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BEDFORD PLANNING BOARD
Town Center Building—Flint Room
Minutes
January 6, 2016

MEMBERS PRESENT: Amy Lloyd, Chair; Sandra Hackman, Clerk; Jeffrey Cohen, Shawn Hanegan and Lisa Mustapich
MEMBERS ABSENT: None
STAFF PRESENT: Glenn Garber, Planning Director; Catherine Perry, Assistant Planner Cathy Silvestrone, Planning A.A.
STAFF ABSENT: None
OTHERS PRESENT: Davis Prato (Prato Associates, Inc.); Stephen Garvin (Samoites Consulting, Inc.); Michael Fee (Attorney) Paul Brein (Maine resident); Robert Dorer (Bedford Citizen News); David Powell (Finance Committee); Caroline Fedele (Selectman); Eric Burns (Greylock Investments); Pamela Brown (Attorney); Stephen Martorano (Bohler Engineering); Talia Cannistra (Cube 3 Studio); John Harding (Cube 3 Studio)
RESIDENTS PRESENT: Jacob Kogan, 30 Chelmsford Road; Elina Kiner, 30 Chelmsford Road; Laura and Richard Rossi, 32 Chelmsford Road; Barbara Aldorisio, 24 Chelmsford Road; and Julie and David Brown, 20 Chelmsford Road.

Amy Lloyd, Chair convened the Planning Board meeting at 7:30 PM

Emergency Evacuation notice - read by Sandra Hackman, Clerk

Sandra Hackman, Clerk informed the public that the best way to stay informed of town board & committee meetings, agendas, and minutes is by subscribing to E-Info. on the town's website.

Note: All meeting submittals are available for review in the Planning Office.

DEVELOPMENT/PERMITTING:

1. 30 Chelmsford Road/Elina Drive Special Permit Cluster Subdivision Public Hearing

The public hearing opened at 7:32 PM. Sandra Hackman, Clerk, read a legal notice stating that the hearing involves a special permit regarding the application of Yakov Kogan for his property at 30 Chelmsford Road. Mr. Kogan is proposing to construct four houses and related open space, a new way and utilities and services under the provisions of Bedford Zoning Bylaws Section 8, Cluster Development, as well as a definitive subdivision under Planning Board Subdivision Rules and Regulations.

The following documentation was submitted and read into the record:

- **December 31, 2015 memo** from Planning Director Garber providing; 1) an overview of the current memo which shares matters that changed since the preliminary plan review; 2) general project description and changes; 3) development issues; 4) key inter-

departmental review points; 5) final commentary and 6) two previous memos dated March 24 and April 6, 2015 from preliminary subdivision plan discussions.

- **November 24, 2015 letter** from Stephen Garvin, PE, LEED AP, Samiotes Consultants, Inc. with the following attachments: 1) Form C-Definitive Plan Application; 2) Form J-Designers Certificate; 3) Form K-Proposed Street Name; 4) Form N-Abutters List; GIS Maps Online outlying the proposed project area; 5) Stormwater Report dated, November 24, 2015; 6) Site Landscape Plan dated, 12/11/15; 7) Definitive Cluster Development Subdivision (Elina Drive) planset consisting of cover sheet, existing site plan dated, May 1, 2014 and last revised on August 31, 2015, lotting plan dated, November 23, 2015 and sheets CE- 1.1, 2.1,3.1,4.1,5.1,5.2 and 5.3.
- **December 24, 2015** letter from Adrienne St. John, Public Works Engineer and Kristin Dowdy, Civil/Environmental Engineer offering 22 comments in relation to the proposed 4-lot subdivision.
- **December 28, 2015** letter from Elizabeth Bagdonas, Conservation Administrator, providing comments in relation to stormwater management, wetlands, buffer zone, open space, fill materials, neighborhood screening, and rationale of land preservation.
- **December 16, 2015** email from Fire Captain, Charles Stone sharing concerns regarding the degree of inclination, the length of the "Y" turnaround and the proposed street name Elina.
- **November 30, 2015** email from Marc Saucier, Police Dept., stating the Police do not have any issues with the proposed plans.
- **December-2015** letter addressed to Glenn Garber, Director from eight abutting neighbors sharing concern regarding impacts to the neighborhood as a result of the proposed development.

