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April 18, 2023

Mr. Chris Gittens, Chair
Bedford Planning Board
10 Mudge Way
Bedford, MA 01730

Re: Michael Bacon Way PRD Special Permit – Response to Comments
229, 251-A, 251-F Old Billerica Road

Dear Mr. Gittens and members of the Board:

On behalf of Bilca LLC, this letter is intended as an update and formal response to comments on the Planned Residential Development proposed on Old Billerica Road. Since the initial submission in August 2022, we have heard from many neighbors to the north and south of the project site, as well as town staff. As you will recall, the owners of 251, 251B and 251C Old Billerica Road (the “syndicate” members along with the applicant) preferred that access to the PRD not be over the existing tree-lined driveway. The access was therefore proposed over the 229 Old Billerica Road lot. This location requires the historic home at 229 to be relocated slightly on the lot. In addition, to allow the Michael Bacon house to be located on a fully conforming lot, we propose to add a sliver of the syndicate Lot H (the paddock parcel) to 229 Old Billerica Road.

As a result of comments from both the Syndicate members and unit owners at BedfordShire condominium, the original proposal for 17 units (including existing 229 and 251A houses) has been reduced to the base density of 13 units. This lower density plan will not include bonus or affordable units. A site visit was held with abutters on April 2, 2023, at which time we walked the layout of the road and location of proposed structures closest to our neighbors. This visit was helpful in understanding the distance from the road/units to abutting homes and we discussed most appropriate locations for infill evergreen buffers as well as street lights.

Site and landscape plans have been updated, as has the Stormwater Management Report. The Stormwater Permit application has been submitted to DPW and is included in the Report. Below, please find responses to the comments received to date.

Bedford Fire Department (Captain John Daniels) – 9/2/22 & 1/3/23

- Loop road acceptable, ask that no dead-end roads are added, roads should be 24 feet.

Response: The loop road contains no dead ends and a gated secondary access is proposed for backup access to the site in the event Michael Bacon Way is blocked

(this vehicle access does not provide building access). Fire Code §18.2.3.4.1.1 permits 20-foot roads, which is proposed and agreed by Capt. Daniels.

- The Fire Department access roads must be provided so fire apparatus can drive within 50 feet of an exterior door that allows access to the interior of the building.
Response: The loop road meets this standard for all units.
- Parked vehicles and snow build-up need to be accounted for on roads or lots where they would normally park.
Response: Each unit has a 2-car garage and driveway parking. Three additional spaces are located at the mail room/barn. Snow storage areas are shown on the plan and not in the roadway.
- Any Fire Department Connections (FDC) should have a hydrant within 50 feet of any new structure.
Response: No FDCs are proposed; sprinklers are not required in single-family homes or the duplex.
- The gated emergency access should be maintained in perpetuity by the property owner.
Response: Agreed.
- A flow test should be conducted to insure sufficient water supply for the added units.
Response: A flow test will be conducted prior to construction.

We are continuing discussions with the Fire Department regarding the necessary width of the secondary access.

Bedford Department of Public Works (Michael Sprague, P.E., Kristen Dowdy, P.E.) – 9/7/22

- This application as a PRD is more suitable as a private development with a private road and utilities to be maintained by a Homeowners Association or similar entity, with the Town only being responsible for refuse and recycling of the individually owned units.
Response: Provided a 20-foot wide road is approved, the road can be private and the Homeowner's Association would be responsible for street lighting, road and drainage system maintenance. Alternatively, the road could be public, with the Association taking responsibility for the drainage system and street lights, and the Town taking over maintenance, plowing and trash/recycle.
- The project will be required to obtain a Stormwater Permit from the Department of Public Works under the Town's Stormwater Management Bylaw and Regulations (adopted April 11, 2022).
Response: Noted. The Stormwater Permit Application is included with the updated Stormwater Management Report.
- We note that the project will be subject to the following fee types: Infiltration & Inflow (I/I) Mitigation Fee, Sewer connection & Inspection Fee, Water connection & inspection fee, Water meter, irrigation meter, water shut off, Street Opening Permit/Moratorium Fee (roads paved within the past 5 years), Trench Permit, Stormwater Permit
Response: Noted.

- The fire hydrant detail should be revised to note “open left” for all gate valves and the detail for Water Main Connection should be revised to note “open left” for all gate valves and the detail for Water Main Connection should be revised to be applicable to Bedford.
Response: Plans have been updated.

Bedford Police Department (Tom Devine) – 8/16/22

- No comments or concerns

Bedford Conservation Commission (Jeffrey Summers) – 9/6/22

- The project location is shown as being outside of Conservation jurisdictional areas. The wetlands to the east, between the project location and Rt. 3, were confirmed as accurate last year.

