

Planning Board Minutes – Regular Session  
March 17, 2015--Approved

**BEDFORD PLANNING BOARD**  
**Selectmen’s Meeting Room**  
**Regular Session Minutes**  
**March 17, 2015**

MEMBERS PRESENT: Shawn Hanegan; Amy Lloyd, Clerk; Jeffrey Cohen; Sandra Hackman; Lisa Mustapich

MEMBERS ABSENT: None

STAFF PRESENT: Glenn Garber, Planning Director; Catherine Perry, Assistant Planner; Kim Siebert, Acting Recording Secretary

STAFF ABSENT: Cathy Silvestrone, Planning Administrative Assistant

OTHERS PRESENT: Brian Dorrington, Bedford TV; David Powell, Finance Committee liaison; Mark Siegenthaler, Selectman.

Mr. Hanegan called the meeting to order at 7:30 PM.

**Emergency Evacuation notice** read by Ms. Lloyd, Clerk.

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

**BOARD REORGANIZATION:**

*MOTION: Mr. Cohen moved to nominate Ms. Lloyd to serve as chair for the coming year. Ms. Hackman seconded. Ms. Lloyd accepted the nomination. The motion passed unanimously, 5-0-0.*

*MOTION: Ms. Mustapich moved to nominate Ms. Hackman for Clerk. Mr. Hanegan seconded. Ms. Hackman accepted the nomination. The motion carried by unanimous vote, 5-0-0.*

**OLD BUSINESS: Further discussion of proposed Transportation Demand [TDM] management regulation draft.**

In a memo accompanying the presentation, Mr. Garber said the TDM regulation in its second draft had been edited extensively in order to improve clarity and to address questions that had been posed by the Board.

Mr. Garber said the changes are meant to guide Planning Board decisions through the sometimes complex circumstances for which TDM will apply. In the course of composing the document, Mr. Garber received extensive feedback from planning/ permitting counterparts in the other Middlesex 3 Coalition communities.

In the first draft, Board members thought the question of who would be the responsible party for TDM application and administration deserved clarification. Mr. Garber amended the text to make clear throughout the document that, “[t]he responsible parties are the applicants. In some cases, that may be a building owner; it may be a larger property owner of multiple buildings; it may be a tenant.”

Mr. Garber also added a paragraph to the “Purposes” section that specifies a broader array of transportation options. The addition addresses, specifically, accessibility problems faced by city-dwelling employees commuting to suburban Bedford. “Again and again, we hear from Bedford businesses that it’s especially difficult to attract younger, highly-trained employees who want to live in more urban places. They have few options for getting out to the suburbs. Some don’t even have cars. TDM in part is one of the ways you help sell this to businesses,” Mr. Garber said.

Under “Regulatory Jurisdictions of the Planning Board subject to this regulation”—and with regard to additions to existing businesses— Mr. Garber said he had decided that the trigger point of 20,000 additional sq. ft. of floor space was too low. Therefore, looking at previous site plan review cases like the Blake Block and Loomis Street, he raised threshold to 30,000 sq. ft.

Mr. Garber also questioned whether projects requiring a special permit in the Depot, Town Center and North Road mixed use overlays should be exempted from or included in the TDM regulation, owing to the fact that most projects in these sectors are likely to be predominantly residential—and therefore exempt— rather than industrial.

The draft now includes these three “Minimum TDM Requirements”:

- Join the Middlesex 3 Coalition TMA or successor program for a minimum of five years.
- Join the Route 128 Business Council TMA or successor program for five years.
- Financially subsidize one or both of the shuttle services offered by one or both of the TMAs at a level commensurate with the level of usage among the applicant’s employees using the service.

Mr. Garber said, “I’ve tried to create clarity by having these two scenarios: You can voluntarily provide additional TDM measures [from the list below]. However if you’re a really big player—like Mitre that offers a lot of TDM on its own—someone with the proper economy of scale who has established TDM programs may ask the Board, at its discretion, to consider these other options in lieu of the minimum requirements. This is going to be a rarity. It’s going to be a situation or a campus really has their act together and is doing a lot of TDM.”

