

BEDFORD PLANNING BOARD
Town Hall—Second Floor Conference Room
Minutes
March 2, 2016

MEMBERS PRESENT: Jeffrey Cohen, Acting Chair; Sandra Hackman, Clerk; Shawn Hanegan and Lisa Mustapich

MEMBERS ABSENT: Amy Lloyd, Chair

STAFF PRESENT: Glenn Garber, Planning Director; Catherine Perry, Assistant Planner
Cathy Silvestrone, Planning A.A.

STAFF ABSENT: None

OTHERS PRESENT: Mark Siegenthaler, Caroline Fedele and Margot Fleischman (Selectmen); Attorney Pamela Brown; Jeffrey Rhuda, Symes Associates; David Fournier, Linda & Thom Morrissey, Lisa & Kevin Macchi, Bonnie Ford & Randy Easton, Douglas Touart, Sue Palmeri, Jane Wheaton, Denison Merchant, Mali & Stephen Reimer, Robert Bujalski, Barbara Clifford, Christine Wilgren, Jenny & Jayson Bailey, Kathy Rivera, and Sean Peterson (Residents)

Jeffrey Cohen, Acting 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.

NEW BUSINESS

- 1) Zoning Bylaw Amendment Public Hearing – Section 11: Conversion of Public School Buildings to Multiple Residential Use. (Petitioner's Article for Town Meeting)

The public hearing opened at **7:32 PM**. Sandra Hackman, Clerk, read a legal notice stating that the proposed zoning amendments will allow additional dwelling units to be constructed within the grounds of a converted public school, subject to various constraints and a special permit. The petitioner, Page Place Condominium Trust, hopes to add units to its property at 75 Page Road.

The following documentation was submitted and read into the record:

- Copy of Town Meeting Warrant (as prepared for printer), including Article 8: Zoning Bylaw Amendment – Conversion of Public School Buildings to Multiple Residential Use, submitted by Page Place Condominium Trust on January 7, 2016

- February 24, 2016 memo from Catherine Perry, Assistant Planner providing a documentation summary and recent background information on the proposed article, attaching the following:
 - Copy of the Petitioner's Article dated January 7, 2016, with highlights showing changes since 2015 Special Fall Town Meeting
 - October 2, 2015 version of the Petitioner's Article (provided for Special Fall Town Meeting)
 - GIS plan (outlining the Page Place site)
 - Pedestrian & Bicycle Network Plans from Bedford Pedestrian and Bicycle Master Plan
 - September 30, 2015 and October 13, 2015 Public Hearing Minutes – Zoning Bylaw Amendment – Section 11
 - Bedford Planning Board Report and Recommendation (Special Town Meeting, November 2, 2015)
- February 8, 2016 Existing Conditions Plan of Page Place area on aerial photo base
- February 8, 2016 Concept Plan for Page Place on aerial photo base

- PowerPoint presentation slides (hand-out by petitioner), March 2, 2016

Attorney Brown shared that the Trustees of Page Place Condominium Trust are bringing forth a revised Petitioner's Article to Annual Town Meeting for a zoning amendment that would allow for an expansion at Page Place to improve the current property and grounds, increase property values for the owners, help cover operating expenses and offer a diversity of housing. The current parking is remote from some of the units and the goals include achieving at least one garage stall for each unit.

Rather than simply delete the bylaw's prohibition on additional principal buildings, Ms. Brown said the proponent has incorporated other updates and improvements.

Ms. Brown reviewed a brief PowerPoint presentation showing an Existing Conditions Plan, Concept Plan, and a Conceptual Unit Mix list for the additional 12 units that she said they were now proposing at Page Place. Jeffrey Rhuda, Symes Associates, pointed out the location of the proposed 3-unit and 2 unit buildings, saying that the conceptual plan aimed to avoid the wetland buffers and the front open space, but that adjustments might occur during design. He said he believed there was some kind of path connection into the woods; meeting attendees pointed out the walking route to Francis Kelley Road and mentioned the route to Old Billerica Road.

