

**BEDFORD PLANNING BOARD**  
**Selectmen’s Meeting Room – Town Hall**  
**Regular Session Minutes**  
**September 23, 2014**

MEMBERS PRESENT: Amy Lloyd, Acting Chair, Jeffrey Cohen, Acting Clerk and Lisa Mustapich

MEMBERS ABSENT: Sandra Hackman and Shawn Hanegan

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

STAFF ABSENT: None

OTHERS PRESENT: See Attached

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

**Emergency Evacuation notice** read by Jeffrey Cohen, Acting Clerk

Acting Chair Lloyd read a public notice sharing information about E-Subscribe on the town’s website homepage. Ms. Lloyd explained that the best way for residents and others 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.*

**BUSINESS SESSION**

1) **Zoning Amendment Public Hearing**—Landscaping, Tree Protection and Visual Screening in developments, including Greenbelts, and perimeter no building rules in Cluster and Planned Residential Developments **opened at 7:32pm**

Jeffrey Cohen read for the record a public hearing notice issued for this Zoning Bylaw amendment being proposed by the Planning Board. The notice cited various sections of the bylaws that would potentially be affected by this change as follows: Sections 6.2.12, 8.2.8, 9.2.5, Table II and Sections 6.5.4, 6.6.5, 7.5.2.1, 8.3, 15.5.8 and 19.5.5.

Ms. Lloyd acknowledged receipt of the following written comments provided by residents in relation to the proposed zoning amendment (post a September 16 general discussion regarding this zoning amendment):

- Email dated September 17, 2014 from Jim Lespasio, 8 Patriot Circle sharing concern with the proposed zoning amendment. Mr. Lespasio suggested the following ideas: separate the commercial/industrial aspects of the Greenbelt bylaw from the residential/cluster development scenario; in cluster developments that abut residential properties, maintain the 50 ft. buffer that exists in the current bylaw but include

provisions that would allow the Planning Board to have flexibility in dealing with projects that propose home construction within the 50 foot buffer; and include a provision that would allow construction of utility sheds within the 50 foot buffer.

- Email dated September 18 from Michael Harrington, 9 Patriot Circle
- Email dated September 21 from Phillip Friden, 32 Washington Street
- Email dated September 21 from Andrew Jeffrey, 11 Patriot Circle
- Email dated September 22, 2014 from Dan Sabbag, 7 Patriot Circle stating that he and his wife, Rosetta were in opposition to the proposed changes to the existing greenbelt bylaw and felt that the changes strongly favor the developers and give the abutters in the residential areas no protection.
- Email dated September 23, 2014 from Richard Vitale, 53 Hartwell Road, sharing concerns regarding development trends in Bedford, with larger houses and subdivision of parcels, and the potential removal of the 50 foot perimeter no build rule in certain subdivisions.

Ms. Lloyd also noted for the record, the following documentation provided by Planning staff in relation to the proposed Zoning Bylaw amendment:

- Memo dated September 22, 2014 from Catherine Perry, Assistant Planner introducing the proposed bylaw amendment and explaining that since the discussion of the first draft at the previous Planning Board meeting on September 16, an alternative version has been drafted. (*a copy of the first draft was available to the public*). Ms. Perry's memo provides some background information, including problems identified with the existing greenbelt bylaw, what the changes aim to achieve and a summary of the *revised* changes and key sections that the proposed amendment would affect.
- Draft Warrant Article setting out the proposed zoning bylaw amendment in full.
- Example sketches showing the impact of a 50 foot no building area in existing cluster developments and three separate sketches (A,B, & C) that illustrate negative impacts a wide standardized greenbelt planting requirement can have on developments in the commercial district.

Ms. Lloyd reported that the Planning Board and staff heard residents' concerns and re-drafted the proposed zoning amendment language. The revised language still changes the landscape buffering requirements to make distinctions between different types of development such as commercial versus residential. The residential Cluster and PRD (Planned Residential Development) sections will keep their existing 50 foot perimeter restriction on building but will make an exception to allow residential accessory buildings.

Catherine Perry briefly clarified some zoning aspects related to the concerns raised by some Patriot Circle residents who are neighbors to a potential small cluster subdivision that is currently under review.

