

BEDFORD PLANNING BOARD
100 Plank Street Special Permit Amendment Public Hearing
Selectmen's Meeting Room
April 16, 2013

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

MEMBERS ABSENT: None

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

STAFF ABSENT: None

OTHERS PRESENT: See Attached

Jeffrey Cohen, Chair, convened the meeting at 7:30PM

Shawn Hanegan, Clerk—Read the Evacuation Announcement

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

DEVELOPMENT SESSION:

1. **100 Plank Street Special Permit Amendment Public Hearing began at 7:31PM**

Shawn Hanegan read the public hearing notice for Walk The Plank, LLC which states, the Planning Board will review a proposal to amend an Industrial Mixed Use Special Permit dated, March 1, 2007 for land at 100 Plank Street, adjacent to the Village at Taylor Pond. The amendment is to replace 69,000 SF office building currently permitted with 2 buildings containing 46 multi-family residential units and approximately 4,000 sf of commercial space and associated parking/garages.

Chair Cohen reviewed the following submittals in conjunction with 100 Plank Street Special Permit Amendment application dated, March 20, 2013:

- Public Hearing Notice (as described above)
- Memo dated, April 11, 2013 from Catherine Perry, Assistant Planner sharing comments and providing recommendations on 100 Plank Street Special Permit Amendment application dated March 20, 2013.
- Memo dated, April 11, 2013 from Adrienne St. John, Public Works Engineer and Kristin Dowdy, Civil/Environmental Engineer stating that the applicant has addressed the majority of DPW's comments stated in a December 4, 2012 memo; however there are still two remaining comments.
- Special Permit Application and related documentation dated March 20, 2013 from Vince O'Neill of Walk the Plank, LLC.
- Building B-Revised Conceptual Ground Floor Layout dated 2/6/2013 for 59 Middlesex Turnpike-Phase II drawn by Cube 3 Studio.
- Memo dated, November 14, 2012 from Joanna Lunsford, P.E., BSC Group (Criterion at Bedford-Revised Trip Generation Report)
- 100 Plank Street Grading and Lay Out & Materials plans (revised on April 10, 2013)

Vince O'Neill, property owner of 100 Plank Street, explained that he is seeking Planning Board approval for an amendment to the existing Special Permit for Criterion/Village at Taylor Pond to replace the permitted 69,000 SF office building/Building #7 with 2 buildings. Building # 7 would consist of 15 residential units and approximately 4,000 SF first floor office space and Building #8 would contain 31 residential units for a total of 46 units. Mr. O'Neill shared that the mix of units is as follows; 7 studios, 30 one-bedroom, and 9 two-bedroom apartments. Mr. O'Neill further shared that he decided to remove the construction of garages from the proposal because it got too complicated working with Billerica. (*note: the proposed garages were partially situated on Billerica land*).

The following are other comments Mr. O'Neill made in relation to the proposed project:

- plans to approach the Affordable Housing Committee to discuss what course of action is needed.
- noted that; because the total number of living units were reduced, and the unit mix consists of mostly one bedroom apartments, then the number of school-aged children should be less.
- pointed out that because this area is already being serviced, including 46 additional units should have minimal impact on town services.
- explained that as things germinate in the area, then services will be needed, but for now this area needs seven days a week action to promote retail. Mr. O'Neill added that he is trying his best to adjust to the market and stay within the spirit of the Industrial Mixed Use Bylaw.
- noted that; he checked the statistics from the Criterion/Village at Taylor Pond marketing group to find out how far do the residents who live in that area travel to get to work. Mr. O'Neill said he was informed that approx. 37% of the residents work within 16 miles.

Lisa Mustapich asked if the proposed buildings are handicap accessible. Mr. O'Neill said the smaller building will be a walk-up and the larger building will have an elevator.

Board members asked if some affordable units were included in the mix and if so, how many.

Mr. O'Neill replied there will be a total of 12 affordable housing units spread across the board on unit size and location.

Sandra Hackman commented that she likes the proposed open space between the buildings; however she doesn't agree that there will be minimum impact on services as a result of adding 46 residential units.

Shawn Hanegan said he likes that the developer is proposing to double the amount of commercial/office space; and then asked the developer if further consideration was taken to obtain more retail. Mr. O'Neill replied; he has considered "all takers" and would like to get retailers in over office, but has been unsuccessful.

Shawn Hanegan asked Mr. O'Neill if he considered a shared parking arrangement given the current proposal for building # 7 & # 8 with Criterion/Village at Taylor Pond. Mr. O'Neill shared that he is in the process of working with Chris Laskey, Code Enforcement Director, regarding the appropriateness of a potential shared parking arrangement at this site. Mr. O'Neill also informed the board that Criterion representatives declared that currently they are over parked at this site; and therefore they are not using as much parking as they originally anticipated.

Amy Lloyd commented that she acknowledges the need to market residential units; however this particular proposal doesn't follow the original intent of the Industrial Mixed Use Bylaw. Ms. Lloyd also pointed out that she was glad to see the construction of garages moved from the Plank Street frontage, as this locks residential units into the mix for years, rather than leaving the opportunity open to convert to other uses if need be.