Ms. Brown noted that under the proposed bylaw, no unit will have more than four bedrooms and not more than 20% of the total number of units in the development [old and new] will include three or four bedrooms. Ms. Brown pointed out that the maximum unit size of 2,200 sq ft of living area is smaller than some houses that are being built today (often around 4,000 sq ft). The

overall average [old and new units] will not exceed 1,500 sq ft. There are also some new design considerations.

Ms. Brown also identified changes made to the previous proposal brought to Special Fall Town Meeting 2015 (which was withdrawn).

COMMENTS:

Barbara Clifford, 28 Page Road, asked if the proposed garages are individual or open. Mr. Rhuda responded that the garage option has not been defined yet and it depends partly on the amount of available space, as garage buildings with dividing walls are slightly longer.

Randy Easton, 8 Old Billerica Road, asked what the intent of the original bylaw was and how the proposed changes relate to that. Catherine Perry, Assistant Planner, shared some history about the bylaw. She explained that the current bylaw was created in the early 1980s when the Page Elementary School was declared surplus to town requirements. The bylaw can apply to any public school building that is no longer needed, but so far it has only been used for Page Place. The bylaw only allows dwelling units to be created within the existing school buildings and not elsewhere on the grounds. There is a large amount of open space on the Page Place property, including wetlands, but no conservation restriction. Ms. Perry explained that the condominium association recognized that they would require a zoning amendment, through a Town Meeting vote, to expand the number of units on their site. This would be followed later by an application and specific site design brought forth to the Planning Board for special permit approval.

Sean Peterson, 79 Page Road, shared concern with the 3-unit building that is shown on the conceptual plan to be located behind his property, and then asked how much space is required between his property and the building. Attorney Brown replied: 15 feet, as it would be treated as a side yard. The proposed bylaw does not include any changes to the standard yard/setback rules.

Christina Wilgren, 2G Bedford Village, shared her disappointment that the proposed bylaw doesn't include an affordable housing provision.

Attorney Brown said that the proposed bylaw does not require affordable units or a financial contribution to be provided, but if they are offered it allows their benefit to be considered. She added that Page Place is not aiming for its new development to generate a profit but only to cover its costs, and that there would only be 12 new dwelling units, therefore there will not be any affordable units.

Sean Maturah, 71 Page Road, raised a question about the total number of units allowed per acre and how much of that acreage is wetlands. Ms. Perry explained that under the proposed bylaw, a maximum of 3 units per acre is allowed. Based on the total acreage at Page Place, the existing density is about 2 units per acre, so the proposal represents about a 50% increase. The new

calculation comes out at an additional 15 units maximum. If the well site was incorporated, that might make a small difference (one or two units).

Mark Siegenthaler questioned the total number of proposed units (15 versus 12) and wanted to know the difference in the size of the units.

Attorney Brown said that the maximum density in the bylaw proposal has not changed since the fall. She reviewed the new constraints on unit sizes and mix.

Shawn Hanegan asked what the numbers mean for new development at Page Place, including bedroom count. Ms. Brown replied in terms of the conceptual proposal; the proposal consists of three or four 3-bedroom units and the rest will be 2-bedroom units. Attorney Brown also shared that there will be no one bedroom units, and that the larger units will be available to accommodate existing growing families. The Board asked what could potentially be allowed under the bylaw. Ms. Brown said there was a difference in data sources about bedroom counts in the existing units. The Board suggested relying on Assessors data. Ms. Brown thought there could be eight new 3 bedroom units and an average size of 1,800 sq ft.

Mali Reimer, 75 Page Place, (Unit 19) spoke about her family's desire to remain at Page Place and have opportunity to acquire a larger unit to accommodate their growing family. Denison Marchant and Robert Bujalski, Page Place residents, expressed similar interest.

One abutting resident shared discontent for not receiving an abutter notice of the proposed zoning amendment. Planning Board member Jeffrey Cohen informed the resident that for zoning amendments, the statute does not require the Town or related boards to send abutter notices, and that the information on the public hearing was provided via public news circulation: (Bedford Minuteman, Bedford Town Website, Planning Website/Facebook, posting on Town Hall bulletin board and the Bedford Citizen (on-line news publication). Ms. Mustapich pointed out that the vote will take place at Town Meeting, so residents should attend that.

