

BEDFORD PLANNING BOARD
Town Hall—Second Floor Conference Room
Minutes
February 2, 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: David Powell, Finance Committee; Robert Dorer and Brendan Welch, Bedford Citizen News; Mark Siegenthaler and Caroline Fedele Selectmen; Todd Crowley, Zoning Board of Appeals; Steven Martorano PE, Bohler Engineering; Talia Cannistra, Cube 3 Studio Architects; Attorney Pamela Brown; Eric Burns, Greylock Investments; Richard and June Axtell, 8 Orchard Road, and Marya Dantzer, 3105 Taylor Pond Lane, Residents.

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.

ZONING AMENDMENT PUBLIC HEARINGS:

1. Zoning Amendment: Flood Plain District Public Hearing; amendment based of FEMA's revisions to Shawsheen River Flood Plain—

Sandra Hackman, Clerk opened the public hearing @ 7:32 PM by reading a Legal Notice stating that the Planning Board is reviewing an amendment to the Zoning Bylaw concerning flood plains, prior to Town Meeting. The proposed change is to incorporate *revised* Flood Insurance Rate Maps (FIRM) and the related Flood Insurance Study (FIS) information prepared by the Federal Emergency Management Agency (FEMA) into Bedford's Zoning Bylaws. The map panels being replaced encompass the Shawsheen River flood plain.

Language from the *current* text in Bedford's Zoning Bylaws Section 2.2 Zoning Map and *proposed* text for this section was provided.

Chair Lloyd conveyed that although the Planning Board is proposing this zoning amendment, it originated from the actions of FEMA in revising its maps of the Shawsheen River flood plain. Sandra Hackman recused herself from participating in a discussion or voting because her property falls in the Shawsheen floodplain area.

Catherine Perry, Assistant Planner, informed the public that the first version of the preliminary FIRMs for this area was submitted for review in May, 2014, but the Town appealed due to an apparent error in data entered in the model for the dimensions of the Page Road Bridge. As a result, a new set of preliminary maps (with one revised panel) was issue by FEMA in July 2015. In September, the town notified any residents that were affected, with GIS neighborhood maps prepared in house to show the changes. January 6, 2016 FEMA declared that its flood hazard determinations are now final and that the revised maps will become in effect on July 6, 2016 for the purpose of flood insurance.

Sandy Baker, 2 Cedar Ridge Terrace, stated that prior to the latest revision of the FIRMs that her property was located in the Shawsheen River flood plain, but now she believes it is not. Chair Lloyd reviewed the provided revised flood plain maps and found that Ms. Baker's house is located out of the Shawsheen River flood plain; however, a small portion of her back lot is located in the flood zone. A suggestion to Ms. Baker was to contact lenders or insurance agents to better understand her situation in relation to flood insurance and potential mortgages.

*MOTION: Lisa Mustapich moved to close the Public Hearing—Zoning Bylaw Amendment: Flood Plain District (Revisions to Shawsheen River Flood Plain).
(Jeffrey Cohen seconded the motion)*

*VOTE: 4-0-1 (Sandra Hackman abstained)
TIME: Public Hearing Closed @ 7:40PM*

*MOTION: Shawn Hanegan moved to recommend approval of amendments made to the Zoning Bylaw, relating to flood plains and zoning map (Section 2.2) at Annual Town Meeting
(Lisa Mustapich seconded the motion)*

VOTE: 4-0-1 (Sandra Hackman abstained)

BUSINESS SESSION:

- Minutes -- January 6, 2016 meeting minutes

MOTION: Lisa Mustapich moved to approved January 6, 2016 meeting minutes with minor amendments. (Jeffrey Cohen seconded the motion)

VOTE: 5-0-0

- Other -- Chair Lloyd announced that the Bedford Rotary will be hosting a 2-mile walk and a 5-mile Run on May 7, 2016. Ms. Lloyd suggested visiting the Rotary Club's website for more information: www.bedfordmarotary.org.

