviewed the minutes of its July 25 meeting.

Member Barbehenn requested to strike “some” page 11.

MOTION: Proposed by Member Barbehenn and seconded by Member Lloyd to accept the minutes with edits.

VOTE: By Roll Call:

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

The board received the minutes of its August 8 meeting.

Members Lloyd and Barbehenn offered edits.

MOTION: Proposed by Member Lloyd and seconded by Member Hagan to accept the minutes with the suggested edits.

VOTE: By Roll Call:

Chris Gittins	Abstain (as absent for the relevant meeting)
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Amy Lloyd	Aye
Jacinda Barbehenn	Aye
Todd Crowley	Aye
Steven Hagan	Aye

Adjournment

MOTION: Proposed by Member Lloyd and seconded by Member Hagan to adjourn, at 9:38pm.

VOTE: By Roll Call:

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

Minutes prepared by Amanda Hawkes.

DOCUMENT LIST

Agenda

Briefing memo dated August 18, 2023 from Planning Director D. Anthony Fields, for August 22 Planning Board meeting

1 Railroad Avenue - Memo re Mixed Use Proposal dated August 4, 2023 from Pam Brown summarizing responses following the last discussion with attachments (14 pages including 1 landscape plan extract, 1 first-floor plan, fire access graphic with list of relevant FD access provisions of 527CMR1, 6 pages of updated site plans dated August 4, 2023 and comment memos exchanged with DPW)

1 Railroad Avenue - Memo to Planning Board from DPW engineers dated August 22, 2023 with updates and additional comments

1 Railroad Avenue - Email of concern from resident Patricia Maxwell of 106 South Road dated August 17, 2023

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Memo from Secretary Augustus, Massachusetts Executive Office of Housing and Livable Communities to Municipal Officials dated August 17, 2023 re Revisions to Section 3A Compliance Guidelines

Copy of Compliance Guidelines for Multi-family Zoning Districts Under Section 3A of the Zoning Act, with revisions marked in red, by EOHLC dated August 10, 2022, first revised October 21, 2022, last revised August 17, 2023

MBTA Communities Multifamily Zoning Questionnaire (Draft)

Copy of Bedford's current webpage on MTBA Communities Multifamily Zoning Requirement

PowerPoint slides on MBTA Communities requirement (Draft with updates from Nov 2022 version and proposed additions)

Photo of Concord temporary sign board used to publicize MTBA Communities events

Press article "State may deny grants to communities that don't comply with new MBTA housing law" by Andrew Brinker dated August 17, 2023

Press article "First lawsuit over new Mass. housing law targets town of Holden" by Andrew Brinker dated August 3, 2023

Editorial article "Holden wants to hold the line on housing. It mustn't win that fight." By the Editorial Board dated August 10, 2023

Press article "Holden sued over refusal to comply with law aimed at increasing housing supply" by Trea Lavery dated August 3, 2023

Development Update Chart dated August 17, 2023

Draft minutes of Planning Board meetings on July 25 and August 8, 2023

Various press articles on topics of planning interest