

**BEDFORD PLANNING BOARD**  
**Athena Lane Definitive Subdivision/93 Hartwell Road**  
**Public Hearing Minutes**  
**Town Hall—Selectmen’s Meeting Room**  
**May 14, 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

**Emergency Evacuation** read by Shawn Hanegan

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

Chair Cohen convened the public hearing meeting for Athena Lane Definitive Subdivision at 8:25 PM.

Shawn Hanegan, Clerk, opened Athena Lane Definitive Subdivision Public Hearing by reading a Legal Notice which states that the owner/applicant, Homes by Anna, LLC, Anna Wallace, seeks Planning Board approval to construct a 2-lot subdivision (intended for construction of two single family homes) on a 1.46 acre parcel located at 93 Hartwell Road to replace an existing two-family home.

Chair Cohen reviewed for the record the following documentation that was submitted in conjunction with Athena Lane/93 Hartwell Road Definitive Subdivision application:

- Letter dated, April 5, 2013 from Attorney, Pamela Brown, stating that on behalf of Homes by Anna LLC, the following documentation was provided for the development of two lots at 93 Hartwell Road: Form C (Request for Definitive Subdivision); Form K (Request for Street Name); Form J (Designers Certificate); Drainage Report dated, April 2, 2013; Subdivision Plan Set dated April 2, 2013; Filing Fee; Certified Abutters List; Beacon Authorization Form (bill applicant for Legal Notice). Ms. Brown also shared information re: Existing Conditions, Subdivision Proposal and Waiver Requests.
- Letter dated, May 2, 2013 from Attorney, Pamela Brown, stating that since the April 5, 2013 submission, there was a request to consider an assessment of possible tree preservation, and to add a conceptual house footprint to the plans for context. Ms. Brown provided this additional information with supporting photos and sketch.
- Plan Set entitled; “93 Hartwell Road” Definitive Subdivision of Land, Dated April 2, 2013 (sheets 1-5).
- Memorandum from Glenn Garber, Planning Director, dated, May 2, 2013 sharing his written review of the proposal/application.
- Memorandum from Adrienne St. John, Public Works Engineer and Kristin Dowdy, Civil/Environmental Engineer offering DPW’s comments on the Definitive Subdivision Plans and Drainage Report for Athena Lane at 93 Hartwell Road.

- Email dated, May 6, 2013 from Heidi Porter, Board of Health Director stating that the proponent/applicant should be informed that Board of Health pre-demolition checklist need to be completed prior to any further demolition activities. Ms. Porter also noted that if the concrete structure located to the west of the existing residence be indicative of a septic tank associated with a septic system, then this system would need to be decommissioned prior to the demolition of the current structures.
- Email dated, May 2, 2013 from Fire Captain, Mark Sullivan indicating that if the applicant is approved for anything less than a 24' road width and 100' cul-de-sac subdivision standards, then the Fire Department recommends that residential sprinklers be installed in accordance to NFPA code; and if there are any variation from the 100' cul-de-sac, a turnaround in which the largest fire department apparatus has the ability to maneuver needs to be provided.
- Update on Athena Lane from the Planning Director, dated 5-13-13, stating that there has been discussions over the last couple of days between the applicant's Engineer and DPW with respect to stormwater management-related questions. The Fire Department also has some exchanges with the applicant in regards to curb cuts, sprinklers (in rear house only), and requested a small pullover area be provided along one side of the new way.

Attorney Brown shared information on the parcel's existing conditions. The property is 1.46 acres and is located in Residential C Zoning District. The property currently has a two-family home and a garage building that has been occupied by multiple tenants. The existing paved parking area provides parking for approximately 6-10 tenant vehicles. Ms. Brown pointed out that there are rows of existing mature hemlock trees located in the front yard, however, due to the height of these trees, Massport has indicated in the past a desire to have these trees removed and some neighbors shared concerns regarding the risk of falling trees causing property damage. Ms. Brown indicated that the applicant would like to try to save as many existing trees as possible and then reviewed detailed tree preservation and removal information she provided in her May 2, 2013 memo. Ms. Brown also shared information regarding the road layout and house locations. Ms. Brown explained that the pavement of the proposed Athena Lane Subdivision will remain the same as in the original subdivision set (submitted on April 5, 2013); however the property line for Lot 2 at the end of the road was modified to allow for a more rectangular/regular shaped lot and building envelope. The house on Lot 1 will have full access from Hartwell Road and Athena Lane.

Ms. Brown briefly reviewed DPW's memo dated May 7, 2013 and declared that revisions were made to address concerns. Ms. Brown also stated that the applicant will provide a sprinkler system in the house located to the rear of the site to satisfy the Fire Department's concern.

Ms. Brown discussed the following list of waivers from Subdivision Regulations that the applicant would like considered due to the proposed roadway only serving two lots and a desire to minimize pavement: **1)** 3.3.2.5 Soil borings; **2)** 5.2.2 Road width--reduce road width to 18' in lieu of 24 ft. to avoid excessive pavement; **3)** 5.2.4.2 Dead-end ways—proposing a turnaround easement and paved tee to provide emergency access in lieu of a 100ft. diameter cul-de-sac **4)** 6.2.8 Curbing--no curbing proposed so road runoff can be treated in a natural infiltrating drainage system; **5)** 6.3.1 Hydrants—not proposing a hydrant for 2-lot subdivision (Ms. Brown noted that there is an existing hydrants located near the opening Athena Lane); **6)** 6.6 Shade Trees—only provide a waiver to the extent that tree preservation or fence is appropriate in lieu of a new street trees; **7)** 6.4.1 Sidewalks—minor subdivision, no sidewalks proposed; **8)** 6.8 Street Lighting—minor subdivision, no street lighting proposed.

