

THE COMMONWEALTH OF MASSACHUSETTS  
OFFICE OF THE ATTORNEY GENERAL

CENTRAL MASSACHUSETTS DIVISION  
10 MECHANIC STREET, SUITE 301  
WORCESTER, MA 01608

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TOWN OF BEDFORD  
TOWN CLERK

15 FEB 26 PM 2:37

MAURA HEALEY  
ATTORNEY GENERAL

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February 26, 2015

Doreen Tremblay, Town Clerk  
Town of Bedford  
10 Mudge Way  
Bedford, MA 01730

**Re: Bedford Special Town Meeting of November 6, 2014 ---- Case # 7453  
Warrant Articles # 4 and 5 (Zoning)  
Warrant Article # 3 (General)**

Dear Ms. Tremblay:

Articles 3, 4, and 5 - We approve Articles 3, 4, and 5 from the Bedford November 6, 2014, Special Town Meeting. Our comments on Article 5 are provided below.

Article 5 - Article 5 make a number of changes to Section 6, "Dimensional and Landscaping Regulations," pertaining to landscape buffer requirements. One change amends Section 6.5.,<sup>1</sup> "Educational Uses" by changing the text of Section 6.5.4 to provide as follows:

6.5.4 Landscape Buffer

A landscape buffer shall be provided to moderate the visual impact of the proposed development on adjoining land zoned for residential use as specified in Section 6.2.12.

Another change amends Section 6.6.,<sup>2</sup> "Child Care Facility and Religious Uses" by changing the text of Section 6.6.5 to provide as follows:

6.6.5 Landscape Buffer"

A landscape buffer shall be provided to moderate the visual impact of the proposed development on adjoining land zoned for residential use as specified in Section 6.2.12.

<sup>1</sup> Section 6.5 imposes specific dimensional and landscaping requirements on educational uses on lots in the Town's residential districts.

<sup>2</sup> Section 6.6 imposes specific dimensional and landscaping requirements on child care facilities and religious uses on lots in the Town's residential districts or on lots not located in a residential district but that have any portion of the lot directly contiguous to a lot located in a residential district.

The new text in Sections 6.5.4 and 6.6.5 must be applied consistent with the protections given to religious, educational, and child care uses under G.L. c. 40A, § 3. General Laws Chapter 40A, Section 3, allows the Town to impose only reasonable regulations in eight areas: the bulk and height of structures, yard size, lot area, setbacks, open space, parking and building coverage requirements. Nothing in G.L. c. 40A, § 3, expressly allows the Town to impose landscape buffer requirements on religious, educational, and child care uses that enjoy the protection given under the statute. We urge the Town to consult closely with Town Counsel when applying the new text in Sections 6.5.4 and 6.6.5 to religious, educational, and child care uses to ensure that the Town complies with the protections given under G.L. c. 40A, § 3.

**Note:** Pursuant to G.L. c. 40, § 32, neither general nor zoning by-laws take effect unless the town has first satisfied the posting/publishing requirements of that statute. Once this statutory duty is fulfilled, (1) general by-laws and amendments take effect on the date that these posting and publishing requirements are satisfied unless a later effective date is prescribed in the by-law, and (2) zoning by-laws and amendments are deemed to have taken effect from the date they were voted by Town Meeting, unless a later effective date is prescribed in the by-law.

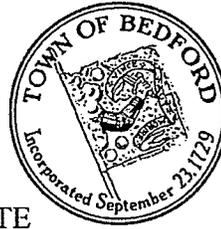
Very truly yours,

MAURA HEALEY  
ATTORNEY GENERAL

*Kelli E. Gunagan*

by: Kelli E. Gunagan, Assistant Attorney General  
Municipal Law Unit  
Office of the Attorney General  
Ten Mechanic Street, Suite 301  
Worcester, MA 01608  
508-792-7600

cc: Town Counsel Robert S. Mangiaratti



CLERK'S CERTIFICATE  
*Doreen Tremblay, Town Clerk*  
SPECIAL TOWN MEETING  
NOVEMBER 6, 2014

Town Hall  
10 Mudge Way  
Bedford, Mass. 01730  
781-275-0083

**Article 3 - General Bylaw Amendment –Demolition Delay**

Dtremblay@bedfordma.gov

Voted, that the Town amend the General Bylaws of the Town of Bedford under Article 57-Demolition Delay, as follows:

**ARTICLE 57. DEMOLITION DELAY**

**57.2 Definitions**

Delete and substitute the following definition:

*Current Text:*

"Preferably Preserved" – Any significant building which the Commission determines, following a public hearing, that it is in the public interest to be preserved or rehabilitated rather than to be demolished. A preferably preserved building is subject to the twelve-month demolition delay period of this Bylaw.

