

**BEDFORD PLANNING BOARD**  
**Town Hall—Selectmen’s Meeting Room**  
**Regular Session Minutes**  
**September 15, 2015**

MEMBERS PRESENT: Amy Lloyd, Chair, Jeffrey Cohen, Shawn Hanegan and Lisa Mustapich

MEMBERS ABSENT: Sandra Hackman, Clerk

STAFF PRESENT: Glenn Garber, Planning Director; Catherine Perry, Assistant Planner

Cathy Silvestrone, Planning A.A.

STAFF ABSENT: None

OTHERS PRESENT: David Powell (Finance Committee), Dominic Rinaldi PE, LEED AP (BSC Group), Chris Chandor, V.P. Asset Management (Davis Company), Robert Buckley, Attorney Meredith McCulloch (Bedford Citizen-Press), Carolyn Conte and Elaine Davis (Residents)

Amy Lloyd, Chair convened the Planning Board meeting at 7:37 PM

**Emergency Evacuation notice** - read by Lisa Mustapich, Acting Clerk

Lisa Mustapich, Acting Clerk, also 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:**

Bedford Business Park Special Permit Minor Amendment—the following documentation was submitted:

- **September 9, 2015 memo** from Planning Director Garber providing background site information, description of current regulatory action (including aerial and perspective view photos), key details of proposed parking lot on old MA DOT salt shed site, and shared departmental review comments.
- **August 26, 2015 letter** from Attorney Robert Buckley representing applicant, DIV Bedford, LLC for property located at 4-18 Crosby Drive.
- **August 25, 2015 plan set** (Minor Amendment to Special Permit) for Bedford Business Park 4-18 Crosby Drive consisting of 13 sheets, including the title page.
- **September 8, 2015 memo** from Adrienne St. John, Public Works Engineer and Kristin Dowdy Civil/Environmental Engineer offering four comments: 1) in addition to sediment controls, tree protection should appear on the plans for both phases of construction; 2)

bike racks should be shown on plans; 3) plans should show a continuous sidewalk connection for pedestrians using phase 1 parking areas, and include a crosswalk and signage on Crosby Road; and 4) phase II includes 47 parking stalls in the northwest corner of the site, north of building F. to provide water quality for the additional impervious area (which wasn't modeled), the existing catch basins should have deep sumps and hoods and proposed landscaping should be added to offset the loss of pervious cover.

- **September 2, 2015 email** from Fire Captain Charles Stone stating the Fire Department doesn't have any concerns with phase 1 plan.

Attorney Buckley introduced Chris Chandor, Davis Company and Dominic Rinaldi, BSC Group and briefly reviewed the permitting history of the Bedford Business Park as follows. A special permit from the Planning Board was granted in May 2013 for an Industrial Mixed Use phased improvement and redevelopment project for the existing business park. In 2013 Phase I consisted of expanding and altering surface parking facilities, site circulation improvements and façade enhancements. Phase II consists of constructing a structured parking facility and Phase III construction of a 70,000 sq. ft. building with associated parking alterations. The applicant has completed Phase I as part of the May 2013 Special Permit approval. They have reviewed overall parking needs for the Bedford Business Park, and wish to integrate the use of the Salt Shed Property.

The applicant is before the Board seeking a minor amendment to the 2013 Special Permit approval, to modify the phases in 2013 development program plan such that Phase II/2013 Plan (construct structured parking garage) would be eliminated in favor of proposed Phase I/2015 Development Program—Demolition of buildings and associated facilities on the Salt Shed Property and construction of a surface parking lot with associated drainage and improvements. Then, as Phase II/2015, the applicant proposes to construct 107 surface parking spaces on the Salt Shed property and 47 additional surface parking spaces along the northerly portion of the property. (Phase II/2015 will require a 5 year build-out timeline in order to maintain an outdoor testing area for iRobot)