The list of additional or in lieu of options are shown below as they appear in the draft:

- 1) *Creating an active, ongoing interface with MassRides, local ride share programs or car and van pooling via TMA, to encourage employees to commute in multi-occupancy vehicles as often as possible, as well as providing or having access to guaranteed ride home services.*
- 2) *Flex-hours and staggered shifts to reduce rush hour traffic load, as well as ongoing work-at-home options and guaranteed-ride-home services.*
- 3) *Employer incentive programs, including:*
  - Subsidized T passes*
  - Guaranteed ride home reimbursements*
  - Preferred parking spaces for ride share vehicles*
  - Bicycle racks, possibly showers on-site*
  - Employee bonuses or other rewards for participating in TDM programs*
- 4) *Construction of a transit shuttle bus stop or pull-over area.*
- 5) *Other measures not included in this list which, in the judgement of the Planning Board, will be*

*effective in reducing single-occupancy vehicular trips.*

Planning Board questions and comments:

Mr. Hanegan said he is in favor of the “in lieu of” options. He added that the draft is excellent and should be shown to the Selectmen.

Ms. Mustapich also liked the “in lieu of” options. “If a company wants to offer telecommuting or flexible work options, we should be offering businesses a way to not be forced into a financial obligation or a membership that they might not want or believe in. I realize these soften [the regulation] and when we go to buildings with higher heights, we’re going to have to put some teeth into this.”

She added that the in lieu of options should not be buried in the text but moved to become a fourth option in the “Minimum Requirements” section. She foresees this regulation as eventually going to Town Meeting for approval as a bylaw; at this stage, she would like to see greater public outreach so that interested parties can ask questions and provide input.

Mr. Garber said, by law, that a public meeting must be held. He agreed that input is important.

Ms. Lloyd said she believes businesses to which this regulation applies will read it carefully in order to understand the minimum requirements and alternatives.

Ms. Hackman said she worries about sending mixed messages, “saying people should do this and then right away saying they don’t have to.”

Referring to the word “shall” as written in the document, Mr. Cohen, suggested that the phrase “unless otherwise agreed” be added. He reasoned, “Then ‘shall’ still has meaning but they know there are other ways to do it.”

Mr. Cohen broached the subject of whether the Depot, Town Center and North Road overlays should be excluded from the TDM regulation. “It’s not likely but, it’s possible and something might come in and be a concern, all of a sudden. Is there any potential— in the Depot, for example—for an 80,000 sq. ft. project?”

Mr. Garber said a project of this size would require “extensive parcel assembly.” “The commercial lots in the Depot are very small. 54 Loomis, for example, is one acre. To do anything on the scale that would allow an 80,000 sq. feet of floor space would require buying up a lot of properties.”

To arrive at the 80,000 trigger point, Mr. Garber looked at projects that have been— or are being— built in the overlays and extrapolated, doubling the sq. footage. “Loomis and Blake Block with the Country Store are in the 30,000 to 40,000 range. I asked myself [what made sense], given the pattern and size of parcels in our overlay districts— and the inherent limitations of that—and the fact that a lot of these would be residential, not commercial/employers. The office [components] would be small.”

Ms. Hackman pointed out that there is the potential for retail sq. footage in the overlays. “The question is, as we discussed last meeting, do we want to require [TDM] for the retail employees.”

Mr. Garber replied that he had reconsidered the exempt uses when creating the second draft. “These were very difficult. You have exempt uses that should be exempt when they’re in a retail center but in a mixed use, they could be subject [to the regulation]. I did put in one provision which a lot of towns use: that retailers are ‘strongly encouraged’ to underwrite or engage in ride sharing and transit shuttle programs... It’s very difficult to cover every permutation.”

Mr. Cohen agreed that it was difficult but added that it’s important to “take a first step and see where the holes are.”

Mr. Hanegan concurred, saying it is impossible to prescribe for every possibility.

Whether to leave in or omit the section re: 80,000 sq. ft. developments in the overlays was discussed with consensus reached to leave it in and “hash it out in the public hearing process.”

Members like the way the draft spells out the Board’s discretion to rule on a case-by-case basis. Mr. Garber said it was a very important point and made the decision to move this to the top of the document.

Mr. Garber said he would also add a one-page preamble before making the draft available to the public. This opening statement would explain what the regulation is, why it has been created and include words explaining the Board’s authority to regulate. However, the regulation itself is prescriptive, Mr. Garber said. “It’s legal-type language: ‘You shall do this’...Tons of communities have regulations and we should emphasize that point. This is a way that towns stay flexible and clarify what’s in the zoning bylaw without having to go back to Town Meeting every time. It’s for the protection of the community.”

Mr. Garber acknowledged that writing such a preamble might require research into regulations and practices in other communities. In terms of outreach, and in order to vet the regulation before adopting it, Mr. Garber said that each Town board would require a presentation. Ms. Hackman wondered if that could be accomplished in one, collaborative meeting. She added that copies of the draft could be sent to the various community media outlets.