ZONING AMENDMENT PUBLIC HEARINGS (Continued)

1. Zoning Amendment Public Hearing—Business Uses (proposal article submitted by Zoning Board of Appeals)

The public hearing was opened at 7:45PM in regard to the Zoning Board of Appeals warrant article proposing changes to Annual Town Meeting 2016 involving Business zoning concerning the parameters set for certain uses within Section 4, Classification of Principal Uses. These amendments would allow an increase in the maximum size of retail or indoor amusement uses in the Limited Business District from 2,000 SF to 4,000 SF by ZBA special permit and clarify wording on retail or wholesale of auto parts.

Todd Crowley presented for the ZBA, explaining that the proposed article would amend three subsections of the Business Use section. The first two changes (sub sections 4.5.1 and 4.5.6) would allow retail stores and indoor amusement facilities that are located in the Limited Business District to be larger than 2,000 SF (the current maximum) but no greater than 4,000 SF. Mr. Crowley said that the ZBA feels 2,000 SF impedes development; and that the proposed increase would provide more flexibility to developers without encouraging big box store development. Agreeing to add the Planning Board's recommended uses to the definition - electronic game center, interactive learning or play center - he stated that the ZBA finds the proposed article to mostly affect the front buildings at the Bedford Marketplace, and realizes that this may only be an interim solution but that it is not preventing the whole area from being further studied in pursuit of more comprehensive amendments.

BOARD COMMENTS:

Members Sandra Hackman, Shawn Hanegan and Lisa Mustapich asked Mr. Crowley about the origins of the 4000 SF upper limit, how it related quantitatively to businesses in Bedford or elsewhere, and whether the property owner and businesses in Bedford Marketplace or other Limited Business district stakeholders had been engaged. There also were concerns expressed in regard to the lack of specific criteria that would be applied in granting special permits over 2000 SF. Mr. Crowley indicated that while they had information on a few Marketplace businesses, the 4000 SF number was not based on data collection, but on potential businesses such as Black Box Theater in Watertown. He also acknowledged that the approval criteria were vague, although he pointed to the general requirements in Section 14.6 for issuing special permits: for the proposal to be "in harmony with the purpose and intent of the bylaw" and "not detrimental or injurious to the neighborhood". Ms. Hackman expressed concern that decision-making could be somewhat arbitrary and Mr. Cohen emphasized the need for consistent determinations among uses that are in excess of 2000 SF.

Doug Miller (resident) stated his opinion that 2,000 SF provides ample space for a local business; and that 4,000 SF would not typically be used by local business (and that this increase would allow for more chain-type businesses). Mr. Miller said the increase from 2000-4,000 totally changes the character of the town; and that it is not the town's problem to help developers

fill their space (especially at the Bedford Marketplace) because he felt as though the property owner bought into the current zoning bylaws and therefore it's the property owner's problem if they can't fill the space in the shopping center and not the town's. Mr. Miller also cited Concord's use of a 3500 SF limit and talked about their standard of an "overriding public need" for businesses in town. Mr. Garber clarified that special permit uses are, by definition, already allowed in town, but subject to strong regulation. It is not a process for sifting through what uses some like and others do not. Mr. Cohen asked Mr. Crowley if the ZBA would be willing to reconsider and make further changes to their proposal, but was reminded that the Selectmen will be deliberating on the final warrant on February 16 so there is little time to make changes.

Taylor Pond resident Marya Dantzer expressed concerns about the vagueness of the special permit approval standard by the ZBA.

Planning Board members also expressed some doubts as to whether the third change, relating to auto parts, was merely a clarification. This depended on which of two possible interpretations of the current bylaw was correct.

Public hearing closed at 8:20 PM

The Board later in the meeting deliberated their positions on ZBA's article:

All five Planning Board members expressed various concerns that the 2000 SF limit was too small, and the 4000 SF ceiling might be too big in some parts of the Limited Business district or that it might be a number that is unsupported by real conditions and data. They also reiterated that decision-making by the ZBA would be difficult to make on a consistent basis. Explicit Special Permit findings would be especially important to back-up the decision. The members agreed that it's in the Town's interest to have a fully leased sight at the Bedford Market Place.