*Proposed Text:*

Preferably Preserved - If, following a public hearing, the Commission determines that the demolition of a significant building would be detrimental to the historical or architectural heritage or resources of the town and that it is in the public interest that the building be preserved or rehabilitated rather than be demolished, such building shall be considered a preferably preserved building.

**57.4 Procedure**

*Current Text:*

If the Commission determines that the building is preferably preserved, the Commission shall notify the Building Inspector and applicant in writing. No demolition permit may then be issued for a period of twelve (12) months from the date of the determination unless otherwise agreed to by the Commission. If the Commission does not so notify the Building Inspector within twenty-one (21) days of the public hearing, the Building Inspector may issue the demolition permit.

Upon a determination by the Commission that any building which is the subject of an application is a preferably preserved building, no building permit for new construction or alterations on the premises shall be issued for a period of twelve (12) months from the date of the determination unless otherwise agreed to by the Commission.

*Proposed Text:*

If the Commission determines that the building is preferably preserved, the Commission shall notify the Building Inspector and applicant in writing. No demolition permit may then be issued for a period of **eighteen (18) months** from the date of the determination unless otherwise agreed to by the Commission. If the Commission does not so notify the Building Inspector within twenty-one (21) days of the public hearing, the Building Inspector may issue the demolition permit.

Upon a determination by the Commission that any building which is the subject of an application is a preferably preserved building, no building permit for new construction or alterations on the premises shall be issued for a period of **eighteen (18) months** from the date of the determination unless otherwise agreed to by the Commission.

*Current Text:*

The Building Inspector may issue a demolition permit or a building permit for a preferably preserved building within the twelve (12) months if the Commission notifies the Building Inspector in writing that:

*Proposed Text:*

The Building Inspector may issue a demolition permit or a building permit for a preferably preserved building within the **eighteen (18) months** if the Commission notifies the Building Inspector in writing that:

*Current Text:*

Following the twelve (12) month delay period, the Building Inspector may issue the demolition permit.

*Proposed Text:*

Following the **eighteen (18) month** delay period, the Building Inspector may issue the demolition permit.

### 57.7 Enforcement and Remedies

*Current Text:*

If a building subject to this Bylaw is demolished without first obtaining a demolition permit, no building permit shall be issued for a period of two years from the date of the demolition on the subject parcel of land or any adjoining parcels of land under common ownership and control unless otherwise agreed to by the Commission

*Proposed Text:*

**No building permit shall be issued with respect to any premises upon which a significant building has been voluntarily demolished in violation of this bylaw for a period of three (3) years from the date of demolition unless otherwise agreed to by the Commission. As used herein "premises" includes the subject parcel of land and any adjoining parcels of land under common ownership and control. Upon a determination by the Commission that a building is a preferably preserved building, the owner shall be responsible for properly securing the building, if vacant, to the satisfaction of the Building Inspector. Should the owner fail to secure the building, the loss of such building through fire or other cause shall be considered voluntary demolition for the purposes of this section.**

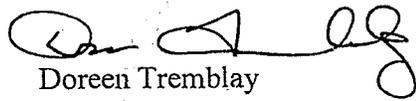
#### Recommendations:

Selectmen: Recommended approval

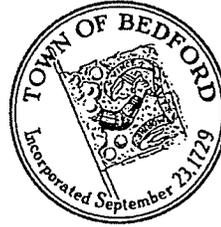
Finance Committee: Recommended approval

Moderator declared motion adopted.