Attorney Buckley explained that DIV Bedford, LLC (applicant) recently acquired abutting land located off Crosby Road (known as the Salt Shed Property) from Mass. Department of Transportation MassDOT). However, this acquired property (Salt Shed Property) is encumbered by Crosby Road, which is a public way partly owned by the Town of Bedford and partly owned by the applicant subject to the Town's right of way. Therefore the applicant went before the Selectmen, as the Town roadway commissioners, on September 8 to review their request to seek discontinuance of Crosby Road and acquisition of the underlying fee areas that are currently owned by the Town to allow them the ability to optimize the layout of their property because Crosby Road divides the existing Bedford Business Park (4-18 Crosby Drive) and the Salt Shed Property. This action will also need Town Meeting approval. Attorney Buckley informed the Board that MassDOT has permission to utilize the Salt Shed up until April 1, 2016.

Dominic Rinaldi, Civil Engineer, reviewed the layout of the property pointing out areas of improvement that would significantly enhance the premises for the employees on campus in

relation to site circulation and access. Mr. Rinaldi also discussed the environmental benefits to the community of proposing to remove potentially hazardous uses on the Salt Shed property, and providing significant drainage improvements through the use of stormwater quality best management practices, resulting in cleaner surface waters and avoiding the current problem of untreated surface waters being discharged into the Vine Brook. Mr. Rinaldi commented that there will also be significant reduction in flow rates and volumes that head towards the Vine Brook. Landscaped areas were also discussed as part of the overall proposed improvements.

Chair Lloyd asked Mr. Rinaldi if he would point out/review the various pedestrian access points, including sidewalks and crosswalk connections leading from the parking areas to the building. Chair Lloyd wanted to ensure that appropriate and safe pedestrian access was being proposed.

Chair Lloyd asked Director Garber if he would like to comment on anything that has been discussed up to this point.

Director Garber shared that the following: **1)** applicant needs to provide more detail in regard to parking lot landscaping, **2)** Chris Laskey, Code Enforcement Director, informed him that after reviewing the proposed modifications related to the Bedford Business Park, Mr. Laskey agreed with Director Garber's analysis of the parking demand, but was seeking another opportunity to revisit the parking demands in the next phase (5 years out) given that a lot of variables could change during that time; and **3)** the Police Department did not provide a reply regarding a request for comments on this proposal.

Chair Lloyd would like to see information regarding tree protection shown on the plans. Applicant agreed to this request.

Shawn Hanegan asked if there needs to be any environmental cleanup on the Salt Shed Property. Chris Chandor, Davis Company said that full environmental studies have been performed on site and the results were good. There was a minor oil spill, but nothing that can't be resolved.

Shawn Hanegan commented that, although he didn't see any reason why the request for a discontinuance of Crosby Road wouldn't pass at Town Meeting, he would like to know if the applicant had a contingency plan. Attorney Buckley replied no, there isn't a contingency plan if the discontinuance was not approved, as it wouldn't be needed. The plans do not require the discontinuance.

Shawn Hanegan asked the applicant if they were amenable to incorporating a continuous sidewalk and crosswalk connection for employees/pedestrian going to/from the parking lot and building (as suggested in DPW's memo). Mr. Chandor said absolutely and that can be added as a condition of approval.

Lisa Mustapich suggested not including any invasive species in the proposed landscape plan. Attorney Buckley agreed that it wouldn't be desirable to include invasive species; and that they will provide a detailed landscape plan.

Chair Lloyd, referring to Phase II of the project, commented that she wasn't sure that the area near the corner door, where additional parking spaces are proposed, was a good idea. Chair

Lloyd said; although she sympathizes with the developer trying to create additional parking on site, this area is a pedestrian amenity and has some nice existing landscaping. Chair Lloyd added that she agrees with Mr. Hanegan that sidewalk connections from the parking area(s) to the building are very important and that she would like to see continuous sidewalk connections so pedestrians wouldn't have to maneuver between vehicles to get from the parking lot to the building.