Chair Amy Lloyd emphasized that the town needed to look at the ZBA's measure as a less-than-permanent one, and that the Planning Board's initiative to hire a consultant, if funded and implemented, would provide a lot more answers. The Finance Committee liaison, David Powell, spoke about the order of the proposal (at ATM)—Mr. Powell suggested having ZBA's proposal go first and followed by the Consultant Funding Request.

*MOTION: Lisa Mustapich moved to support ZBA Article—Zoning Amendment: Limited Business increase in retail floor area and related amendments as an interim measure and to do a further study of the area if the Consultant Funding Request passes at Annual Town Meeting.
(Jeffrey Cohen seconded the motion)*

VOTE: 5-0-0

OLD BUSINESS

1. 100 Plank Street—public hearing continued from January 6, 2016.

The following documentation was provided:

- Memorandum dated January 15, 2016 from Pam Brown of Brown & Brown, PC to Bedford Planning Board, outlining additional and updated information related to: floor plans, amenity space, building height, site plan and parking, attaching: a memorandum dated January 14, 2016 from Bohler Engineering with revised Site Plan and Grading Plan sheets dated January 13, 2016, plan showing proposed locations of parking spaces; letter from Cube 3 Studio LLC regarding indoor amenities and building height with Conceptual Unit Plans and Conceptual Common Area Layout; amended Zoning Analysis Table; and photographs of site and adjacent portion of Lot 2;
- Memorandum dated January 28, 2016 from Catherine Perry, Assistant Planner, to Planning Board, commenting on applicant's supplementary materials;
- Letter dated January 14, 2016 from Marya Dantzer, a resident of the existing Village at Taylor Pond, raising concerns about: traffic pattern, difficulty of ensuring business development occurs, lack of variety in proposed apartment sizes, and need for adequate trash and recycling facilities, and supporting inclusion of affordable housing;
- Parking Exhibit Plan (submitted late in the meeting), showing a "Reserve Parking Area" comprising 5 additional spaces on the south side of the main building, as well as the numbers of spaces proposed on Lot 1 and within the area of the existing shared parking easement on Lot 2.

The applicant, Greylock Bedford Real Estate LLC, was represented by Attorney Pamela Brown with Eric Burns of Greylock Investments, engineer Stephen Martorano, and architect, Talia Cannistra, Cube 3 Studio. Chair Amy Lloyd introduced the public hearing session, explaining that it was a continuation of a hearing that began on January 6, and then Pamela Brown outlined various pieces of supplementary information that she has submitted (see first bullet above). The Board members pointed out that they had not received paper copies of the floor plans; the applicant supplied a copy.

Chair Amy Lloyd asked if any agreement had been made with the Lot 2 owner (Cornerstone) on constructing the trail connection at the rear of the properties. Ms. Brown responded in the negative, but said she was trying to connect with their management.

Parking was discussed. Ms. Brown asserted that the provision as originally proposed, with 1.3 spaces per residential unit on Lot 1 (total 75 spaces) plus daytime use of shared parking in the easement on Lot 2 for the office use, would be adequate to meet demand. Catherine Perry argued in favor of meeting the bylaw standard (in Industrial Mixed Use) of 1.5 spaces per residential unit (78 spaces) plus having at least two or three dedicated spaces for the office use while relying on shared parking for the remainder. She viewed the 1.5 residential standard as important since it is already a reduction from the usual 2 spaces per unit, other multifamily developments around town meet or exceed it, this location is fairly car dependent, and under-provision could lead to conflict with Lot 2 residents. Ms. Perry therefore reiterated her advice that the shortfall should be addressed, either by renegotiating the easement on Lot 2 or reducing the number of residential units slightly.