A true record, attest:

  
Doreen Tremblay  
Town Clerk

Date: *December 4, 2017*



*Doreen Tremblay, Town Clerk*

Town Hall  
10 Mudge Way  
Bedford, Mass. 01730  
781-275-0083

CLERK'S CERTIFICATE

SPECIAL TOWN MEETING Dtremlay@bedfordma.gov

NOVEMBER 6, 2014

**Article 4 - Zoning Bylaw Amendment - Industrial Mixed Used**

Voted, that the Town amend the Zoning Bylaw by replacing Section 15, Industrial Mixed Use as printed in its entirety:

**15.1 General Purpose**

The Industrial Mixed Use special permit from the Planning Board is intended to foster desirable economic development for the community, by facilitating the development and redevelopment of sites that encompass combinations of land use that are different but compatible and economically complementary to one another. Projects may consist of multiple uses contained in a single building, or campus-type configurations involving more than one building on one parcel (or contiguous parcels in common ownership). In either case, the development is intended to improve site and community amenities, reduce environmental impacts and add value to property.

**15.2 Authority and Applicability**

**15.2.1 Special Permit Granting Authority**

The Planning Board shall be the Special Permit Granting Authority for Industrial Mixed Use developments.

**15.2.2 District Applicability**

An Industrial Mixed use special permit shall be allowed in the following districts: Industrial Park A, Industrial B, Industrial C, and Commercial.

**15.2.3 Master Planning and Phasing Option**

Industrial Mixed Use development projects may be submitted at the applicant's discretion in a master planned permitting structure, wherein a general special permit is granted with the expectation that detailed phasing plans will be submitted for special permit review upon their readiness for construction.

**15.3 Development Objectives & Plan Review Criteria for Industrial Mixed Use Projects**

The following are the Development Objectives to which all IMU special permit projects shall aspire, and the Review Criteria which the Planning Board shall apply in evaluating all IMU special permit applications:

**15.3.1 Development Objectives**

In proposing projects under the Industrial Mixed use special permit, applicants shall consider and strive to attain the following objectives, whether the submission is a new development or a redevelopment/retrofitting of an existing development, or any combination thereof:

Generate harmonious clusters of economic activity where the uses complement one another and in doing so help the community at large.

Facilitate combinations of uses that reflect the viable and emerging businesses of all types associated with the economy of the Boston metropolitan region and the Commonwealth of Massachusetts.

Invest capital to beautify properties and increase the physical and visual integration of uses and buildings.

#### 15.3.2 Plan Review Criteria for Industrial Mixed Use Projects

Plans reviewed by the Planning Board under an IMU special permit shall be evaluated in terms of the following criteria, wherever applicable, whether the submission is a new development or a redevelopment/retrofitting of an existing development, or any combination thereof, and subject to appropriate findings by the Planning Board:

The determination that the uses proposed are complementary to and compatible with one another economically and in terms of site usage, and that the mix of uses furthers the intent of this section and the zoning bylaw.

Where multiple buildings are involved, the extent to which improvements are included that will establish or enhance the distinct visual relationship of the buildings to one another, using elements such as: the physical siting of the buildings themselves; open space; common areas; landscaping; trails and walks; or other site amenities to define and reinforce that relationship.

The accommodation in site design of pedestrian walks and trails, bicycle travel and off-site connectivity to other trails, conservation areas and destinations.

The reduction or avoidance of large concentrations of at-grade parking lots in favor of smaller, multiple lots where possible, or alternatively, to break up large expanses of pre-existing parking with landscape and pedestrian features.

The use of viable shared parking arrangements, to minimize the amount of parking, impervious surface and stormwater runoff.

The incorporation of low impact development techniques to provide or supplement stormwater management.

The adequate addressing of all conventional site design issues, such as internal traffic circulation, public safety, provision of utilities and other aspects normally seen in all plans.