Suzanne Palmeri, 12 Old Billerica Road, voiced that she still wasn't sure what's going to be built at Page Place, for example number of units and garage size. Ms. Palmeri inquired if basements would be included in the proposed units, and shared concerns regarding water issues. She also said she thought the new buildings may be too close to neighbors, but that she would like to see the green space to the front of the site remain. .

The Chair explained that the bylaw has to be worded in such a way that it can be applied to other possible sites.

Christina Wilgren spoke on behalf of the Housing Partnership and expressed that she was disappointed with the lack of discussion regarding the inclusion of affordable housing, or a payment in lieu. The Housing Partnership wants a provision in the bylaw. Ms. Wilgren said that although the town is above the state's 10% metric, it supports inclusion of affordable housing.

Lisa Mustapich agreed with Ms. Wilgren that more attention to affordable housing units is needed if more density is to be allowed. Ms. Mustapich informed the board that the Housing Partnership discussed the Article. The consensus was that ownership of affordable units is rare; excluding affordable units sets a terrible precedent when seeking greater density. They took a position and voted 6-1 “ the partnership appreciates the amenities, such as common space and trails, however, we can only support the zoning article if it requires an affordable component or significant contribution in lieu of an affordable component, that is commensurate rate with the current value of affordable unit.”

Recent sales prices of units at Page Place, and likely prices of both old and new units with garages were discussed, with some residents suggesting that the only way to keep units at affordable levels for those who need them is through deed restriction. Stephen Reimer commented that the project would not move forward on that basis.

Mark Siegenthaler talked about the printed warrant article for Page Place zoning revision and pointed out that it is difficult to make changes at Town Meeting. Ms. Perry and Mr. Siegenthaler noted that any amendments proposed on the floor have to be within the scope of the article and less restrictive than what’s proposed in the warrant.

Bonnie Ford, 69 Page Road questioned whether the lack of garages for the residents of Page Place could be considered a hardship and a reason to get approval to build. She also wondered if the garages would cause property taxes to be raised and if some residents might find that a hardship.

A representative of the Condominium Trust stated that 85% of the condominium owners recently voted in favor of the proposal. A 75% vote will be needed to proceed with building.

BOARD MEMBER COMMENTS:

Lisa Mustapich reiterated that she likes the amenities presented in the proposal; however, having an affordable housing component is a must to get her support. Ms. Mustapich also considered that the proposed units will be expensive rather than affordable. She was also mindful that the bylaw potentially applies to other sites.

Shawn Hanegan voiced that he would like some of the additional units to be affordable or at a lower price point. He mentioned that he was glad to see existing Page Place residents coming forth and expressing their desire to remain in the development if there is opportunity for a larger unit, and that a concept plan was helpful but it was important to consider the maximum under the bylaw. Mr. Hanegan noted that some issues like flooding on site could be examined during the special permit process, but there was a need to get parameters such as the unit size ranges right in the bylaw. He was unsure as yet whether to support the bylaw amendment.

Sandra Hackman recalled that the initial aims for Page Place included having a mix of residents (various ages and growing families) residing in the development and respecting the open areas that can benefit the public, especially the park-like area at the front and pedestrian connections; here she referenced the Pedestrian and Bicycle Plan that shows a desired connection through the site and noted that she would want to see deeded access. Ms. Hackman was glad to see the proponent has reduced the number and sizes of units; the reduction in the bylaw is not huge but it sounds like Page Place is moving to twelve units. She said she would support asking for a contribution in lieu of an affordable unit but was keen to keep a vibrant community going. Ms. Hackman commented that overall she supports the bylaw amendment.

Jeffrey Cohen said he probably could support the proposal for similar reasons to Ms. Hackman. Mr. Cohen voiced that this development provides a favorable mix of housing stock for Bedford; however, he is a bit unsure if any of the units will remain affordable for down-sizers or will attract school age families, and he is sensitive to school space issues. Mr. Cohen commented that other developments have supported affordable units. Mr. Cohen felt there was some room to work on the concept plan and thought twelve units may still be too many, but he still may be able to support the bylaw amendment.

MOTION: Lisa Mustapich moved to close the public hearing. Shawn Hanegan seconded the motion.

