

Planning Board

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BEDFORD PLANNING BOARD

PUBLIC HEARING – ZONING BYLAW AMENDMENT

The Bedford Planning Board will hold a public hearing on **Tues. September 23, 2014 at 7:30 PM** in the **Selectmen's Meeting Room**, Bedford Town Hall, to review a set of amendments to the Zoning Bylaw concerning landscaping, tree protection and visual screening in developments, including changes to the current Greenbelt provision, and deletion of the 50 foot wide perimeter no building rules in Cluster and Planned Residential Developments, prior to Town Meeting. The changes as drafted mainly affect Sections 6.2.12, 8.2.8, 9.2.5 and Table II, together with related references in Sections 6.5.4, 6.6.5, 7.5.2.1, 8.3, 15.5.8 and 19.5.5. Details are available for inspection in the Planning Office at Town Hall, 10 Mudge Way, during regular business hours.

Amy Lloyd
Planning Board Clerk

Article X

Zoning Bylaw Amendment – Landscaping, Tree Protection and Visual Screening in developments, including Greenbelts, and perimeter no building rules in Cluster and Planned Residential Developments

To determine if the Town will vote to approve the following amendments to various sections of the Zoning Bylaw, relating to landscaping, tree protection and visual screening in developments, including changes to the current Greenbelt provision, and deletion of the 50 foot wide perimeter no building rules in Cluster and Planned Residential Developments, or take other action relative thereto:

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, **for non-residential uses**

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 the Industrial, Commercial and Business Districts or where required for specific types of development under other provisions of the Zoning Bylaw, w**Where 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. 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 employed to advantage as far as practicable; these may include vegetative, topographic, water or wetland features, and structures such as historic buildings or stone walls. Account shall be taken of the proximity to existing or potential future residences.** ~~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. Further tree planting may be required, including along road frontages. In the Limited Business and Commercial Districts the front age 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 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:

Landscape buffer~~Greenbelt~~

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

Current Table II

Table II Dimensional Regulations

ZONING DISTRICTS	MINIMUM LOT AREA IN SQ.FT.	MINIMUM LOT FRONTAGE IN FEET	FRONTAGE EXCEPTION IN FEET	MINIMUM LOT WIDTH IN FEET	MINIMUM FRONT YARD IN FEET	MINIMUM SIDE YARD IN FEET	MINIMUM REAR YARD IN FEET	CORNER CLEARANCE IN FEET	MAXIMUM HEIGHT IN FEET	MAXIMUM LOT COVERAGE %	MINIMUM LOT LANDSCAPING %	MAXIMUM FLOOR AREA RATIO %
RESIDENCE R Standard Subdivision	60,000	200	160	160	35	15	30	15	37	—	—	—
RESIDENCE A "	40,000	150	120	120	35	15	30	15	37	—	—	—
RESIDENCE B "	30,000	125	100	100	35	15	30	15	37	—	—	—
RESIDENCE C "	25,000	115	92	92	35	15	30	15	37	—	—	—
RESIDENCE D	10 acres	50	-	50	20	50	50	15	37	25	50	4 Dwellings Peracre
RESIDENCE R Cluster Development	—	—	—	—	—	—	—	—	—	—	—	—
RESIDENCE A "	40,000	125	50	125	35	15	30	15	37	—	—	—
RESIDENCE B "	30,000	100	50	100	35	15	30	15	37	—	—	—
RESIDENCE C "	20,000	75	50	75	35	15	30	15	37	—	—	—
RESIDENCE C "	15,000	75	50	75	35	15	30	15	37	—	—	—
LIMITED BUSINESS	10,000	60	—	50	35	10	10	15	37	35	25	50
LIMITED BUSINESS	10,000	60	—	50	10	10	10	15	25	35	25	50
GENERAL BUSINESS	80,000	—	—	—	10	10	10	15	37	35	25	50
COMMERCIAL	20,000	90	—	50	35	20' side and rear yard in all cases provided that where such use abuts a residential district the yard shall be increased to 50'.		15	37	25	30% in all cases provided that where such use abuts a residential district a greenbelt shall be provided.	
INDUSTRIAL	60,000	90	—	50	35	50' side and rear yard in all cases provided that where such use abuts a residential district the yard shall be increased to 100'.		15	42	25	50% in all cases provided that where such use abuts a residential district a greenbelt shall be provided.	

INDUSTRIAL PARK	4 acres	50	—	50	100	50' side and rear yard in all cases provided that where such use abuts a residential district the yard shall be increased to 150'.	15	42	25	50% in all cases provided that where such use abuts a residential district a greenbelt shall be provided.	25
INDUSTRIAL C	4 acres	50	—	50	100	50' side and rear yard in all cases provided that where such use abuts a residential district the yard shall be increased to 150'.	15	45	25	50% in all cases provided that where such use abuts a residential district a greenbelt shall be provided.	35

*See Section 6 provisions applicable to this Table II.