### 15.4 Permitted Uses

The following uses shall be allowed by special permit in Industrial Mixed Use developments, including a modification to Table I under the Commercial district column, to change the allowed status of industrial mixed uses from “No” (not permitted) to “SP” (allowed by special permit):

- Business and Professional Offices
  - General offices: corporate and multi-occupancy
- Light Manufacturing
  - Computer and related manufacturing or assembly
  - Electronics parts, circuitry and products, manufacturing or assembly
  - Medical device research, manufacturing or assembly
- Information Technology & Life Sciences
  - Information technology & data Storage
  - Software Development & Services
  - Bio-pharmaceuticals research, development and manufacturing

- Industrial biotechnology or informatics
- Biological testing laboratories, excluding bio-safety level four (BL-4) as per Centers for Disease Control
- Earth sciences, environmental research, testing & development
- Health Care
  - Medical clinics, offices & services
- Institutional & Educational
  - Educational and training, for profit
  - Non-profit foundation or institutional use
  - Educational or child care facility, exempt under MA law
- Retail & Services
  - Retail and personal services stores with gross floor area not exceeding 10,000 square feet
  - Bank
- Restaurants, Hostelry & Recreation
  - Restaurants with sit-down table service, not of the fast order or drive-through type, but not excluding take-out service.
  - Hotel (Industrial Districts only)\*
  - Fitness businesses, any type, with gross floor area not exceeding 10,000 square feet
  - Recreation or cultural business with gross floor area not exceeding 5,000 square feet
- Other Uses
  - Other uses determined to be fully compatible with those in this section but not listed herein
  - Municipal facilities
- Accessory Uses
  - Free-standing parking structure
  - Private or public solar array
  - Common utility, power and communication facilities with screening and planting appropriate to the site & abutting uses.

### **15.5 Mixed Use Minimum Criteria**

The following are the minimum thresholds for constituting an IMU development:

#### **15.5.1 Minimum Number of Uses**

The proposed IMU development must have a minimum of two distinct uses as defined by the allowable uses in this section, whether contained in a single building or multiple buildings.

#### **15.5.2 Minimum Mixed Use Floor Area**

No single use or like grouping of uses shall occupy more than 92% of the gross floor area of a single building or 94% of the total GFA of all buildings on the site.

### **15.6 Density**

The following are the maximum density entitlements for an IMU special permit. The Planning Board may limit any development project to less than these density entitlements for circumstances that are necessary to protect the public interest or other properties, or to further the aims of this section and the Zoning Bylaw:

#### **15.6.1 Maximum Floor Area Ratio (FAR)**

The FAR for any IMU development shall not exceed .35.

#### **15.6.2 Increase in FAR**

The FAR may be increased to .40 in cases where a Shared Parking Plan has been submitted and has demonstrated to the satisfaction of the Board by means of a finding that it will reduce the parking supply to less than that required by section 7.4 of this Bylaw, as verified by the Code Enforcement Director. Said finding shall be based on a determination that due to any combination of factors among the participating businesses such as hours of operation or employee work shifts, peak customer demand, minimal parking needs on-site or other complementary circumstances among businesses, a reduction in the required parking supply for the project is justified.

### 15.7 Dimensional and Performance Requirements

The following standards shall apply to all development projects seeking an IMU special permit:

#### 15.7.1 Flexibility Criteria

It is the intent of this section to allow for a high degree of flexibility in the design or retrofitting of projects seeking an IMU special permit, in terms of the dimensions provided for the proposed development. The Planning Board shall determine the adequacy of the proposed dimensions and may adjust proposed dimensions upward or downward in accordance with the following criteria:

Adequacy of setbacks, yards and parcel perimeter buffering to avoid negative impacts on abutting and nearby uses from buildings or parking associated with the IMU development

Aesthetic enhancement for the immediate vicinity and the wider area or district

Use of existing site amenities within setback areas, including vegetation, landscaping, topographic characteristics, stone walls, surface water or other features.

#### 15.7.2 Dimensional minima and maxima for the full development parcel:

Minimum Lot Area:	One (1) acre
Minimum Frontage:	As in existing zoning district, but may be reduced by the Planning Board within the IMU special permit discretionary authority.
Minimum Front Setback:	As in existing zoning district, but may be reduced by the Board.
Minimum Side and Rear Yards:	As in existing zoning district, but may be reduced by the Board.
Maximum Building Height	As in existing zoning district.
Minimum Lot Landscaping	30%
Maximum Lot Coverage	35%

### 15.8 Parking Requirements, Site Access, Transportation

The following are the flexible parking provisions for an IMU development:

#### 15.8.1 Type of Facility

Parking may be provided at ground level, at sub-grade within buildings or in attached or detached parking structures.