In response to a question from the Board about the calculation of office parking numbers, Ms. Perry said that in her view the office parking requirement would more properly be based on the full 6,000 square feet of floor area rather than 80% of it, because the building's stairs and common areas have already been excluded, but that is not the main issue since she accepts that much of the office parking requirement could be met by sharing spaces provided for other uses.

The Board asked if the indoor amenities would be shared between the office and residential uses. Eric Burns said they were unsure as they were considering security questions, which might favor limiting them to residents. Some Board members said they would like to see secure bicycle parking and showers for the office users included in the project to support some of the aims for Industrial Mixed Use. The applicant confirmed that the bike room could have sufficient capacity for both residents and office workers with a stacked arrangement; also that Greylock was prepared to commit to the set of amenities described but that the layout details might change.

Lisa Mustapich asked if the developers were seriously committed to the office space. Mr. Martorano stated that the building has been designed with a lower floor in that area to create a higher ceiling for office use. Mr. Burns added that the developer understands the requirement.

Sandra Hackman asked for clarification of how the landscaping has been improved. Mr. Martorano said that some soft landscaping has been removed where paths have been created.

Amy Lloyd asked if residential leases will limit the number of cars. The applicant responded that they will probably have to be limited to two. Ms. Brown suggested that if necessary, a few spaces could be designated for office use only between certain hours, maybe 9-5.

Jeffrey Cohen examined the apartment floor plans and said he was fairly satisfied that they do not readily lend themselves to creation of additional bedrooms. He expressed a concern that the proposed location of office parking, in the easement on Lot 2, is not near the building entrance.

The Chair noted Marya Dantzer's letter and clarified certain points in response to questions raised: the driveway from Plank Street to Middlesex Turnpike will be shared by the two developments; and the Board will hold the developer to keeping the office space for business use. In relation to the residential unit mix, Board members mentioned that they have heard concerns in town about the growth of school student numbers and requests from the business community for more housing suitable for a young professional workforce.

In relation to Ms. Dantzer's comment about trash and recycling capacity, Mr. Martorano stated that the new development is smaller than the Village at Taylor Pond, but he will be careful to specify adequate equipment and pick-up schedules.

Ms. Dantzer commented on the usage level of existing parking for the Village at Taylor Pond, reporting that it is low during the day but close to capacity at night.

In summing up its views, the Board returned to the issue of parking adequacy. Four members pressed for the level of provision to be improved by either a new agreement with the Lot 2 owner (to secure some full-time spaces) or a reduction in residential units. Ms. Hackman also proposed that provision should include some spaces reserved for office use, on Lot 1. Ms. Brown said she didn't want to have to wait to secure the parking agreement, and would rather not construct additional spaces on Lot 1, which she saw as the alternative.

The Board discussed the feasibility of reserving spaces near the entrance for office or visitor use only during daytime hours. Ms. Mustapich suggested that this would need to be from 6:00am to 8:00pm to

cover the variety of working hours. Others thought this would not allow sharing with overnight residential use but that a degree of sharing might be feasible with shorter reserved hours.

At this point, Ms. Brown submitted a new Parking Exhibit Plan showing a “Reserve Parking Area” with five spaces in the landscape area on the south side of the main building. The Chair proposed that the Board agree to the parking shortfall being resolved with either an agreement with the Lot 2 owner or the five extra spaces on Lot 1. Most members felt they could go along with that approach.

MOTION: Lisa Mustapich moved to close the public hearing. Jeffrey Cohen seconded the motion.

VOTE: 5-0-0.

The Board identified and discussed potential conditions of approval including:

- All listed amenities to be included (as applicant offered)
- Showers to be provided for office users
- Seven parking spaces near main building entrance to be reserved for non-residents in daytime
- Indoor bicycle storage to be provided for both residents and office users
- Parking ratio of 1.5 spaces per unit for residential use to be met
- Any trees lost from the previously submitted landscape plan to be replaced elsewhere on site

MOTION: Shawn Hanegan moved to approve the development as a special permit amendment with the above conditions. Sandra Hackman seconded the motion.