Ms. Perry stated that the proposed minimum lot area in a cluster subdivision development located in Residential Zone C is 15,000 square feet and that for reference; the existing lot sizes in

Patriot Circle are of a similar size (those properties are not a cluster development but were approved under earlier zoning). Currently to create lots of that size, a developer has to build through a cluster development, with a requirement to set aside 25% of the original land for open space.

Lisa Mustapich suggested that it would be helpful if Ms. Perry gives a summary of the bylaw changes that are currently proposed.

Catherine Perry, Assistant Planner, spoke about the revised zoning amendment draft language and explained that it proposes to modify various sections of the Zoning Bylaw that concern landscaping within new developments, and perimeter treatment of developments that abut residential districts. Ms. Perry said the revised language replaces a rather inflexible greenbelt standard for perimeter planting and fencing – (which currently prescribes four staggered rows, each row ten feet apart, of sight impervious evergreen foliage, or planting of shrubs and trees complemented by a fence of 6-8 feet in height) with a more variable landscape buffer that can be applied appropriately to site circumstances. It will be applied through site plan and special permit reviews of changes to commercial property and certain residential developments.

Ms. Perry reviewed the following key sections in the bylaw that are proposed to change: **Section 6.2.12**—Minimum Lot Landscaping and **Table II** Dimensions – replace greenbelt with a more flexible landscape buffer standard where developments adjoin residential districts, and apply the same approach to landscaping in all business, commercial, and industrial areas. **Section 8.2.8**—Cluster Development— reference new landscape buffer standard and make an exception to the 50 foot perimeter no building rule to allow residential accessory buildings, and **Section 9.2.5**—Planned Residential Development—reference new landscape buffer standard and make an exception to the 50 foot perimeter no building rule for residential accessory buildings. Ms. Perry also pointed out that in **Sections 6.5.4, 6.6.5, 7.5.2.1, 15.5.8, and 19.5.5** there are related references that mostly apply the landscape buffer standards to various types of development.

Ms. Perry presented two examples of existing residential cluster developments where the 50 foot perimeter no building area constrains some residents from constructing accessory buildings such as garden sheds on their lots. Ms. Perry also presented sketch plans illustrating the effects that wide landscape planting requirements can have on the development of smaller commercial properties. Prioritizing such planting can lead to an undersized building, a narrow driveway with safety implications, or parking at the front of the building, which could detract from the street scene. Ms. Perry explained that the proposed changes to the planting requirements will allow the Board to work more with the circumstances of the site to achieve a better solution.

Amy Lloyd, referring to **Section 8.2.8**, Cluster Development—Standards—Greenbelt, commented that the revised language is pretty much the same except the terminology “greenbelt” was changed to “landscape buffer” and an exception was added to the 50 foot perimeter no building rule to allow residential accessory buildings. These changes will give the Board more direction to be able to protect existing site assets including trees and moderate the visual impact of development that abuts a residential district.

Jeffrey Cohen asked if swimming pools were allowed to be constructed in the 50 foot buffer.

Catherine Perry replied that the 50 foot rule relates to buildings; swimming pools may be structures but they are not buildings so they would not be prevented by the rule, either as existing or as proposed.

Board members referred to the set of illustrations that depict alternative site design scenarios on a small commercial lot, and asked about the relationship between parking/ circulation areas and the landscape buffer. Catherine Perry explained that if a very wide (50 foot) planted landscape buffer was required at the rear of the lot (scenarios A and B), it would compromise other features of the site design. There are existing setbacks in the bylaw, on all sides of the lot, for buildings, and 10 foot setbacks for off street parking and driveways in these kinds of developments, which also have to be complied with. Parking spaces must be provided in proportion to the building size. The combined result might be less desirable than if the planting width was reduced to say 20 feet (scenario C) because that would allow the other site elements to be arranged better.

Jeffrey Cohen thanked residents for their input, and told them that they've been heard. Mr. Cohen said it made sense to address the dimensional content of the bylaw and that he believes the revised/updated draft language provides a balance relative to previous draft discussed on September 16.

Lisa Mustapich also agreed with the compromise and voiced that it's nice to know a landscape buffer will remain to protect existing trees and moderate the visual impact of proposed development that abuts a residential district.