Attorney Michael Fee for the applicant reviewed project history and the evolution of the present 4-lot cluster subdivision, as well as the wetlands delineation and interaction with the Conservation Administrator and how it influenced the site plan. Engineer Steve Garvin of Samiotes outlined the design of the hammerhead roadway, the divided zoning on the property between R-A and R-R, adjustments to sanitary sewer design, sight distance at Chelmsford Road meeting AASHTO standards (although one tree on north side might have to be cut back), slope design and retaining walls, and other refinements to their site plans. Landscape Architect Davis Prato talked about the street tree planting plan, the addition of trees and shrubs to the screening along the buffers at the Chelmsford Road neighbors, and related matters.

Planning Director Glenn Garber asked about: replacement of white pines in the screening areas, as per Elizabeth Bagdonas, Conservation Administrator comments; the possibility for increasing the common open space by using excess lot size on some of the oversized house lots; the need as per DPW Engineering) to lower the 7.5% maximum grade by 1% or so, due to that grade approaching the 8% maximum; the possibility of substituting rain gardens for some infiltration nests, at least for roof runoff; and the need to import clean fill to this site. He also asked questions in regard to the design and appearance of the retaining walls and extent of cut and fill.

Board member Shawn Hanegan asked about: sewage pumping performance and electricity backup; the common open space status of the screening areas along Chelmsford Road houses; whether there would be grade elevation increases at the foundation; the prospect of having more

pervious paving; the impact of the slope alterations; and related matters. The applicant's team and/or Planning staff replied that: the individual house pumps would have ancillary power; the screening trees would be part of the common open space; the finish grades would try to adhere as closely as possible to original topography; adding pervious surfacing would be investigated; and the retaining walls would be carefully designed to carry the structural load long term.

Sandra Hackman spoke about the Homeowner's Association taking over the maintenance of stormwater facilities and asked if the permanent Conservation Restriction on the Open Space was going to be conveyed to the town. The answer was yes to both inquiries.

Lisa Mustapich inquired about height, safety rail and appearance of retaining walls and if the applicant spoke with HDC about street names. Applicant will look at height and at possible flat fieldstone surfacing, and also will check with Historic Preservation Commission re: street names. Members Jeffrey Cohen and Amy Lloyd spoke about the design of the sewer pumps to individual homes and confirmed with the applicant that the town would not be responsible for maintenance. Mr. Cohen also inquired about the massing issues (measuring peak to the roof); pervious pavement, and overall maintenance. Chair Lloyd raised issues of traffic volume and sight distance, Applicant and HOA will have responsibility for maintaining safe ingress and egress at the new curb cut.

Resident Concerns:
Richard Rossi, 32 Chelmsford Road, shared concern with flow capacity by adding four more homes to the current pumping station that is located at the top of his property. Applicant said DPW doesn't find this to be an issue and that the individual pumps will be at each house. Barbara Aldorisio, 24 Chelmsford Road, was concerned about screening for her property and raised an issue of the endangered species of dragonflies that might exist in the vicinity. In response to Julie Brown's inquiry (20 Chelmsford Rd.) the applicant explained the term bio-swale. Paul Brein, a visitor from Maine via Ms. Aldorisio, expressed concerns about traffic and the capacity of the new road and the turnaround design and felt that it should be redesigned with greater specifications.

David Brown, 20 Chelmsford Road, was concerned about the proximity of the big curve and the hammerhead turnaround to his property and it was agreed that a site visit to see the staked layout would be helpful. He also asked about potential noise from the sewer pumps but the applicant explained that the individual homeowner's pumps will be underground. Julie Brown inquired about street lights and location. Chair Lloyd said the applicant plans to follow DPW's recommendation regarding street lights.

Various audience members were concerned about sight distance at Chelmsford Road, as well as the steep grades on the new way.

Planning Board Final Comments:
Jeffrey Cohen and others suggested post lamps for aesthetic reasons. He also favored well designed retaining walls, an increase in open space, 2-story houses to reduce height, and making clear what the infrastructure maintenance responsibilities of the HOA are, to minimize impact to the town. Lisa Mustapich, asked the applicant to retain as many trees as possible, provide

adequate screening for the neighbors, use alternative plantings to white pine, and possibly reduce pavement—doesn't feel it is necessary to include a sidewalk for a four-lot development.