Chair Lloyd also discussed bicycle rack locations. She suggested providing an area near the building that would be secured and covered or if possible, inside rather than having bicycle racks scattered in various areas throughout the campus. Mr. Chandor informed the Board that iRobot provides its employees with an indoor fitness center, showers, and bicycle facility. Mr. Chandor said they would work on determining an appropriate, secured/covered location for bicycles. Robert Buckley said this could be a condition and subject to planning staff approval when a location is determined.

Chair Lloyd asked Director Garber if the Board needs to take a vote on whether the applicant's request is a minor amendment to the existing special permit and list the conditions for an approval vote.

Director Garber replied yes, and then cited the conditions that were discussed as follows: show on plans protection of trees where possible (in both phases), determine a secured/covered location for bicycle rack(s), submit a detailed landscape plan (omit any invasive species), and show on plans a continuous sidewalk connection (including a crosswalk) for pedestrians coming to/from the parking lot area. Conditions are subject to the applicant working with Planning staff when necessary and receiving Planning staff final approval.

Catherine Perry commented that the existing Special Permit had a condition requiring parking occupancy counts to be supplied prior to Phase II/2013. She said she understands that the proposed reconfiguration is mainly to provide a more convenient distribution of spaces and it may be beneficial to eliminate the planned parking structure in the middle of the site, also that the Business Park tenants are in flux, but she asked the applicant if there is any updated information they could provide on parking demand and usage levels.

Chris Chandor said they would be revisiting parking space numbers and usage; and briefly spoke about incoming expected businesses in Spring 2016. A suggestion was made that a condition could be included requiring that the applicant provide information on future parking needs.

Director Garber discussed a previous condition, in the 2013 decision, relating to a baseline traffic study and mitigation of added impacts; and expressed that he would reiterate those conditions in the September 2015 minor amendment decision.

*MOTION: Lisa Mustapich moved to determine that the request of the applicant (DIV Bedford, LLC) dated August 26, 2015, to modify its current improvement program to meet overall parking needs for Bedford Business Park on Crosby Drive is a minor amendment to the existing May 2013 Special Permit, and to approve this request with conditions as discussed and cited above by Director Garber. It was also noted that these conditions are subject to planning staff final approval. (Jeffrey Cohen seconded the motion)*

VOTE: 4-0-0

**OLD BUSINESS**

1. Discontinuance of Crosby Road—

Director Garber informed the Board that the Selectmen as Road Commissioners, had taken up this matter during its September 8 meeting. It's the Selectmen's role to recommend the discontinuance of Crosby Road to Town Meeting; declare the easement and underlying fee interest as surplus, and place an Article in the Warrant for Special Fall Town Meeting or Annual Town Meeting. Director Garber commented that the Planning Board already reviewed documentation relating to this matter during its September 1 meeting as a F.Y.I. and didn't need to take action at that time. However, now that the Selectmen have taken up this matter, the Planning Board can vote to provide a recommendation and prepare a statutory required report explaining that the access to Crosby Road is no longer necessary and is being relegated to a major interior drive of the new Bedford Business Center Campus and that the site has adequate frontage along Crosby Drive.

Chair Lloyd asked Director Garber if any prior action has been taken. Direct Garber explained that he did ask the Town Manager for a recommendation from the Selectmen formally conveying their position as of September 8, but to date he had not received feedback. Director Garber said he would look into it.

Chair Lloyd asked the applicant if an arrangement is in place for the underlying fee interest. Attorney Buckley mentioned that when the Selectmen discussed this matter during its September 8 meeting overall they were in favor of the discontinuance of Crosby Road however; the Town Manager is still working out some minor details with Town Counsel (including any fees involved—which will be minimal) to ensure proper documentation will be presented at Special Fall Town Meeting.

Lisa Mustapich asked if the Board needed to vote on providing a recommendation to Town Meeting on this matter. Director Garber said yes.