#### 15.8.2 Parking Site Location & Distribution

Parking within the front setback of buildings shall be confined to spaces for vehicles involving: visitors: emergency services: handicapped access: drop-off and pick-up of people or goods: transit systems and preferred spaces for certified car and van pool users operating through an organized trip reduction program.

All other parking shall be located at the rear or side of buildings.

Effort shall be made to distribute parking among multiple smaller lots rather than in one or more large expanses of parking, or, in the event of pre-existing large concentrations of parking, to provide visual and functional relief by means of landscaping, separation, pedestrian ways and other amenities.

### 15.8.3 Parking Quantity

Total parking supplied on site shall be evaluated by the Planning Board for adequacy to serve the proposed mix of uses.

After the parking required by zoning and any existing parking spaces are verified by the Code Enforcement Director, the Board may deem parking supply excessive or inadequate and request revision of the parking plan, or it might deem the parking to be adequate.

In determining adequacy, the Board shall take into account whatever combination of pre-existing and newly proposed parking spaces constitutes an optimum quantity, and shall make a finding to that effect.

Electric vehicle charging stations may be located within any parking area.

Section 7.4.3 concerning the granting of relief from parking regulations by the Zoning Board of Appeals shall not apply.

### 15.8.4 Shared Parking

Shared parking arrangements may be proposed to reduce the extent of parking lots and impervious surface and reduce stormwater runoff. A Shared Parking Plan shall be provided in these instances, documenting that the planned arrangements will reduce the parking supply to less than that required by section 7.4 of this Bylaw, as verified by the Code Enforcement Director. Said Plan shall substantiate that the targeted parking reduction is viable among building occupants due to any combination of factors such as hours of operation or employee work shifts, peak customer demand, minimal parking needs on-site or other complementary circumstances among the businesses. Significant changes to these circumstances or to the participating businesses may require a special permit minor modification before the Planning Board. Shared Parking Plans may be submitted for a minor special permit modification at any time after the development is operational, for the purpose of avoiding anticipated future parking demand that might exceed the capacity of the site.

### 15.8.5 Reserve Parking

The Planning Board may consider for approval the placing of some of the on-site parking supply into future reserve status, where it remains unbuilt until needed, provided the Board finds that the immediate parking demand is satisfied by the constructed parking spaces. Construction of such parking areas, should it involve minimal adjustment to previously approved parking quantity or physical layout, shall be subject to a minor special permit amendment.

### 15.8.6 Curb Cuts

The Planning Board shall determine that the number of curb cuts shown on the Plans to serve the site along any frontage, including frontage on more than one street, is adequate but not excessive, considering both pre-existing and newly proposed curb cuts. This determination shall be made in consultation with DPW Engineering and may include referral to the Selectmen sitting as Road Commissioners.

### 15.8.7 Transportation Mitigation

#### A) Trip Reduction

In IMU development projects that it deems to be sufficiently large in number of employees and regular in terms of peak hour commuting patterns, the Planning Board may require as a condition of the special permit participation in a transportation management association, existing transit shuttle bus or other trip reduction program.

#### B) Traffic Mitigation

In IMU development projects where, after Department of Public Works or other engineering review, determines that the net traffic increase will be of sufficient impact to result in traffic congestion at site curb cuts and/or reduction of level of service at area intersections, the

Planning Board may require as a condition of the special permit that improvements be made within the public right of way to mitigate traffic impacts. Such mitigations shall be subject to review and approval by the Selectmen acting as Road Commissioners. Performance guarantees to secure the proper construction of off-site traffic mitigations may be required by the Planning Board, in consultation with DPW Engineering. Alternatively, or in addition to, any physical improvements, other means of reducing traffic congestion may be required, including but not limited to contributions to a relevant traffic study or an adjacent capital improvement project being carried out under other auspices.

## **15.9 Application**

The following are the requirements for submission of IMU special permit application materials. The Planning Board may waive the provision of select items if felt to be unnecessary for or inapplicable to the development project, or may do so by delegation to professional staff:

### **15.9.1 Plan Submission: Format & Quantities**

A) Plan sets and other relevant graphic materials: the applicant shall submit the following: a digital PDF file of the full plan set and other graphic materials; ten (10) paper copies of the full plan set and other graphic materials at the 11" x 17" dimension; three (3) plan sets at full 24" x 36" size; and, at the discretion of the Planning Department staff and Department of Public Works engineering staff—Autocadd files for the project plan set in original CADD format and/or in readable drawing format .