VOTE: 4-0-0

TIME: 8:48 PM

Board members agreed to postpone voting on their position in absence of Chair Lloyd.

2) Zoning Bylaw Amendment Public Hearing—Measurement and Regulation of Building Height (Article 12)

The public hearing opened at **8:50 PM**. Sandra Hackman, Clerk, read a legal notice stating that the Board will review a proposed amendment to the Zoning Bylaw concerning the measurement and regulation of building height. The proposed changes will alter the method of measuring the height of buildings in all districts. In addition they will reduce the maximum height allowed in the residential districts.

The following documentation was submitted and read into the record:

- Copy of Warrant Article #12: Zoning Bylaw Amendment – Building Height
- Table and extracts summarizing of surrounding towns' (Concord, Lexington, Burlington, Carlisle, Acton, Lincoln and Billerica) zoning provisions for measurement and regulation of building height, compiled by Catherine Perry and intern James McLung
- Illustration showing house on a level lot: comparison of proposed bylaw versus existing

- Illustration showing house on a sloping lot: comparison of proposed bylaw versus existing
- Illustration showing house on a sloping lot with a sloping rear yard: comparison of proposed bylaw versus existing

Jeffrey Cohen explained the reasons for the proposed bylaw amendment and reviewed the three illustrations he provided. Mr. Cohen said the drawings were mostly depicting massing, and are based on a 36 ft deep house (front to back), which is fairly typical for new houses. He also mentioned that Bedford's residential height limits are quite generous and many houses are coming in below the maximum. The proposed bylaw is influenced by Concord's, and research has been done on other towns' positions.

Attorney Brown asked for an interpretation of the base elevation in the drawing representing a sloping lot with a sloping rear yard. Mr. Cohen explained that the height will be measured from an average of the two lowest corners of the house (at the back in this case).

Mr. Cohen shared that a PowerPoint presentation will be prepared for Town Meeting. He said he expected mixed reactions but hoped that most people will find the amendment reasonable. He added that he thinks it will help the ZBA in its reviews of new houses on non-conforming lots by providing a better starting point. .

Margot Fleischman, Selectman, applauded Mr. Cohen's illustrations. Ms. Fleischman said she would like to know what buildings in town would be considered conforming (or not) under the proposed rules. Ms. Fleischman also spoke about appropriateness of height in various neighborhoods, and voiced that she was looking for a sense of who would be interested in the proposed amendment.

Mr. Cohen and others discussed the overall degree of restrictiveness/ neighbor protection and expressed that the proposed amendment would give a reasonable metric to deal with.

Attorney Brown asked if height will be measured from prior grade and Mr. Cohen confirmed that is the case. She also asked about the effect on roof pitches.

Planning Director Garber shared information comparing small houses versus big when measuring height and talked about the detailed work Lexington had done exploring options regarding this matter. Catherine Perry said she has taken photographs outside Bedford that may be usable as illustrations.

Mark Siegenthaler, Selectmen, suggested keeping things simple by lowering height and eliminating mounding.

MOTION: Lisa Mustapich moved to close the public hearing. Shawn Hanegan seconded the motion.

VOTE: 4-0-0

TIME: 9:16 PM

Members agreed to postpone voting on the Board's position in absence of Chair Lloyd.

3) Simplified Summary of the Three Proposed Industrial zoning Articles 9, 10, & 11—(FYI)

Planning Director Garber provided a simplified summary of Article 9, 10, & 11 outlining: 1) updated/new definitions or uses; 2) limited height and/or floor area expansion; 3) adjustment to more realistic site development standards; 4) dimensional adjustments for improved viability of consistency; 5) new qualitative development standards; 6) regulatory clarity; 7) removing unnecessary provisions or uses; and 8) clarity/consistency within Table I and II.

Director Garber shared that he would be providing this summary to other town boards/committees and post it on Planning's website.

OLD BUSINESS

1) Revote on Article 14—Limited Business—

Board members agreed to postpone revote on Article 14 in absence of Chair Lloyd.