Proposed Table II

Table II Dimensional Regulations

ZONING DISTRICTS		MINIMUM LOT AREA IN SQ.FT.	MINIMUM LOT FRONTAGE IN FEET	FRONTAGE EXCEPTION IN FEET	MINIMUM LOT WIDTH IN FEET	MINIMUM FRONT YARD IN FEET	MINIMUM SIDE YARD IN FEET	MINIMUM REAR YARD IN FEET	CORNER CLEARANCE IN FEET	MAXIMUM HEIGHT IN FEET	MAXIMUM LOT COVERAGE %	MINIMUM LOT Landscaping %	MAXIMUM Floor Density Area Ratio %
RESIDENCE R	Standard Subdivision	60,000	200	160	160	35	15	30	15	37	—	—	—
RESIDENCE A	"	40,000	150	120	120	35	15	30	15	37	—	—	—
RESIDENCE B	"	30,000	125	100	100	35	15	30	15	37	—	—	—
RESIDENCE C	"	25,000	115	92	92	35	15	30	15	37	—	—	—
RESIDENCE D	10 acres		50	—	50	20	50	50	15	37	25	50	4 Dwellings Per Acre
RESIDENCE R	Cluster Development	40,000	125	50	125	35	15	30	15	37	—	—	—
RESIDENCE A	"	30,000	100	50	100	35	15	30	15	37	—	—	—
RESIDENCE B	"	20,000	75	50	75	35	15	30	15	37	—	—	—
RESIDENCE C	"	15,000	75	50	75	35	15	30	15	37	—	—	—
LIMITED BUSINESS		10,000	60	—	50	35	10	10	15	37	35	25 LB	50
LIMITED BUSINESS		10,000	60	—	50	10	10	10	15	25	35	25 LB	50
GENERAL BUSINESS		80,000	—	—	—	10	10	10	15	37	35	25 LB	50
COMMERCIAL		20,000	90	—	50	35	20' side and rear yard in all cases provided that where such use abuts a residential district the yard shall be increased to 50'.		15	37	25	30 LB	—
INDUSTRIAL B		60,000	90	—	50	35		15	42	25		50 LB	25
							50' side and rear yard in all cases provided that where such use abuts a residential					in all cases provided that where such use abuts a residential district a	

						district the yard shall be increased to 100'.				greenbelt shall be provided.	
INDUSTRIAL PARK A	4 acres	50	—	50	100		15	42	25	50 LB	
						50' side and rear yard in all cases provided that where such use abuts a residential district the yard shall be increased to 150'.				in all cases provided that where such use abuts a residential district a greenbelt shall be provided.	25
INDUSTRIAL C	4 acres	50	—	50	100	50' side and rear yard in all cases provided that where such use abuts a residential district the yard shall be increased to 150'.	15	45	25	50 LB	35
										50% in all cases provided that where such use abuts a residential district a Greenbelt shall be provided.	

See Section 6 for provisions applicable to this Table II.

LB-- Where the use abuts a residential district, a landscape buffer shall be provided.

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, and proposed new Section 8.2.9

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:

Tree protectionGreenbelt

Where practicable, existing trees shall be retained within the development and protected during construction. Particular attention shall be given to healthy and attractive mature specimens or stands. If the site is wooded, a limit of tree cutting shall be shown on the plan.
~~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.~~

8.2.9 Visual buffering

The applicant shall consider, and the Planning Board may require, some visual buffering between the development and neighboring properties in the form of trees retained or planted near the perimeter of the tract, and/or fencing. Existing assets that have the potential to contribute to an attractive site perimeter shall be identified and employed to

advantage as far as practicable; these may include vegetative, topographic, water or wetland features, and structures such as historic buildings or stone walls. Account shall be taken of the proximity to existing or potential future residences on adjoining land.

H. Section 8.3.1, Cluster Development – Procedure for approval – Application

Current Text:

In connection with the submission of a subdivision plan for Planning Board approval under the Subdivision Control Law or, if no such approval is required after consultation with the Planning Board, any person who desires a Special Permit for a cluster shall submit an application in writing in such form as the Planning Board may require which shall include plans meeting the requirements set forth in the Subdivision Rules and Regulations of the Planning Board and such additional information as the Planning Board may require including:

8.3.1.1 A development statement consisting of a petition, a list of parties in interest, the names of the development team and a description of the tract and the development, including the size of the tract, number of lots together with sufficient information to make a determination on the number of permissible lots, the size of the Common Land parcels, including the area and percent of any Common Land zoned Flood Plain/Wetland District and a development schedule for all site construction, including the projected completion of Common Land improvements.