B) All text documentation and application materials: the applicant shall submit the following: a digital PDF file of all required and voluntarily-provided materials; ten (10) paper copies of same.

### **15.9.2 Plan Submission Content**

Plans of the site and related engineering details shall be stamped by a registered professional engineer licensed to practice in Massachusetts. Plans shall generally follow the submission requirements in Section 7.5.2.1, paragraphs (a) through (e), subject to modification on a case basis, but typically shall include the following: cover sheet, legend and notes; existing site conditions; general site layout; grading and topography; stormwater management; utility plans; detailed landscape plans, the final version of which shall be stamped by a registered landscape architect licensed to practice in Massachusetts; and as many sheets as are needed to portray engineering details covering all aspects of utilities, infrastructure and site engineering and construction. If pertinent, the package may include traffic diagrams; building elevation drawings; impact analysis for designated aspects of the project, or other material pertinent to the proposed development.

### **15.9.3 Other Submission Materials**

Submission packages shall include the Application Form; a Cover Letter; Drainage Calculation Reports; and other material deemed to be necessary in pre-application communications. Additional material may include, on a case basis as needed, traffic impact analysis; groundwater protection studies and plans; operation and maintenance plans for on-site utilities; common maintenance agreements; analyses in aspects of project impact; and other materials deemed to be necessary by the Planning Department or Board.

## **15.10 Planning Board Findings**

A special permit shall be issued under this section if the Planning Board finds that the development is in harmony with the Purposes and the Objectives and Review Criteria of this section and that it contains a compatible mix of uses sufficiently advantageous to the Town to render it appropriate to depart from the requirements of the Bylaw otherwise applicable to the Industrial or Commercial District in which the development is located.

## **15.11 Amendments**

After approval, the developer may seek amendments to the approved plan. Minor amendments may be made by a majority vote of the Planning Board. It shall be a finding of the Planning Board whether a requested amendment is deemed to be major or minor. A major amendment shall require the filing of an amended special permit application.

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\* A hotel located therein in the Industrial Park A, Industrial B, Industrial C districts may contain, in addition to guest rooms, lodging units that are suites with permanent cooking facilities for temporary or intermittent stay required for guests who are there as temporary occupants engaged in business activity, or if for other purpose, subject to the limitations of 4.2.6.1 in this zoning bylaw.

**Recommendations:**

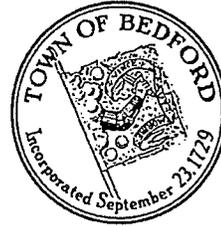
Selectmen:	Recommended approval
Finance Committee:	Recommended approval
Planning Board:	Recommended approval

Moderator declared motion adopted by two-thirds vote.

A true record, attest:

  
Doreen Tremblay  
Town Clerk

Date: December 4, 2014



*Doreen Tremblay, Town Clerk*

Town Hall  
10 Mudge Way  
Bedford, Mass. 01730  
781-275-0083

CLERK'S CERTIFICATE

SPECIAL TOWN MEETING Dtremlay@bedfordma.gov

NOVEMBER 6, 2014

**Article 5 - Zoning Bylaw Amendment - Landscaping, Tree Protection and Visual Screening in Developments, including Greenbelts, and Perimeter No Building Rules in Cluster and Planned Residential Developments**

Voted, that the Town amend various sections of the Zoning Bylaw, relating to landscaping, tree protection and visual screening in developments, including changes to the current Greenbelt provision, and to the 50 foot wide perimeter no building rules in Cluster and Planned Residential Developments:

**A. Section 6. Change title.**

*Current Text:*

DIMENSIONAL REGULATIONS

*Proposed Text:*

DIMENSIONAL AND LANDSCAPING REGULATIONS

**B. Section 6.2.12, Interpretation – Minimum Lot Landscaping**

*Current Text:*

Minimum Lot Landscaping

The total ground area landscaped shall be at least the required minimum lot landscaping as noted in Table II. Such landscaping shall be designed to reduce the visual impact of the principal use upon adjacent property and within the lot. Where the developed area adjoins land zoned for residential use, a greenbelt shall be provided. Such greenbelt shall consist of four (4) staggered rows, each row ten (10) feet apart, of substantially sight impervious evergreen foliage at least 8 feet in height or planting of shrubs and trees complimented by a sight-impervious fence of at least 6 feet, but not more than 8, in height or such other type of landscaping as may be required under site plan approval. In all developments, to the extent practicable, existing trees shall be retained and used to satisfy the provisions of the minimum lot landscaping. In the Limited Business and Commercial Districts the frontage lots shall be landscaped with a minimum of one deciduous tree for each 35 linear feet. The tree species shall be in accordance with the requirements of the Bedford Department of Public Works.

*Proposed Text:*

Minimum Lot Landscaping and Standards

The total ground area landscaped shall be at least the required minimum lot landscaping as noted in Table II. Such landscaping shall be designed to reduce the visual impact of the principal use upon adjacent property and within the lot. **In particular, attention shall be paid to the following aspects:**

**a) In the Industrial, Commercial and Business Districts or where required for specific types of development under other provisions of the Zoning Bylaw, wWhere the developed area adjoins land**

zoned for residential use, a landscape buffer shall be provided. The adequacy of such a landscape buffer shall be a matter for consideration in any review of a site plan or special permit within the purview of the Planning Board. The nature of this buffer shall be appropriate to the aesthetic character of the structures and uses on the lot, as viewed across the relevant boundary. It shall include substantially sight impervious screening of any exterior equipment, storage or loading areas with dense planting of trees and shrubs, which may be supplemented by a fence. Buildings that present blank facades will require more planting to moderate their visual impact than those with architectural detailing and a scale compatible with a residential area. Existing assets that have the potential to contribute to an attractive site perimeter should be identified and used to advantage as far as practicable; these may include vegetative, topographic, water or wetland features, and structures such as historic buildings or stone walls. The proximity to existing or potential future residences shall be taken into account. a greenbelt shall be provided. ~~Such greenbelt shall consist of four (4) staggered rows, each row ten (10) feet apart, of substantially sight impervious evergreen foliage at least 8 feet in height or planting of shrubs and trees complimented by a sight impervious fence of at least 6 feet, but not more than 8, in height or such other type of landscaping as may be required under site plan approval.~~

b) In all developments, to the extent practicable, existing trees shall be retained and used to satisfy the provisions of the minimum lot landscaping.

c) ~~Further tree planting may be required, including along road frontages. In the Limited Business and Commercial Districts the frontage lots shall be landscaped with a minimum of one deciduous tree for each 35 linear feet. The tree species shall be in accordance with the requirements of the Bedford Department of Public Works.~~

**C. Section 6.5.4, Educational Uses – Greenbelt**

*Current Text:*

Greenbelt

A greenbelt shall be provided to screen the proposed development from adjoining land zoned for residential use as specified in Section 6.2.12.

*Proposed Text:*

~~Greenbelt~~ **Landscape Buffer**

A **landscape buffer** ~~greenbelt~~ shall be provided to **moderate the visual impact of screen** the proposed development ~~from on~~ adjoining land zoned for residential use as specified in Section 6.2.12.

**D. Section 6.6.5, Child Care Facility and Religious Uses – Greenbelt**

*Current Text:*

Greenbelt

A greenbelt shall be provided to screen the proposed development from adjoining land zoned for residential use as specified in Section 6.2.12.

*Proposed Text:*

~~Greenbelt~~ **Landscape Buffer**

A **landscape buffer** ~~greenbelt~~ shall be provided to **moderate the visual impact of screen** the proposed development ~~on from~~ adjoining land zoned for residential use as specified in Section 6.2.12.