Mr. O'Neill agreed with Ms. Lloyd's statement regarding the difficulty of later converting garages to different uses and that most likely that would entail scrapping/demolishing the garage structures to do something different.

Ms. Lloyd asked the developer why he didn't move forward with the live/work concept.

Mr. O'Neill said that he personally likes the live/work concept; however this concept got complicated because there's concern that the office areas could potentially turn into additional bedrooms; thus creating a change in real-estate taxes, and promoting the need to go through a special permit process to approve the change in use.

Ms. Lloyd articulated that she liked the live/work concept; and that she would like to see more commercial space at this location.

Mr. O'Neill commented that it's still a droopy time; and that Bedford already has a lot of existing/available commercial space.

Mr. O'Neill declared that he understands the proposal may not fully fit the intent of the bylaw; however, the downside is what will be gained if nothing is done at this location. Mr. O'Neill professed that he was trying his best to provide a positive tax base even though this site isn't ideal; and that he appreciates whatever direction the board can offer.

Shawn Hanegan agreed with Amy Lloyd's statement regarding the difficulty of converting residential units back to retail space and eliminating garages if needed in the future; and that he would be okay with the garage component being moved back to their location over the Billerica line.

Mr. O'Neill said eliminating the garages from the proposal would be the easiest thing to deal with; and that he is willing to eradicate that idea.

Catherine Perry, Assistant Planner, commented that the board's decision still comes down to the mix of uses stated within the IMU (Industrial Mixed Use) bylaw and if the board feels that this mix is compatible and advantageous to the Town. Ms. Perry also pointed out that the board has flexibility under the special permit process when forming an opinion on the mix of uses.

Vince O'Neill briefly discussed the need for housing in Bedford and used Pulte Homes project (75 residential units built on Hartwell Road), as an example of a project that the town wasn't originally excited about, but now sees its value.

Chair Cohen said he reviews the context of the project to see how it fits into the scheme of the bylaw; however he senses that Mr. O'Neill views this project as something is better than nothing. Mr. Cohen asked for the board's consensus.

Lisa Mustapich expressed that she looks at the area as a whole; and not site by site. However, she said this proposal does not fit the intent of what was sold to the residents at Annual Town Meeting when proposing the Industrial Mixed Use Bylaw; and therefore, at this time, Ms. Mustapich said she is not willing to approve of this proposal under the current I.M.U. bylaw. Ms. Mustapich added that if the Planning Board were to work on amending the I.M.U. bylaw, then she would reconsider her position.

Amy Lloyd said she would consider office space if eventually some of that space is changed to artist space. Ms. Lloyd spoke about the inclusion of apartments versus commercial, and the length of time for a turnaround once residential units are in place. Ms. Lloyd reiterated that it would take a lot to convert residential units into commercial space in the future and also pointed out that Mr. O'Neill has articulated that it would take a big shift in the market for this to happen because of the current popularity of housing.

Mr. O'Neill stated that agrees with Ms. Lloyd that it would be difficult to convert from residential to commercial; however he would be willing to consider it if the market shifted.

Sandra Hackman asked; what about including retail in the areas of the proposed garages.

Mr. O'Neill pointed out that the visibility along Plank Street is not good for retail and also mentioned that retail businesses want a drive-up style environment. Mr. O'Neill reiterated that this Plank Street location is a flawed site, and has a terrible address for office use because it's located more in a commercial/industrial area.

Sandra Hackman agrees that this site is problematic, and that the current I.M.U. bylaw needs work; however a resolution for this site is needed.

Board members briefly discussed other options they thought would work for the site; however, Mr. O'Neill gave supportive replies as to why these options wouldn't work in today's market.

Selectman Siegenthaler, speaking for himself, asked the board to look at the big picture, not parcel by parcel. He shared two options: 1) wait for the completion of road improvements in the area, plus consider amending the current bylaw (this option may take years) or 2) try to work with the parcel and fit it into the current bylaw, as there is no way there will be a row of retail that would work on Plank Street.

Sandra Hackman said that the Board could revamp the I.M.U. bylaw later to reduce the amount of housing; however, a resolution is needed to close out this site given the number of years the developer has tried to market other uses and has been unsuccessful.

Shawn Hanegan mentioned that he wasn't at the Annual Town Meeting when the I.M.U. Bylaw was passed; however, he thought it may be a good idea to bring this bylaw back to an Annual Town Meeting.

Selectman Siegenthaler, speaking for himself, stated that the bylaw needs to provide flexibility in an area versus on a certain parcel, such as Criterion (Village at Taylor Pond); and further stated that some board members seem locked into a parcel by parcel approach.

Chair Cohen stated that there are a lot of flaws with this site; however, he has an optimistic view of the area.

MOTION: Lisa Mustapich moved to continue 100 Plank Street Special Permit Amendment Public Hearing to June 18, 2013. (Amy Lloyd) seconded the motion.

VOTE: 5-0-0

Public Hearing ended at 8:40PM