Bedford Code Enforcement Department (Christopher R. Laskey) – 9/2/22

- No comments or concerns

Bedford Housing and Economic Development (Jeffrey King) – 8/23/22

- It’s important that the affordable units NOT be renovated/preserved units – this created deficiencies in the affordable home on Springs Road
- The units will be on the SHI and will have a perpetual deed restriction.
Response: As a compromise to abutting property owners, the project has been scaled back to 11 new units. This is the base number of units and therefore affordable units are no longer proposed.

Bedford Director of Health and Human Services (Heidi Porter, MPH, REHS/RS) – 8/22/22

- Demolition of the barn and renovation of the house will require submittal to the Health Department but no other current comments or concerns.
Response: Noted.

Bedford Planning Board (Catherine Perry, Assistant Planner) – 9/8/22

- Old Billerica Road is a designated Scenic Road, so any changes affecting trees or stone walls in or on the edge of the Right of Way will need a Scenic Road Hearing
Response – Noted.
- A Zoning Compliance Table shows the calculation of base density, which only allows 12 (the exercise is a yield calculation, similar to a conventional development where a partial lot is not buildable. This is probably due to exclusion of Parcel A on the south side which is noted as having uncertain ownership)
Response: Parcel A should be included and the applicant is working to clear title. With Parcel A included, base density calculations result in 13 units.
- A PRD requires a mix of housing types (Sec 9.2.4.1: no more than 80% of units in buildings of the same type.

Response: With the revised proposal, the unit mix will include an historic home, a large single-family home at 251A Old Billerica Road, a duplex and nine new single-family homes, satisfying the 80% standard.

- The proposal exceeds the requirement for at least 40% of the tract area to be designated as open space and meets the requirement for at least half of the minimum be upland.
Response – Agree. The site is 781,162 sf (17.9 acres). A total of 438,354 sf (10.0 acres or 56.1%) is dedicated open space and of this 191,498 sf (4.4 acres) is upland, which represents 61.3% of the minimum 40% open space area and exceeding the 50% upland requirement.
- Accessory uses and certain miscellaneous uses can be allowed under Sec 9.2.4 but all buildings and any structures over 100 sf should be specified now to avoid the need for future amendment to the special permit.
Response – The existing barn will be renovated to serve as a mail room and gathering space for residents. A portion of the existing stalls will be removed and common open space provided adjacent thereto.
- The 50 ft perimeter setback for buildings in Sec 9.2.5 is satisfied.
Response – Agree.
- Development on the slope requires a significant amount of cut and fill (with associated tree clearance), and road gradients are at the maximum under the Subdivision Rules and Regulations (8%) for large portions
Response – The roadway does have two sections that reach 8% grade, which is similar to the existing grades. The revised plan improves somewhat upon cuts and fill, which are intended to result in balanced grading. The slope has the benefit of allowing Units 6-11 to have walk out basements.
- DPW engineers have commented on the elaborate sewer and storm drainage features, a suggestion might be to reduce the road width to 22ft rather than 24ft.
Response –The road pavement is proposed at 20' width, which is acceptable to the Fire Department. The narrower road might also help to keep speeds lower.
- On the south side of the development, the two stormwater basins are very close to the property boundaries. A little more space here would reduce the risk of damage/encroachment (including to the stone wall shown at the front on the existing conditions plan) and improve the potential for a trail connection and landscape screening.
Response – The reduction of units has allowed a little more room for the basins and pedestrian trail.
- The proposed name of Michael Bacon Way seems appropriate, unless the emergency services think there is any potential for confusion with slightly similar names such as Bacon or Michelson.
Response – Noted. For the record, the Bedford Historic Preservation Commission supports the proposed street name.

- There are some old walls within the property that could potentially be incorporated in the landscape design even if they have to be moved.
Response – Agree. The majority of stone walls will remain in place. It is the intention to relocate any walls that need to be removed or use stones as landscape features.

Abutters

251B Old Billerica Road, Hemenway & Barnes, LLP (Johanna W. Schneider, Esq. for Mrs. Wade) – 10/4/22

- The project is far too close to the Wade property and visible from the Wade home.
Response – With all due respect to Ms. Wade and all abutters to the development, the plans clearly show significant setbacks of units to abutting homes as well as buffer landscaping. The PRD regulations require a 50' rather than 15' – 30' yard setback to accommodate the denser construction. Here, the distance of the closest house (unit 8) to the Wade home is over 220'. The closest house to 42-48 Mitchell Grant is the existing home at 251A Old Billerica Road. The closest new structure is the duplex, which is over 210' from #44 and #48.
- The development doesn't provide for an adequate landscaping buffer.
Response – The applicant met on site April 2, 2023 with representatives of Ms. Wade as well as many Mitchell Grant homeowners to discuss views and buffer landscaping. The updated landscape plans reflect these discussions, including evergreens to be planted as infill to existing trees along the property lines.
- The applicant has failed to describe adequately how the contemplated access road will be controlled and maintained.
Response – Unless the Town is responsible for maintaining (including plowing) the secondary access road, the Homeowner's Association will be responsible for such maintenance. To avoid use of the secondary access for non-emergency vehicles, the way will include bollard(s) or gate as agreeable to the Fire Department.