Ms. Lloyd asked what basis for authority the Planning board has to create this regulation, saying this will surely be a question the Board will be called upon to answer. Mr. Garber replied that he is unaware of a specific State statute but the practice of home rule regulation has a long, unchallenged history. He added, if research must be done to prepare for this and other questions, the process of vetting and adopting the regulation would have to be postponed due to the substantial amount of development and permitting now entering the pipeline. For the time being, he will produce draft #3 based on tonight’s comments, see if he easily find information about regulations, and allow time for the Board to ponder how to proceed.

Ms. Hackman said it would be a shame to delay the regulation, especially since there are so many emerging developments to which the regulation might apply.

### **NEW BUSINESS: Discussion of Town Meeting Comprehensive Plan progress report**

Working from a document produced by the Planning office, Ms. Hackman will compose a brief report to be presented on the first night of Town Meeting. Ms. Mustapich will collaborate on one or two slides to accompany the report. These will be sent to Assistant Town Manager Jessica Porter so she can project them on the overhead screen at Town Meeting.

Members cautioned that the report should be as brief as possible. Ms. Hackman said she would pull out some highlights and make sure to emphasize the roles that other Town boards, committees, groups and individual staff members play in the success of the Plan. Mr. Cohen and Mr. Hanegan said it would be good to give Town Meeting a sense of what's coming up at future Town Meetings.

With regard to doing the background work to prepare future TM bylaw amendments, Mr. Garber and Ms. Perry said they aren't certain of the Westfield State intern's capacity to do what they'd hoped. "We can do the ones of least resistance...the more complex and difficult parts that require more data and analysis could be deferred, if need be," Mr. Garber said.

Mr. Hanegan said he believes people will be understanding about the delayed process to propose amendments to industrial zoning, given "extraordinary circumstances." He hopes for "at least a partial" by fall Town Meeting.

Ms. Lloyd said, in her analysis, the hot button issues people care most about are transportation and economic development. These should be emphasized in the presentation.

**STAFF REPORTS:** Mr. Garber said the long list of developments is getting longer, day by day. He added that a very preliminary, speculative inquiry has been made about the potential for a residential mixed use project "in one of the overlays." No further information is available at this time.

He added, "Recently, we've met with eleven different developers, one to three times. Clearly there's a big uptick in real estate development and it's all happening more or less at once. The reality is, you have to respond to regulatory filings before anything else. Some other things may be knocked off the table for a while."

Referring to the Carleton-Willard expansion development, Mr. Garber said it should be counted as a development project, even though it takes the form of a zoning bylaw amendment.

As for the Pine Hill/Coast Guard property development, Mr. Garber said it appears the process will be longer than originally thought. "We are still awaiting the Coast Guard appraisal and then there has to be a negotiated price and then the RFP has to hit the street and then the review and selection period and some kind of contractual negotiations. If the developer decides to go the re-zoning route, it's not going to go to fall Town Meeting, in my personal opinion. That would have made a tremendous additional burden for this board."

Ms. Mustapich said, from the perspective of the Housing Trust, there is "really no news". In fact, the Trust has canceled its March meeting because there is nothing to be discussed. The next time the Trust is scheduled to meet is mid-April.

Ms. Perry distributed a list of upcoming development applications with meeting dates included, although she emphasized that the schedule is subject to change:

April 7:

- Hartwell/Beacon Approval Not Required [ANR], assuming the status of 57 Hartwell is settled with the Zoning Board of Appeals. The original cluster subdivision application has been withdrawn and the application for a conventional proposal has not yet been filed. The applicant

has, however, filed for relief with the Zoning Board of Appeals in the form of a special permit with a variance. The Planning office understands the applicant intends to file an ANR for both the Beacon and Hartwell lots.

- 162/150A/158 South Road cottage cluster—preliminary discussion for Planned Residential Development [PRD] The Planning staff has been assured that floor plans and other relevant materials will be filed for Board review in a timely manner.
- 30 Chelmsford Road—preliminary subdivision, filed 3/16/15 as a conventional but open to discussing the development as a cluster. The parcel is on the west side of Chelmsford Road.

#### April 21:

- 15 Fletcher Road—minor amendment to Blake Block special permit. The project has cleared the Historic District Commission hurdle.
- Bikeway Café, Railroad Ave. –Depot Area Mixed Use Overlay District special permit. Advertised public hearing. Selectmen approval on parking lot required. Outdoor seating is desired. Easement and “who needs whose permission” issues need to be sorted out.
- Bedford Woods office park, 170-176 Middlesex Turnpike site plan modification. This concerns emergency accesses and parking.