2) 100 Plank Street—review and endorse Special Permit decision

Catherine Perry, Assistant Planner, provided a Special Permit Decision with Findings dated March 2, 2016 for an application to amend an existing Industrial Mixed Use Special Permit (originally issued to Criterion Development Partners LLC, dated March 1, 2007 and previously amended on December 11, 2007, May 21, 2009, March 30, 2011, July 9, 2013, May 28, 2014 and February 4, 2015) to allow a revised form of residential and office development on the Plank Street portion of the site.

Ms. Perry reported that she has incorporated a number of inconsequential edits from Attorney Brown, but not one that would replace a reference in a condition to a submitted plan showing five parking spaces with "up to five", as it would negate the purpose.

Board members were favorable of the presented special permit decision with findings but suggested changing the condition in question to read "three to five".

MOTION: Lisa Mustapich moved to sign/endorse the Special Permit Decision with Findings dated March 2, 2016 with the suggested minor change for 100 Plank Street. Shawn Hanegan seconded the motion.

VOTE: 4-0-0

3) Alphonsa Lane – signing of subdivision plans (contingent upon submission of required documentation)

The following documentation was submitted:

- Letter dated February 23, 2016 from Attorney Brown re: Alphonsa Lane final plans and documents. A final plan set, Operation and Maintenance Plan, Copy of recorded Planning Board Certificate of Action (June 23, 2015), Form D Covenant, Restrictive Easement, Sidewalk Easement, and Drainage Easement were attached. Applicant requesting for subdivision plan to be signed.
- Memo dated February 26, 2016 from Catherine Perry, Assistant Planner, outlining progress toward satisfying the conditions required prior to plan signing.

Ms. Perry informed the Board (in her February 26 memo) that since the February 4 meeting, Attorney Brown (applicant) resolved the following concerns: street trees; shape of building setback on Lot 1; shape and size of reserve strip; and provisions of bounds; also Ms. Perry agreed to the low-maintenance ground cover planting being shown on the main plans, with its maintenance included in the O&M Plan, rather than needing a separate landscape plan. However, the requirement to specify the ownership allocation of the reserve strip along the west side of the property remained a sticking point. Special Condition #2 in the Certificate of Action explains the purpose of the reserve strip and requires the developer to make a choice as to which of the new subdivision lot(s) would take ownership and to show that information on the subdivision plan. Instead, the plan bears a note referring back to the Certificate of Action. Therefore, as the subdivision plan stands, Ms. Perry does not recommend Board signing.

Ms. Perry provided an update: today the applicant supplied a Declaration of Covenants that makes it slightly clearer who will be responsible for maintenance of the reserve strip. It defines an association of the subdivision lot owners. It also allows for any other abutting lots that in future gain access to Alphonsa Lane to be included. The Board noted that such a change would require a subdivision amendment. Ms. Perry still felt that the subdivision plan should show information about the ownership of the reserve strip under the current decision so that its implications would be clear to all, in particular how zoning rules would apply to abutting properties.

Attorney Brown said she believes the note provided on the plan reflects the Certificate of Action sufficiently.

After a brief discussion Board members felt that the wording about ownership in the Certificate of Action itself would be sufficient to carry through the intent of the reserve strip, and agreed to sign the presented subdivision plans. The Board proceeded to sign the plans.

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

- Jeffrey Cohen, Planning liaison to Chamber of Commerce, provided an informational Business & Community Guide that Alyssa Sandoval, Economic Development Coordinator/Town of Bedford, and the Chamber of Commerce had created. (FYI)

- Jeffrey Cohen reported that Zoning Board of Appeals didn't approve outdoor seating for Bruegger's Bagels at Bedford Market Place. (The application was withdrawn without prejudice).
- Jeffrey Cohen, regarding school space needs, informed the Board of current intentions for Lane School expansion located at the western end of the site nearest the library and also shared that the school committee has discussed a potential parking expansion too. The architect needs to add updated cost information to the warrant. (approx. 4 million)

Questions/Comments on latest Development Update Chart: None were provided.

MINUTES: January 19, 2016

MOTION: Sandra Hackman moved to approve January 19, 2016 meeting minutes as submitted (Lisa Mustapich seconded the motion)

VOTE: 4-0-0

ADJOURNMENT:

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

VOTE: 4-0-0

TIME: 10:28 PM