BedfordShire Condominium, Board of Trustees (John Bullock, President) – 10/11/22

- The proposed new road for access runs next to our property line will have serious negative effects on our property and its enjoyment. The proposed new road will seriously exacerbate the water flow and erosion from the property to be developed, resulting in substantial damage to our property and to the units closest to the proposed development.
Response – The Trustees' perception of the impact of the development is unsubstantiated and we believe that the site visit on April 2, 2023 helped to better understand the location of the roadway, preservation of stone walls and trees along the property line. Excepting the entrance from Old Billerica Road, where the new way will be in the same location as the existing driveway, Michael Bacon Way will be located a minimum of 20 feet from the property line.

At the request of the Trustees' reviewing engineer, we have added a small swale along the only section of roadway in which the existing condition sloped toward the condominiums. The swale will be located generally behind #40 and #42 Mitchell Grant and will ensure that surface water flows east. All drainage within the roadway will flow to the stormwater system.

- In the past, BedfordShire condominium units have experienced water problems caused by drainage, ... concerned that plans for snow removal and ... water drainage will be insufficient.
Response – BedfordShire was constructed with a drainage swale located to the north of Units 38-48. This low area is likely the cause of water problems for these units as neither the existing nor proposed conditions on the project site involve significant surface drainage flowing to the south. Drainage from the proposed roadway will flow into catch basins and infiltration basins at the east and west ends of the development. A shallow swale has been added to the plan in response to a request of the Mitchell Grant engineer and will further direct stormwater flowing on the development site away from the condo units. There will be a net reduction of both volume and rate of runoff from the site.
- The removal of healthy trees will damage the appearance of the property and undoubtedly increase the water flow and soil erosion.
Response – Some trees will be removed to accommodate the roadway and new units; however, the existing trees along the stonewall/property line will be retained and supplemented with additional evergreen plantings. Please refer to the landscape plan for details.
- The construction vehicle wheel washing at the exit of the new road to Old Billerica Road will increase the water flow right to the hill running down onto BedfordShire property.
Response – Construction vehicles will not be washed at the intersection of the new road and Old Billerica Road.
- The proposed new road will create light, traffic, and noise pollution and headlights will shine directly into homes, with the removal of trees making this worse.
Response – The vegetative buffer along the common property line will mitigate headlights shining into condominium units. Street lights will be shielded and directed down on the roadway and will not shine onto the BedfordShire property. With only 11 new residential homes, traffic/noise impact will be limited and trips significantly less than the number of vehicles entering BedfordShire condominium.
- Concerns that these issues will diminish property values
Response – There is no evidence that construction of new homes reduces adjacent property values.
- The prior plan submitted, which placed the access road on the existing driveway wouldn't have caused as much damage or risk. We don't oppose all development, just the proposed plan with its new road to be adjacent to the BedfordShire property line.
Response – There are pros and cons with any option. The proposed layout with increased buffers, attention to drainage and residential scale street lights responds to the concerns of Mitchell Grant homeowners.

30 Mitchell Grant Way (F. William Sawyer) – 10/31/22

- Confused about the affordable housing component – “are the affordable units affordable?” If the applicant cannot purchase a unit for the amount provided by section

9.2.2.3 required 80% figure – would the developer still be entitled to the greater density and additional units?

Response: With the revised plan of 11 new units, the base number of units, with no affordable units, are proposed. As for affordability, if affordable units were proposed, they would be made available by lottery to income qualified families in accordance with MA Department of Housing & Community Development and HUD standards.

44 Mitchell Grant Way (Don Kennedy & Brigitte Stewart) – 11/8/22

- ..., with only the small hillside separating our unit from the new road [t]his will cause the discharge of rain, snow, and other drainage directly onto our unit particularly. There will be an increase in traffic activity, which will increase noise and lights that will shine directly into our windows and deck.

Response: As noted above, and detailed in the stormwater management report and calculations, drainage from the proposed development will not discharge onto the Bedfordshire property and infill evergreen plantings will mitigate impacts of lights and vehicles on the roadway.

251 Old Billerica Road (Alec Francesconi & Michelle Puntillo) – 9/12/22

- The proposed housing development *potentially* directly effects our property and privacy, given there is discussion regarding emergency vehicle egress directly in front of our home ... we would like to see the current driveway closed to any and all new use resulting from this development.