*MOTION: Lisa Mustapich moved that the Board provide a positive recommendation to Town Meeting relating to the discontinuance of Crosby Road for reason discussed during its September 1, 2015 meeting and as proposed above by Director Garber. (Shawn Hanegan seconded the motion)*

VOTE: 4-0-0

2. Master Pedestrian-Bicycle Plan—update and Board comments

Catherine Perry, Assistant Planner, reported that the Bedford Pedestrian and Bicycle Plan was presented to the Selectmen the previous week. The completion of the plan should be very much welcomed by the Planning Board as it satisfies a major recommendation of the Comprehensive Plan, in particular the decision to combine work on the pedestrian and bicycle networks was a good move to avoid potentially competing proposals. The Plan is well-presented with clear and attractive maps and includes example designs for a number of locations, explanations and typical

costs of various types of facility, and a listing of all the proposals with initial prioritization based on a combination of criteria. There will need to be a degree of flexibility because for example the costs of particular projects to the Town can be affected by grant availability and opportunities can arise to obtain rights of way. Ms. Perry has offered to supply minor edits on the sections that relate to Planning Board activities, and any comments the Board wishes to make can be included. The Board reviewed the section headed 5 E's which sets out a list of supporting actions, including some for the Planning Board and staff. In general it supported the approaches listed, subject to some minor revisions in wording. Ms. Perry confirmed that the Plan will be a useful document to refer to in site-specific permitting and any area-wide studies, and that planning staff includes pedestrian and bicycle planning topics in its continuing professional development.

**NEW BUSINESS:**

Annual Town Report—Planning staff provided the Board with a draft copy of the Annual Town Report (FY15—July 1, 2014 to June 30, 2015) and was looking for Board comments/edits. The Board was pleased with the report and shared only a couple minor edits.

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

1. Eversource Tree Request—

Director Garber reported that Roy Sorenson, Director of Public Works, forwarded to Planning staff a list of trees deemed hazardous prepared by Eversource's arborist and reviewed by DPW that are impacting their utilities. Director Garber commented that there are approximately 57 plus trees involved that may either need to be completely removed or have branches pruned. Director Garber said this action is at a preliminary state and he is waiting for additional information from Mr. Sorenson regarding how and when to proceed. Director Garber pointed out that it's not the utility company's position to determine which trees need to be removed and/or replaced. Various Town jurisdictions are involved. Director Garber conveyed that a joint public hearing with the Tree Warden and Planning Board will need to take place to discuss cutting and removal of any trees that are located in the public way on a scenic road. The rest of the trees (not located on a scenic road) are under DPW/Tree Warden jurisdiction. The Town may need to consider its tree replacement policy. Lisa Mustapich suggested flagging the trees that are being removed so that they can be easily identified.

2. 56 Evergreen Avenue— (Yauckoes Farm, likely PRD Special Permit with Subdivision Approval)

Director Garber shared that Planning staff has met with the development team again; and that the applicant is going to propose two refined designs that incorporate ideas heard from Board members and staff. The applicant is trying to target the September 30 meeting for review of the new concept plans.

3. Page Place Expansion— (Zoning Amendment to Section 11—Conversion of Public School Buildings to Multiple Residential Use)

Shawn Hanegan asked what Attorney Brown submitted to the Selectmen. Planning staff informed Mr. Hanegan that Attorney Brown submitted the petitioner's article incorporating some Planning Board comments.

4. 614 Springs Road—(possible ANR or cluster subdivision)

Property owner is considering a cluster housing development.

5. 54 Middlesex Turnpike— (proposing a second restaurant for this site)

Critical path is to obtain a liquor license and work on parking needs.

6. Planning Board meeting schedule—

Board members discussed the possibility of posting an additional meeting in October to overcome a potential backlog of incoming developmental reviews. If needed, October 6 was the agreed date.

7. FEMA (Federal Emergency Management Agency)—

Catherine Perry reported that in June 2014, the town provided information to residents regarding preliminary updates to the Shawsheen River flood plain; however, the town discovered that FEMA used incorrect data; and therefore filed an appeal. FEMA has since released revisions based on new information to the preliminary flood maps for the Shawsheen River. The maps change the flood risk level for approximately 120 properties in town. The Selectmen recently sent out a letter to these property owners explaining what the changes are. Attached to the letter were maps of the various involved neighborhoods showing how the proposed changes affect individual properties. Ms. Perry pointed out that the changes could be important to property owners because they may need flood insurance when obtaining a mortgage, and because they could affect requirements for any new construction. Ms. Perry also mentioned that the Planning Board is likely to need to amend the zoning bylaws to reflect FEMA's recent changes during Annual Town Meeting.