#### **COMMENTS:**

Lisa Mustapich said she is grateful the applicant is proposing to save a number of the existing trees, minimize pavement, and road remains a private way.

Chair Cohen asked if the Fire Department's concern regarding the curb cut dimension for Athena Lane was resolved.

Planning Director Garber explained that the Fire Department is requesting that curb cut at the opening of Athena Lane be widened to 36 feet and also include a 30' pullout on the west side of proposed way to allow vehicles to pass in the event of an emergency; however, the Fire Department also mentioned that they would allow the applicant to provide a sprinkler system in the proposed rear house lot 2 and not in house lot 1 (because there is an existing nearby hydrant) in lieu of complete compliance with the roadway and turnaround.

Amy Lloyd raised a question about Athena Lane remaining a private way and asked if the applicant would provide some legal language/documentation to support this.

Shawn asked if this would be done in perpetuity.

Attorney Brown stated that she would be willing to strengthen the language if needed.

Jeffrey Karen, 8 Independence Road asked; 1) which trees are being preserved; 2) What is the proposed height for the new houses; and 3) how much vegetation would be cleared.

Ms. Brown stated that the height of the houses is around 37 ft. to the middle of the roof line; and that she would be willing to work with Mr. Karen on his expectations of landscaping.

Michael Leskouski, 94 Hartwell Road, shared that some of the existing pine trees are in rough shape; and therefore he is concerned that there is potential for these trees to fall down and cause damage to nearby properties.

Attorney Brown said she worked with her client to come to an agreement to remove trees in bad shape; and then replace them if needed.

Sandra Hackman asked what the arborist's opinion is regarding the condition of existing trees.

Ms. Brown said the arborist is okay with the existing trees.

Board members articulated that it would be their desire to have the trees in question removed.

Glenn Garber spoke about the viability of the existing trees; and said that only the 2 large pine trees located near the driveway closest to Hartwell Road are questionable.

Nick Mirick, 95 Hartwell Road, discussed privacy issues once some of the existing trees are removed for construction.

Scott Carleton, 2 Independence Road, also shared concern regarding potential infringement of privacy to nearby neighboring properties.

Ms. Brown explained that this project should be an improvement to this property and not and detriment

Jim Morasa, 6 Independence Road, asked if lighting is included in the plans.

Ms. Brown commented that street lighting was not part of the proposed definitive subdivision plan.

*MOTION: Lisa Mustapich moved to close 93 Hartwell Road/Athena Lane Definitive Subdivision Public Hearing. (Shawn Hanegan seconded the motion)*

*VOTE: 5-0-0*

*TIME: 9:32PM*

*No further deliberations transpired; and therefore the following motion was made:*

*MOTION: Amy Lloyd moved to approve 93 Hartwell Road Definitive Subdivision application dated April 2, 2013 & 93 Hartwell Road Definitive Subdivision Plan set dated April 2, 2013 with the following list of waivers and conditions: (Sandra Hackman seconded the motion)*

*Waivers:*

- *Section 5.2.2.—Reduction of road pavement width to 18' from required 24'*
- *Section 3.3.2.5—Soils borings*
- *Section 5.2.4.2—Dead-end ways, (with a stub and single sided turnaround in lieu of a 100' diameter)*
- *Section 6.2.8—Curbing along the new way*
- *Section 6.3.3.1—New Fire hydrant*
- *Section 6.6—Shade Trees (number can be reduced if a similar number of existing mature trees are retained.*
- *Section 6.4.1—Sidewalks*
- *Section 6.8—Street Lighting*

*Conditions:*

- *Provide a compliant sprinkler system) for the proposed residence on Lot 2 in lieu of installing a fully complying roadway and turnaround.*
- *Use Attorney Brown's Tree Preservation and Removal plan presented in her May 2, 2013 memorandum as a guideline, and as discussed this evening, remove the two large pine trees located near the driveway closest to Hartwell Road that were originally slated to be preserved.*
- *Final location of trees/vegetation to be removed and preserved will be determined in the field with the appropriate town staff before the start of site work. If the preservation and removal plan is significantly changed from what has been presented this evening, then an amended plan will need to be submitted to Planning Staff and become part of the record before moving forward with planting.*
- *Plant approximately 10 shade trees along both sides of Athena Lane.*
- *Widen the opening of Athena Lane roadway to 36 feet (as shown on revised sheet # 4—Layout, Grading & Utility Plan dated May 14, 2013 and include a 30 ft. long vehicle pullout on the west side of Athena Lane so vehicles can pass in the event of an emergency to satisfy Fire Department concerns.*
- *Execute a covenant (before endorsing the definitive subdivision plan)*
- *Provide an Operations and Maintenance Plan outlining future homeowners' responsibilities for ongoing roadway and drainage system maintenance.*

*VOTE: 5-0-0*