Response: The Syndicate Agreement by and between the four property owners of 251, 251A, 251B and 251C Old Billerica Road anticipates the possibility of future subdivision/development of the properties at 251A (the project locus) and 251B (the Wade home) and use and upgrade of “Parcel A” and “Parcel B” (as shown on the plan) for access, including making such way a public way. While the PRD access is now proposed to the south over the 229 Old Billerica Road property, the existing syndicate driveway will continue to be used for access to the home at 251A as well as for secondary emergency access. This access will be restricted from daily vehicle traffic by a gate or bollards that satisfy the Bedford Fire Department.

The applicant is working with syndicate members or their counsel on an amendment to the Syndicate Agreement to accomplish both the transfer of a sliver of the paddock parcel (Lot H on the syndicate plan and shown on the site plans) to the 229 Old Billerica Road lot and the release and limitation of the access driveway (Lot A and Lot B) for access to 251, 251A (house not PRD), 251B and 251C Old Billerica Road and secondary emergency access to the PRD (gated). An ANR Plan and Syndicate Agreement Amendment will be recorded in the Registry of Deeds to accomplish this.

- As residents on Old Billerica Road, we accept the *daily* heavy traffic flow but are concerned with the density of this project and would like the Planning Board to consider the harm of speeding when assessing the overall density of the plan.

Response: With the revised unit count (11 new, 2 existing), no density bonus is taken. Reduction of the road width to 20’ will help with traffic calming.

251C Old Billerica Road (Paul and Michele Schuman) – 1/9/23 and 3/20/23 meetings

- Electric is supplied by overhead wires on telephone poles running from Old Billerica Road into the site. Service to the Schuman house is underground from the pole – would like to see service to the PRD underground as well and removal of the poles.

Response: The project engineer believes this is feasible. We will coordinate with the utility company.

Compliance with Performance Criteria for Special Permit (PJB drafting)

The Planning Board is reviewing the proposal under Section 9. Planned Residential Development (PRD) of the Bedford Zoning Bylaw. The purpose of the bylaw is to allow a PRD development it conserves more significant open space while providing for a greater mixture of housing types at somewhat greater unit density than permitted in conventional or cluster subdivisions without a significant increase in population density. The Board is charged with considering “whether the proposed site design, development layout, number, type and design of housing constitute a suitable alternative to the pattern of land development permitted in the residential district within which it is located.”

The Michael Bacon Way PRD easily satisfies these goals and criteria.

1. The 5.1 acre 251-F Old Billerica Road parcel has been on the Bedford Land Acquisition list for years. This entire parcel and another 5 acres of the 251-A parcel will be donated to the Town of Bedford as open space.
2. A pedestrian trail connection will allow public enjoyment of this wooded land, especially by residents of BedfordShire Condominium, new residents of Michael Bacon Way, the owners of 251, 251A, 251-B and 251-C Old Billerica Road and others that are able to walk to the site.
3. The proposed homes are significantly smaller than what would be built on a conforming 40,000sf lot in Bedford and will therefore be available to the “middle-market”. The two townhouse units will provide a different form of dwelling.
4. The proposal includes restoration of the Michael Bacon house, believed to be the oldest house in Bedford dating to c. 1671. A historic preservation restriction will be placed on this property.
5. The large home at 251-A will be maintained and remain connected with the 4-home syndicate, utilizing the existing circular driveway.
6. A proof plan for a cluster subdivision yielded 10 lots in addition to the existing houses. Using the same land area, enlarging the lots to 40,000sf would add 8 new lots. Both of these scenarios would involve construction of much larger homes and yards, a greater extent of tree cutting and significantly smaller setbacks to neighbors.

§9.2 Standards. The dimensional requirements and permitted uses are satisfied as discussed above and as shown on the project plans.

§9.3 Procedures for Approval. Project site plans, landscape plans, a development statement and draft deed for the open space have been submitted. The public and town staff have commented, and project revisions have been incorporated.

Given the current proposal for nine single family homes and two unique existing houses, we do plan to submit a subdivision plan to allow homes to be set on individual lots. One

condominium will be established for the duplex. A Homeowners Association will be established to take care of common open space, which will include the renovated barn (recreation/gathering area and mail room), roadway (if necessary), drainage system and street lights. We also believe it may be appropriate to exclude the homes at 229 and 251-A from the Association as they are unique. 251-A will not be accessed from the new road and will continue to be a part of the syndicate, using the existing driveway over Lot A and B. 229 will be subject to a Historic Preservation Restriction and has frontage on Old Billerica Road as well as the new street, but utilizing only a very small portion of it for access and separated from the other units by great distance.

We look forward to final comments on the revised plans and trust you will agree that the revised PRD plan supports your favorable vote on the PRD special permit.

Very truly yours,



Pamela J. Brown