**E. Table II Dimensional Regulations**

Amend Table II, Dimensional Regulations, by replacing the column headed “Minimum Lot Landscaping %” and footnotes, as follows:

		<i>Current</i>	<i>Proposed</i>
Residence R	Standard Subdivision	-	-
Residence A	"	-	-
Residence B	"	-	-

Residence C	"	-	-
Residence D	"	50	50
Residence R	Cluster Development	-	-
Residence A	"	-	-
Residence B	"	-	-
Residence C	"	-	-
Limited Business		25	25*
Limited Business		25	25*
General Business		25	25*
Commercial		30% in all cases provided that where such use abuts a residential district a greenbelt shall be provided.	30*
Industrial B		50% in all cases provided that where such abuts a residential district a greenbelt shall be provided.	50*
Industrial Park A		50% in all cases provided that where such abuts a residential district a greenbelt shall be provided.	50*
Industrial C		50% in all cases provided that where such abuts a residential district a greenbelt shall be provided.	50*

See Section 6 for provisions applicable to this Table II.

**\*Where the use abuts a residential district, a landscape buffer shall be provided as specified in Section 6.2.12**

***F. Section 7.5.2.1 b), Site Plan Approval—Procedure for Review by the Planning Board – Application for Site Plan Approval***

*Current Text:*

(b) The applicant shall submit such material as may be required regarding design features intended to integrate the proposed new development into the existing landscape, to enhance aesthetic assets and to screen objectionable features from neighbors.

*Proposed Text:*

(b) The applicant shall submit such material as may be required regarding design features intended to integrate the proposed new development into the existing landscape, to enhance aesthetic assets and to screen objectionable features from neighbors. **This shall include addressing any requirement for a landscape buffer under Section 6.2.12.**

***G. Section 8.2.8, Cluster Development – Standards – Greenbelt***

*Current Text:*

**Greenbelt**

No building shall be erected within 50 feet of the boundary line with adjoining land zoned for residential use. A greenbelt shall be provided to screen the proposed development from adjoining land zoned for residential use, as specified in Section 6.2.12.

*Proposed Text:*

**Landscape Buffer Greenbelt**

No building shall be erected within 50 feet of the boundary line with adjoining land zoned for residential use, **except buildings for uses accessory to single family dwellings as described in Section 5 and subject to the dimensional placement provisions of Section 6. A landscape buffergreenbelt shall be provided to**

moderate the visual impact of ~~screen~~ the proposed development ~~on~~ ~~from~~ adjoining land zoned for residential use, as specified in Section 6.2.12.

**H. Section 9.2.5, Planned Residential Development (PRD) – Standards – Lot Area, Frontage and Yard Requirements**

*Current Text:*

**Lot Area, Frontage and Yard Requirements**

There shall be no minimum lot area, frontage or yard requirements within a PRD. However, no building shall be erected within 50 feet of a public way or boundary line of the PRD. A Greenbelt shall be provided to screen the proposed development from adjoining land zoned for residential use, as specified in Section 6.2.12.

*Proposed Text:*

**Lot Area, Frontage and Yard Requirements, and Landscape Buffer**

There shall be no minimum lot area, frontage or yard requirements within a PRD. However, no building shall be erected within 50 feet of a public way or boundary line of the PRD, **except buildings for uses accessory to residential use as described in Section 5 which shall be subject to the Planning Board's discretion.** A **landscape buffer** ~~Greenbelt~~ shall be provided to **moderate the impact of** ~~screen~~ the proposed development ~~on~~ ~~from~~ adjoining land zoned for residential use, as specified in Section 6.2.12.

**I. Section 19.5.5, Town Center Mixed Use Overlay District – Design Standards and Planning Board Findings – landscape materials**

*Current Text:*

Landscape materials used as buffers are native, non-invasive, hardy for New England weather conditions and disease resistant. The greenbelt provisions of section 6.2.12 shall also apply.

*Proposed Text:*

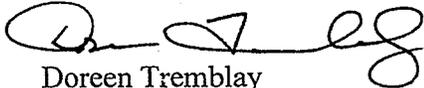
Landscape materials used as buffers are native, non-invasive, hardy for New England weather conditions and disease resistant. The **landscape buffer** ~~greenbelt~~ provisions of section 6.2.12 shall also apply.

**Recommendations:**

Selectmen: Recommended approval  
Finance Committee: Recommended approval  
Planning Board: Unanimously recommended approval

Moderator declared motion adopted by two-thirds vote.

A true record, attest:



Doreen Tremblay  
Town Clerk

Date: *December 4, 2014*