Shawn Hanegan likes the idea of having a site walk for the neighbors; needs to see house elevations--wants proposed houses to be low and not over-shadowing the neighbors; would like to see floor plans for houses.

Sandra Hackman would like to see more screening provided and wants DPW to review site distance. Ms. Hackman also suggested that the developer provide specs on the proposed houses.

Mr. Cohen asked if site construction supervision could be provided during construction to ensure things are done properly. The applicant said that it could.

Chair Lloyd wanted better information on house size and dimensions. She shared concerns in regard to roadway grade, maximum screening for neighbors, possibly increasing open space percentage and following the Conservation comments.

Director Garber was asked how the present concept evolved in the course of numerous staff level meetings with applicant and he responded that on this sensitive site that had been designated for possible preservation acquisition, that a cluster design was and remains the best way to proceed, even if the present design isn't optimal.

MOTION: Lisa Mustapich moved to continue 30 Chelmsford Road Special Permit Public Hearing to March 15. Shawn Hanegan seconded the motion. VOTE: 5-0-0

MINUTES:

- November 17, 2015—

MOTION: Lisa Mustapich moved to approve November 17, 2015 Minutes with minor amendments. Shawn Hanegan seconded the motion; Vote: 5-0-0.

- December 15, 2015—

MOTION: Shawn Hanegan moved to approve December 15, 2015 Minutes with minor amendments. Lisa Mustapich seconded the motion; Vote 5-0-0.

DEVELOPMENT/PERMITTING: (Continued)

2. 100 Plank Street Special Permit Amendment Public Hearing

The public hearing opened at 9:00PM. Sandra Hackman, Clerk read a legal notice stating that the hearing will review a special permit amendment proposed by Greylock Bedford Real Estate LLC for property located at 100 Plank Street, which is related to the adjacent Village at Taylor Pond development through the original Industrial Mixed Use Special Permit. The project involves the construction of 52 one-bedroom or studio apartments and 6,000 square feet of office space in a single building, together with garage/storage buildings and related parking and landscaping.

The following documentation was submitted and read into the record:

- December 31, 2015 Memo from Catherine Perry, Assistant Planner, providing a summary of the project, background information, current proposal and framework for review, staff consultations/comments, discussion points: mix of uses and floor areas, residential unit mix, building configuration and architecture, vehicular circulation and parking, pedestrian circulation and landscaping and other site design details and a conclusion.
- November 23, 2015 application letter outlining the proposal, with attached exhibits: A) copies of previous special permit decisions dated July 9, 2013 and February 4, 2015, and staff letter to Pamela Brown concerning the status of conditions; B) plan dated January 20, 2015 referenced in the February 4, 2015 decision; C) Building Unit Mix Summary, by Cube 3 Architecture; D) Copy of site plan with parking changes (3 added spaces) and 4 existing spaces highlighted; E) Drainage Report-Executive Summary by Bohler Engineering; F) Sewer memo from Bohler Engineering; G) Architectural perspective rendering of main building from northwest, and floor plans of 1st and 2nd floors (3rd confirmed to be similar to 2nd).
- Plan set (consisting of 12 sheets) dated 11/18/15 prepared by Bohler Engineering, Stephen Martorano PE for Greylock Investments LLC, including site plan, grading and drainage plan, utility plan and landscape plan.
- December 30, 2015 Memo - response/ updated materials from Pam Brown, including the remaining architectural elevations and responses to DPW engineering comments.

Attorney Brown, representing Greylock Bedford Real Estate LLC, stated that presently the amended special permit for 100 Plank Street allows for 44 residential units in two buildings and 6,000 sq. ft. of office/retail space on lot 1. The latest proposal is to increase the total number of residential units by 8 (from 44 to 52)— all one bedroom or studio units, and provide 6,000 sq. ft. of retail/office space, all in one building. The proposal also includes garage buildings incorporating storage space, and related parking and landscaping. Mr. Harding, Greylock Investments, explained that they would like to see the office portion sustain itself and noted that the one bedroom units will be larger than the previous one bedroom units, to better meet current market demand; however he suggested there would be fewer occupants in total.