#### May 5:

- Hartwell/Beacon conventional subdivision advertised public hearing. Timing dependent on prior approval of lot line changes.
- Crosby Corporate Center Industrial Mixed Use [IMU] special permit. The principals will meet with Planning at a time to be announced. Advertised public hearing.
- 120 Great Road restaurant site plan review? This project will return to the ZBA on March 26.

#### May 19:

- South Road PRD. Advertised public hearing.
- Carleton-Willard working session. Discussion about what bylaw amendments the Planning Board will ultimately support with regard to this expansion.

Note: Several other cases may require continued hearings/discussions.

Ms. Hackman said she’s received comments about the walkability of the area around the Building A extension to Marshall’s at the Bedford Marketplace plaza. “I’ve heard concerns that the back of that building won’t be accessible—that there’s no sidewalk to connect to that building from the rear and from the bike path. People are going to want to walk from Bedford Village [and from the path]. Can we mention to the developers that there might be people trying to get there from those directions? Could they put a door in the back?”

Ms. Perry said there have been some minor changes to the site plan since the Planning Board approved the re-development plan and that the developer has discretion to change some things, like the position of a doorway.

Mr. Cohen said the Board could not force a certain design. “I think we’ve address people getting there through the path in the woods and across the parking lot safely to the front corner of the building so they can get to those stores.”

Ms. Mustapich said many restaurants don’t have a back door and that the back is often where kitchens and storage areas are located. “An entrance in the back seems awkward for security,” she added. Ms. Perry added that the back is where delivery trucks go and dumpsters are. She believes the plans include doors on the side of the building.

Mr. Hanegan said that, while the Board can’t tell them what to do, it could request consideration of certain accommodations, like a sidewalk along the side of the building.

Ms. Lloyd said she recalls much discussion about pedestrian access to the plaza through the back in the course of vetting the redevelopment plans. She added that the Planning Board has had its say and has no additional collateral to influence further changes. “We’re getting a decent development,” she said.

### **COMMITTEE LIAISON REPORTS:**

Ms. Lloyd said that Ken Larson, owner of the Bikeway Source building on Railroad Ave., came to the Bicycle Advisory Committee meeting to present his plans for a café in the western half of the structure. Mr. Larson wants to take some parking spaces away from the building’s end for outdoor patio seating. 35 seats are planned for the interior; Ms. Lloyd did not know the intended capacity of the patio.

Ms. Lloyd said Mr. Larson also discussed signage and other amenities in the front of the building, such as possibly placing the Community Preservation-funded bicycle repair station on the Bikeway Source and café side of the South Road rather than on the Depot Sq. side.

Mr. Larson is actively looking for tenants for the café; Ms. Lloyd said he is being discerning and wants someone who has experience. One of his priorities is to have very high-end coffee. She said that Mr. Larson is most interested improving the vitality of the Depot area. He is less concerned with his own personal gain; it was noted that he has invested quite a bit of funds to prepare the old building for a restaurant tenant.

The lot on which the Bikeway Source and café space sits is very narrow; the Boston and Maine Railroad holds a right-of-way along the south side and the property line runs along the north edge of the building.

Ms. Hackman said it would be nice to decrease the amount of asphalt around the building. Ms. Lloyd said that making such a change would cost money. Ms. Hackman said there is an opportunity to make a change at a time like this. Ms. Mustapich said the question of reducing asphalt could be asked. Ms. Lloyd agreed that if the dialog was friendly, it would very probably be a welcomed conversation. Mr. Cohen said he wanted to reserve comments until he sees the actual plan.

The Bedford TV technician Brian Dorrington asked if the Planning Board wanted to “go live” rather than have the meetings taped. An informal survey of members resulted in three votes for “taped”, one for “live”, and one “I don’t care”. Ms. Hackman said she would rather encourage people to attend the meetings rather than sit at home and watch them. Mr. Hanegan asked if there is flexibility to switch to “live” in the event something time sensitive needed to get out to the public. Mr. Dorrington said he would

just have to “flick a switch” but the Board would want to make sure it advertised a week in advance so the meeting time could be posted in the program guide.

**MINUTES:** Ms. Mustapich made a motion to accept the minutes as amended. Mr. Hanegan seconded. The motion passed, 5-0-0.

**TOWN MEETING RECOMMENDATION ON ARTICLE 9:** Ms. Mustapich will be speaking on behalf of the Planning Board in favor of Article 9. Members reviewed the composed statement, making several suggestions, but agreeing it was well written and succinctly represented the view of the Board.

**ADJOURNMENT:** Mr. Hanegan moved to adjourn. Ms. Mustapich seconded. The motion passed, 5-0-0.

Respectfully submitted,  
Kim Siebert, Acting Recording Secretary