Jim Lespasio, 8 Patriot Circle, asked if a garage is considered an accessory building and therefore if a garage would be allowed in the 50 foot perimeter area of a cluster development.

Catherine Perry confirmed that a detached garage is an accessory building and therefore it would be allowed under the proposed exception. It would still be subject to the normal placement and setback rules for accessory buildings in Section 6 of the zoning bylaw. In practice, most houses are built with attached garages and so the main demand that arises is for small sheds rather than garages.

Amy Lloyd read **section 1.3.16** – definition of a structure: gives support or shelter, such as a building, framework, retaining wall, tent, reviewing stand, platform, bin, fence sign, flagpole, recreational tramway, mast for radio antenna or the like and **section 1.3.17** definition of accessory use: any use which is customarily accessory and incidental to a permitted principal use.

Mr. Lespasio asked if an access road would be allowed in the 50 foot perimeter area. Ms. Perry replied that the 50 foot no build rule for cluster developments doesn't relate to roads; however,

the position of a road could be constrained by any planting required by the Planning Board for the landscape buffer. Ms. Perry spoke of the section 6.2.12 and how the revised language enables the Board to address these types of situations by considering site circumstances.

Mary Kay Elloian, 48 Old Stagecoach Road, voiced that when reviewing the proposed zoning amendment, she didn't see any references made to obtaining variances instead of changing the entire structure of the zoning bylaw. Ms. Elloian shared that she was concerned if there is no set rule on a buffer, this can become too discretionary. Ms. Elloian stated that she prefers to have a balance.

Amy Lloyd pointed out that the 50 foot rule and a landscape buffer are remaining under the latest revision.

Jeffrey Cohen asked Ms. Elloian for confirmation on her understanding of a variance, and then mentioned that a variance has definite approval requirements.

Ms. Elloian said she thought the Planning Board could grant a variance (in certain situations) to build within the 50 foot perimeter.

Mr. Cohen explained that, in a cluster development, under the revisions, accessory structures may be allowed in the 50 foot area.

Ms. Elloian spoke about major changes that have occurred on Carleton Willard's property and said that the abutting properties owners on Wagon Wheel Drive can clearly see a parking lot that was added. Ms. Elloian said this is an unsightly situation and wondered if any buffer rule was applied.

Planning Director Garber stated that Carleton Willard went before the Zoning Board of Appeals to get approvals for the additional parking and not the Planning Board.

Phillip Friden, 32 Washington Street, asked if the Board considered a buffer around the full perimeter of a cluster development instead of around structures.

Ms. Perry pointed out that the proposed landscape buffer does apply to views from around the whole perimeter.

Mr. Friden commented that roads constructed around residential properties are not favorable; and that's why he was asking. Mr. Friden also spoke about structures, pools, and decks, and then asked if there would be enough room to include a desired amount of vegetation.

Lisa Mustapich and Catherine Perry both voiced that the 10' setback still exists.

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Mr. Friden asked if visual screening would be needed over and above installing a fence if a pool was constructed in the 50 foot buffer; and if so, would this have to come before the Planning Board.

Board members replied no, but this is not changing.

Lisa Mustapich asked if pool fencing is based on providing a visual buffer or if it is based more on safety.

Catherine Perry replied that she believes 4 foot safety fencing is needed. Also a 10 foot setback applies. In a cluster development the Planning Board will still have had a say on plantings needed for the landscape buffer.

Lisa Mustapich commented that the proposed changes are not for all residential properties in town, just PRD (Planned Residential Development) & Cluster developments.

Lisa Mustapich asked: once a cluster subdivision development is built, does a property owner who wants to build an accessory use have to come before the Planning Board.

Director Garber said the property owner would only need to obtain a building permit, unless they are changing something within the Cluster Subdivision or Special Permit approvals.

Mr. Friden stated that he prefers to maintain existing vegetation.

Amy Lloyd said that if there are changes to the vegetation, the developer would need to specify those changes during the review process.

Dan Sabbag, 7 Patriot Circle, stated that he appreciates the Board listening to the residents' concerns, and then asked if a road can go through the 50 foot perimeter area of a cluster development, and commented that if so, it would be an eye-sore.

Ms. Lloyd confirmed that under the existing and the proposed bylaw a road would be permitted.