#### **OTHER COMMENTS/QUESTIONS:**

Jeffrey Cohen reported that he spoke with Chris Laskey, Code Enforcement Director, regarding any changes to the proposed Teardown/replacement policy. Mr. Laskey drafted language to provide developers/applicants an approach to applying MGL Ch 40A Sec. 6 which he would be able to implement. Mr. Laskey shared this language with the Zoning Board of Appeals (ZBA) and was looking for feedback. Mr. Laskey reported that he didn't receive any feedback; and therefore plans to move forward with finalizing the proposed changes to the Policy in October.

Director Garber said he just spoke with Chris Laskey today and Mr. Laskey shared that he has concerns with standards for reviewing non-conforming lots that go before the ZBA. The statute sets in place a very broad standard of "substantially detrimental to a neighborhood". Director Garber and Mr. Laskey further spoke about using a uniform way to deal with non-conformities with fairness, such as restricting massing. Mr. Laskey said he would like to have a plan in place

by mid-October so that he can start implementing changes. Director Garber expressed to the Board that he was concerned about the readiness of implementing the changes.

Lisa Mustapich asked if property owners and developers/applicants have been educated about these changes. Jeffrey Cohen shared that Mr. Laskey has been talking to developers/applicants for some time now and has made them aware changes will be upcoming. Ms. Mustapich suggested placing information in the Bedford-Byline news publication that the Town produces to further get the word out in regards to the upcoming changes.

Director Garber agreed that it's a good idea to get this information out to the public and also suggested using the town website and social media to assist with educating the public. Director Garber cautioned the Board that changes to the Teardown/replacement Policy is entirely the ZBA's jurisdiction, so it's up to them how they get the word out, but the Board or Planning Staff could provide these suggestions to Mr. Laskey.

Chair Lloyd observed that when considering non-conforming lots, it's very difficult to determine what constitutes a neighborhood as well as what would be detrimental to it and further agreed this is a very broad term that needs to be dealt with.

Jeffrey Cohen revealed that Mr. Laskey informed him that teardowns have significantly dropped lately. Director Garber said he is aware of four demo permits that have just been issued. Mr. Cohen replied; those may have been older demo permits that were in the pipeline; and that Mr. Laskey told him only two teardown applications have been submitted since July 1.

Jeffrey Cohen commented that he would be interested in assisting with drafting some language for a Zoning Bylaw Amendment regarding modification of current height requirements so that the opportunity of presenting these changes at Spring Annual Town Meeting doesn't get missed.

Chair Lloyd asked if lot size restriction could be implemented. Director Garber said yes, lot size could be tested; however, you may be taking a risk of developers building upward to compensate having reduced lot sizes.

Jeffrey Cohen, referring to a question Sandra Hackman had at the last Planning Board meeting regarding the size of Marshall's sign, commented that Marshall's sign is actually the same as before, however the new sign has internal illumination, which is not allowed. The developer will swap out the sign and replace it with a sign of the same size, but with proper illumination.

Chair Lloyd reported that the Historic Preservation Committee (HPC) approved the demolition permit for Yauckoes existing farmhouse located at 56 Evergreen Avenue. The condition of the structure is very poor; and therefore it is not subject to the demolition delay process.

**OTHER BUSINESS**

**September 1, 2015 Minutes—**

*MOTION: Lisa Mustapich moved to approve September, 2015 minutes with minor edits. Jeffrey Cohen seconded the motion.*

*VOTE: 5-0-0*

**ADJOURNMENT**

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

*VOTE: 4-0-0*

*TIME: meeting ended at 8:42PM*