8.3.1.2 Copies of proposed instruments are to be recorded with the plans, including the Common Land perpetual restriction, the deed and the membership corporation, non-profit organization or trust.

Proposed text:

In connection with the submission of a subdivision plan for Planning Board approval under the Subdivision Control Law or, if no such approval is required after consultation with the Planning Board, any person who desires a Special Permit for a cluster shall submit an application in writing in such form as the Planning Board may require which shall include plans meeting the requirements set forth in the Subdivision Rules and Regulations of the Planning Board and such additional information as the Planning Board may require including:

8.3.1.1 A development statement consisting of a petition, a list of parties in interest, the names of the development team and a description of the tract and the development, including the size of the tract, number of lots together with sufficient information to make a determination on the number of permissible lots, the size of the Common Land parcels, including the area and percent of any Common Land zoned Flood Plain/Wetland District, **information on any proposed tree cutting, landscape planting and fencing (also depicted graphically on the plans)**, and a development schedule for all site construction, including the projected completion of Common Land improvements.

8.3.1.2 Copies of proposed instruments ~~are~~ to be recorded with the plans, including the Common Land perpetual restriction, the deed and the membership corporation, non-profit organization or trust.

I. Section 8.3.2, Conditions

Current Text:

If a Special Permit is granted, the Planning Board may impose as a condition that the Common Land shall be conveyed, free of any mortgage interest or security interest and subject to a perpetual restriction of type described above, prior to the Planning Board's release of any lots from the subdivision restriction covenant or, if there is no such covenant, prior to the Inspector of Building's issuance of a building permit for any lot. The petitioner shall provide the Planning Board with satisfactory assurance of said conveyance and recording in the form of copies of the recorded instruments bearing the recording stamp.

Proposed Text (with two subsections):

8.3.2.1 If a Special Permit is granted, the Planning Board may impose as a condition that the Common Land shall be conveyed, free of any mortgage interest or security interest and subject to a perpetual restriction of type described above, prior to the Planning Board's release of any lots from the subdivision restriction covenant or, if there is no such covenant, prior to the Inspector of Building's issuance of a building permit for any lot. The petitioner shall provide the Planning Board with satisfactory assurance of said conveyance and recording in the form of copies of the recorded instruments bearing the recording stamp.

8.3.2.2 The Planning Board may impose conditions relating to tree protection and visual buffering.

J. 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 (with additional subsections):

Lot Area, Frontage and Yard Requirements, **and Landscaping**

There shall be no minimum lot area, frontage or yard requirements within a PRD. However, **the Planning Board may require reasonable setbacks based on considerations such as visual amenity and circulation (including public safety access), taking into account the scale and nature of the development and its surroundings.** ~~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.~~

9.2.5.1 Tree Protection

Where practicable, existing trees shall be retained within the development and protected during construction. Particular attention shall be given to healthy and attractive mature specimens or stands. If the site is wooded, a limit of tree cutting shall be shown on the plan.

9.2.5.2 Visual Buffering

The applicant shall consider, and the Planning Board may require, some visual buffering between the development and neighboring properties in the form of trees retained or planted near the perimeter of the tract and/or fencing. Existing assets that have the potential to contribute to an attractive site perimeter shall be identified and employed to advantage as far as practicable; these may include vegetative, topographic, water or wetland features, and structures such as historic buildings or stone walls. Account shall be taken of the scale of proposed buildings and their proximity to existing or potential future residences on adjoining land.

K. 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.

The article proposes to modify various sections of the Zoning Bylaw that deal with landscaping and tree protection within new developments, and in particular the perimeter treatment of developments that adjoin residential districts. It replaces a somewhat inflexible "greenbelt" specification for perimeter planting and fencing with more variable standards that can be applied appropriately to the circumstances, in reviews of site plans and special permits. It distinguishes between the perimeter buffering needed for non-residential and residential developments. It requires sight impervious screening of features such as exterior equipment and loading docks, but recognizes that well designed

buildings may not need the same degree of screening. It places more emphasis on incorporating existing attractive features in landscape design. It removes a fixed fifty foot perimeter “no building” rule that has hitherto applied to residential subdivisions developed under the Cluster and Planned Residential Development sections. This rule can be a disproportionate burden or deterrent to developers of smaller tracts or to purchasers of individual lots on the perimeter of developments. In cluster developments, the normal setbacks within lots will continue to apply: 35 ft front yard, 15 ft side yard and 30 ft rear yard. In PRDs, the layout of buildings will still need approval by the Planning Board under a special permit. In drafting these changes, the opportunity has been taken to correct some typographical errors in recent versions of the bylaw.