Catherine Perry commented that when a cluster development is proposed the Planning Board has to decide if a cluster would work; and then the Board would assess the layout, including making sure the location of the roadway is acceptable. Under special permit review the Board has some discretion; however, under a conventional subdivision review, the Board has less latitude and the road only has to comply with the Subdivision Rules and Regulations.

Mr. Sabbag commented that he is concerned with Bedford becoming Medford (town versus city).

*MOTION: Lisa Mustapich moved to close the Zoning Amendment Public Hearing.*

*(Jeffrey Cohen seconded the motion)*

*VOTE: 3-0-0*

*TIME: 8:12 PM*

*MOTION: Jeffrey Cohen moved that the Planning Board submit to the Selectmen the revised Article: Zoning Amendment-- Landscaping, Tree Protection and Visual Screening in developments, including Greenbelts, and perimeter no building rules in Cluster and Planned Residential Development, to be presented in the Warrant for Fall Town Meeting.*

*VOTE: 3-0-0*

### **DEVELOPMENT SESSION**

1) Athena Lane Subdivision—follow-up on development items

Planning Director Garber discussed current issues at Athena Lane. Mr. Garber explained that the developer was supposed to install in the swath of land located on the east side of the travel way (near the fence) a 3 foot wide trench. The developer was also supposed to loam and seed this area and install shade trees; however, the contractor covered the travel way area with crushed stone instead. Also the shade trees planted on the west side of the road were too small and not the correct species for street trees. Mr. Garber reported that he, Adrienne St. John, Public Works Engineer, and the developer, Anna Wallace, met at the site to discuss these issues. The developer acknowledged what needs to be corrected and will work towards resolution immediately.

Mr. Garber also shared that a neighbor had some concern about the plantings and Adrienne St. John and he will work with the neighbor to ease his concern.

Jeffrey Cohen commented that he has concerns with planting trees on crushed gravel.

Mr. Garber explained that there is adequate depth and room to plant trees properly.

Lisa Mustapich shared concern with the developer using end-of-season nursery stock and voiced that she would be inclined to give the developer more time to plant the trees (preferably in the Spring/end of March) instead of using less desirable stock that's currently available.

Mr. Garber said Planning staff could send a letter to the developer recommending this action.

Board members agreed that they want the specific trees that were indicated on the approved Athena Subdivision plans to be planted; and therefore they agree to have staff present a letter to the developer giving them until early spring to correct the error and get favorable stock.

**DEVELOPMENT UPDATES** (brief verbal updates—by Catherine Perry)

- Irene Road—Public Hearing on Cluster Subdivision will continue on October 1.
- Bikeway Café—staff met with developer to assist with the review process
- Instrumentation Laboratory—still expecting an application for site plan review for changes associated with replacement of warehouse buildings at the back of the site; applicant also needs to go before the Conservation Commission and ZBA.
- Bedford Market Place—On October 1 the developer plans to present small modifications to the approved site plan.
- Bedford Business Park—purchasing MassDOT depot land; prospective owner sent a *draft* plan of the new lot with a view to submittal of an ANR (Approval Not Required) plan (possibly for October 28 meeting)
- Depot Station Building—Director Garber met with a potential tenant for this location; however, it appears that this location will not be suitable for the tenant, and therefore Mr. Garber discussed other possible locations that may be more suitable.
- Other—Director Garber reported that he attended an Economic Development meeting for Crosby Drive businesses with Alyssa Sandoval, Economic Development Coordinator and presented at the meeting the newly drafted Zoning Amendment-- Industrial Mixed Use bylaw. Mr. Garber said the amended IMU zoning bylaw was well-received. Mr. Garber also mentioned that he met a business park owner at the meeting who said he plans to come forth in the near future to develop his site and that the IMU zoning bylaw seems promising.

**BUSINESS SESSION**

1) Scheduling of upcoming meetings—the Board discussed the following as tentative upcoming meeting dates: November 13, November 17, November 24, December 9 and December 23.

**ADJOURNMENT**

*MOTION: Jeffrey Cohen moved to adjourn the meeting. (Lisa Mustapich seconded the motion)*

*VOTE: 3-0-0*

*TIME: 8:48PM*