Stephen Martorano, Bohler Engineering, reviewed the proposed infiltration and drainage plan. Mr. Martorano said a sidewalk out to Plank Street was considered and discussed with DPW, but from an ADA perspective it wouldn't work well because of grading.

Catherine Perry, Assistant Planner, briefly reviewed background information provided in her December 31 memo regarding earlier approvals and the current proposal. Ms. Perry shared the main changes in the current proposal since the July 2013 special permit amendment and 2015 parking amendment approvals as follows: 1) residential units and office space will be all in one L-shaped building; 2) number of residential units increase from 44 to 52 and the residential floor area increased by approximately 27%; 3) change in the residential unit mix to 49 one bedroom units and 3 studio units; 4) provision of storage space above the two blocks of garages, accessed by external stairs; 5) changes to landscaping, drainage, utilities and a small increase in parking; and 6) revised architectural treatment.

Ms. Perry said that she considered the architectural approach satisfactory but had some concerns with the increase in residential floor area and the inadequate amount of parking. Ms. Perry spoke about the inconsistencies in parking numbers for Lot 1 and 2 provided by Attorney Brown versus the calculations she provided. Overall Ms. Perry said the number of spaces that will exist on Lots 1 and 2 will slightly exceed the requirement for the combined set of uses, but the bylaw requires spaces to be allocated to specific uses and since the two lots are in different ownership, any use of Lot 2 spaces by Lot 1 needs an agreement in place. Ms. Perry pointed out that Lot 1 has an existing parking easement on Lot 2 but that it is specifically "*for the use of up to 65 parking spaces on Lot 2 on a non-exclusive, non-reserved, as available basis for vehicles used by occupants and visitors to Walk the Plank property solely during weekday business hours*". This easement was designed for the original Lot 1 office development proposal; some spaces in the easement area could still be used for Lot 1 office users during business hours, but they could not be used for Lot 1 residents, unless a new agreement with the owners of Lot 2 is negotiated. Ms. Perry further commented that although the existing parking on the site is ample for the existing uses/occupancy, 19 of these spaces will be removed for the new building footprint. Ms. Perry suggested that the applicant address the unresolved parking issues by reducing the number of proposed residential units.

Ms. Perry reported that she spoke with Kristin Dowdy, Civil/Environmental Engineer, and DPW is satisfied with the applicant's responses, except for the issue of a better sidewalk connection between the main building entrance and Plank Street.

Jeffrey Cohen requested that the applicant provide floor plans of the residential units and mentioned that the open concept space is fairly typical; however he would like to see the units targeted for young professionals and not families. Other board members agreed that this type of housing is needed in the area. Mr. Cohen asked if the units are rentals or condos; Eric Burns replied: all rentals. Mr. Cohen shared concern regarding an increase in housing floor space compared to office space. Mr. Burns said they are trying to keep the total number of bedrooms steady while optimizing the economics to complete the project and that they would be open to having smaller users in office/retail to fill the space.

Ms. Mustapich wondered how many employees live and work in this area. The Board noted that this information is not available but that employers and property owners in this area have expressed a desire for more housing.

Shawn Hanegan asked if dumpsters would be available and if so where are they located. Mr. Burns said that dumpsters could be added at the northeast corner of the site; Mr. Hanegan made a suggestion to add screening.

Lisa Mustapich asked if the proposed building height is comparable to the height of Village at Taylor Pond buildings. Mr. Burns replied; most peaks are between 39-40 feet and the higher ones on the ends will meet the 42 feet maximum as specified in the bylaw.

Ms. Mustapich also commented that she would prefer brighter colors for the buildings but Ms. Hackman liked the muted colors.

The Board further discussed parking numbers due to Attorney Brown's calculations not matching Ms. Perry's. Attorney Brown disagreed with applying the IMU bylaw standard of 1.5 spaces per unit for residential parking and argued in favor of allowing 1.3 spaces per unit. She alternatively asserted that the standard requirements could be met by having all the office parking on Lot 2 (in the shared parking easement) and residential parking on Lot 1. Ms. Perry pointed out that there is a shortfall in the residential parking provision on Lot 1 even if no spaces are reserved for office use [52 x 1.5 = 78; 75 spaces shown]. Chair Lloyd asked the developer if they would be willing to approach the owner of Lot 2 and try to renegotiate the parking agreement. Mr. Burns stated he hasn't explored that, but would.