VOTE: 4-1 (Lisa Mustapich voted against)

REPORTS/DEVELOPMENT UPDATE: (verbal reports; non-deliberative by Staff and Planning Board members)

- 1) Director Garber informed Board members that the Town Manager will be discussing zoning articles on February 16, just prior to closing the warrant; and that Planning staff may have to prepare to go before FINCOM again.
- 2) Sandra Hackman shared that she and Catherine Perry attended a working session on priorities and responsibilities for the implementing the Pedestrian and Bicycle Plan. Attendees included representatives from DPW and Police as well as other town boards and committees. Ms. Hackman explained that recommendations in the plan were categorized as high, medium, or low priority. Ms. Hackman suggested that the Planning Board continue to incorporate thoughtful pedestrian and bicycle practices when reviewing development and encourage developers to refer to the Pedestrian and Bicycle plan and incorporate easements within a development when possible. Ms. Hackman spoke about Lexington’s trail connection plan and how the Planning Board shares that plan with developers so they will gain an understanding of the importance of these connections.
- 3) Sandra Hackman informed the Board about Safe Routes to School Project Design Public Hearing sponsored by MassDot at 7:00PM on Thursday, February 11 in the Middle School Auditorium.

- 4) Sandra Hackman reported that the most of the steps to obtain Complete Streets certification are complete; and that the town can expect to receive around \$400,000 to create connections in dangerous areas. The Pedestrian Bicycle working group chose improvements Bacon/Hillside Road intersection as a priority for use of this funding. Ms. Hackman noted that these are key links for cyclist to get around town.
- 5) Chair Lloyd reported that the Energy Task Force is meeting on February 11 @7:30 PM to discuss installing solar panels at the High School and Middle School. Ms. Lloyd also mentioned that the ZBA is meeting on the same evening and that she would try to attend part of both meetings.
- 6) Sandra Hackman reported that she will be unable to attend the Minuteman Advisory Group on Inter-local Coordination (MAGIC) annual legislative breakfast held on Friday, February 5. Shawn Hanegan said he was considering attending.
- 7) Catherine Perry shared that the Bedford Marketplace and Bedford Post Office have not come to an agreement regarding the post office's future lease because of disagreements concerning cost of the fit-out for the space.
- 8) Director Garber, Catherine Perry, Chris Laskey, and Heidi Porter met with representatives from Seven Point to discuss the possibility of having a marijuana dispensary in Bedford. Staff informed the Seven Point representative that this is not Planning Board's jurisdiction; and suggested that the first step should be to review Bedford's Zoning Bylaws and look for potential parcels that would fit the parameters needed to incorporate a dispensary before approaching the town. Staff also informed the company that they need to contact the Selectmen, get town support, and then go through any applicable permitting process for a retail dispensary only, as no cultivating or processing would be allowed on the premises.
- 9) Planning Director Garber reviewed the list of upcoming development permitting and commented that most of this development will be looking to come before the Board in April. Director Garber also shared that in March staff will be writing brief reports to town meeting on the zoning amendment articles. In April, if all the zoning articles pass, staff will need to prepare them for forwarding to the Attorney General's office and in June, staff needs to write a Request For a Proposal (RFP) if the consultant funding request to provide a Comprehensive Analysis and Re-Writing of all Business District Zoning along the Great Road, from Shawsheen Road to North and Carlisle Roads passes at ATM.
- 10) Chair Lloyd suggested reserving time during the February 9 meeting to discuss Annual Town Meeting reports on warrant articles by Planning Board members.
- 11) Planning Board members discussed future meeting dates and agreed to the following: April 26, May 10, May 24, June 7 and June 21. Board members will expand the list of meeting dates once vacation schedules are in place.

ADJOURNMENT:

MOTION: Shawn Hanegan moved to adjourn the meeting. (Jeffrey Cohen seconded the motion)

VOTE: 5-0-0

TIME: 10:24 PM