Final Comments:

A majority of the Board members found the design of the project attractive, were in favor of changing the bedroom mix to all one-bedroom or studio units, agreed this type of housing could benefit the business area, liked one building instead of two, welcomed keeping 6,000 sq.ft. of office space, but would like to see floor plans and have parking issues resolved before giving approval.

Ms. Hackman and Chair Lloyd favor incorporation of indoor bicycle storage and other amenities.

Ms. Mustapich informed everyone that she is against increasing the number of units and amount of residential floor area, and creating additional garage storage space. She expressed concern that the applicant could potentially return to the Board seeking even more residential units if the office building doesn't get occupied. Ms. Mustapich commented that the Industrial Mixed Use bylaw failed at this site. She also noted that the proposal further exacerbates that the project neither meets the letter nor intent of the IMU bylaw, and this is was why it was originally rejected at concept; and therefore Ms. Mustapich remains in opposition of increasing residential development on this site.

Sandra Hackman disagreed that the bylaw was a failure, pointing to the diversification in the wider area, and commented that employers in the area have expressed a need for this type of housing. Ms. Hackman shared that she would like to see better site connections, a raised crosswalk, a connection to the trail in the rear of the site, and benches, and said she believes adequate parking could be provided.

Shawn Hanegan said that although he is in favor of the shift toward one-bedroom units and agrees there will be fewer school-aged children, he disagrees that there will be fewer people in total because the number of units is not being reduced and one bedroom units are more likely to be double-occupancy.

Board members agreed that there are still some unresolved issues, and therefore the public hearing should be continued. The following motion was made:

MOTION: Lisa Mustapich moved to continue 100 Plank Street Public Hearing to February 2, 2016 providing the applicant submits revised documentation to Planning staff by January 15. (Shawn Hanegan seconded the motion). VOTE: 5-0-0

BUSINESS:

1. Shawsheen Floodplain Zoning Article for Town Meeting

Sandra Hackman recused herself from participating in a discussion or voting because her property falls in the Shawsheen floodplain area.

Catherine Perry informed the Board that she has reached agreement with the coordinator at Department of Conservation and Recreation on the changes needed to the zoning bylaw as a result of the new FIRM (Flood Insurance Rate Map) panels and related Flood Insurance Study prepared by FEMA (Federal Emergency Management Agency). The coordinator has agreed that the changes are just to the map panel numbers and study date. Ms. Perry informed the Board that she drafted a Town meeting article (included in the Board's packets) and a legal ad. The legal notice needs to be forwarded to the newspaper by tomorrow (Jan.7) in time for a February 2 public hearing. Ms. Perry explained that it's appropriate for the Planning Board to sponsor this article; and if approved, planning staff will submit the proposed article to the Selectmen for placement in the warrant. Ms. Perry also shared that Planning received a letter from FEMA today confirming the finalization of the maps and noted that the maps will become effective for the Flood Insurance Program after July 6, 2016; therefore zoning needs to be in place prior to that date. Ms. Perry recommended that the Board vote to sponsor the article and submit it to the Selectmen.

MOTION: Jeffrey Cohen moved to submit the Shawsheen Floodplain Zoning Bylaw Amendment Article as drafted, to the Selectmen for placement in the upcoming Annual Town Meeting Warrant. (Shawn Hanegan seconded the motion) 4-0-1 (Sandra Hackman abstained)

REPORTS/DEVELOPMENT UPDATE: (verbal reports; non-deliberative)

- *Questions/Comments on development update chart*--

No questions/comments were provided.

- *Planning Board Liaison to Boards & Committees (verbal updates)*—

No verbal updates were provided.

- *Other*—briefly reviewed timeframes and proposed zoning amendment public hearing dates and agreed to hold Industrial amendments public hearing on February 9 because the Warrant closes on February 16.

ADJOURNMENT:

MOTION: Lisa Mustapich moved to adjourn the meeting. (Shawn Hanegan seconded the motion)

VOTE: 5-0-0

TIME: 9:43 PM