

**BEDFORD PLANNING BOARD
MINUTES
Town Hall – Selectmen’s Meeting Room
July 19, 2011**

MEMBERS PRESENT: Lisa Mustapich, Chair; Jonathan Silver, Clerk; Sandra Hackman; Margot Fleischman; and Janet Powers

MEMBERS ABSENT: None

STAFF PRESENT: Glenn Garber, Planning Director; Cathy Silvestrone, Planning A.A.

STAFF ABSENT: None

OTHERS PRESENT: See Attached

Chair Mustapich convened the meeting at 7:30 PM.

Emergency Evacuation Announcement read by Jonathan Silver, Clerk

DEVELOPMENT SESSION

1. **Hartwell Farm Townhouses, 182-184 Hartwell Road**—applicant requested a special permit modification for conversion of approved decks to optional three-season porches. The Board needs to determine if this is a major or minor amendment to the special permit.

Chair Mustapich reviewed for the record the following submittals in conjunction with the above special permit amendment request:

- Letter dated June 28, 2011 from Mark Mastroianni, Land Project Manager, Pulte Homes with attached revised architectural floor plans dated 6/24/11 in conjunction with a request for an amendment to the Special Permit.
- Elevation Plans in conjunction with the option to include screened porches (4 sheets)
- Memo dated July 15, 2011 from Glenn Garber, Planning Director sharing his comments regarding the special permit modification for the conversion of approved decks to optional three-season porches, and the determination if this is a major or minor amendment to the Special Permit.
- Memo dated July 14, 2011 from Adrienne St. John and Kristin Dowdy, DPW Engineers offering their comments regarding the request to allow an optional 3-season screened porch instead of an open air deck on some of the units at Hartwell Farms.
- Email dated July 13, 2011 from Elizabeth Bagdonas, Conservation Administrator, noting conservation related issue regarding the applicant’s request.
- Memo dated July 11, 2011 from Christopher Laskey, Code Enforcement Director, sharing comments in regards to the special permit amendment request to build three-season porches on some units at Hartwell Farms development.
- Memo dated July 14, 2011 from Attorney Pam Brown (representing Pulte Homes/Applicant) offering an opinion and information regarding the applicant’s request to amend the special permit to include 3-season screen porches in lieu of open decks on some units in the Hartwell Farm Development.

Attorney Brown briefly reviewed the applicant's request to allow an option to convert open decks on some units to 3-season screen porches. Ms. Brown noted that from a building envelope perspective, the residential unit size will not change with this proposed amendment; and that the screen porches will be restricted such that they can't be converted to a year-round living space. Ms. Brown further explained that because Pulte Homes is trying to market the buildings with this option, they are seeking the Planning Board's opinion if this is a major or minor modification to the existing Special Permit.

Planning Director Garber pointed out the following: 1) Elizabeth Bagdonas, Conservation Administrator, noted in her submittal that by adding structures (screen porches), the impervious surface calculations and distances from wetland buffers will have to be recalculated, and shown on plans submitted to and approved by the Conservation Commission; 2) DPW Engineers, Adrienne St. John and Kristin Dowdy requested that if the 4-plex units have four screen porches constructed, then additional infiltration is needed for these units to avoid going over the adequate storage capacity for roof run-off; 3) Chris Laskey, Code Enforcement Director, requested that if buildings 12 & 23 (4-plex buildings) want to construct 3-season screen porches, the preference is to have all the units in each building either have screen porches or not because the state building code requires an automatic sprinkler system in accordance with (NFPA13R), standards for buildings under 12,000 sf.; and therefore if either of these two building opt to include screen porches on one or more units, they would exceed the allowed building area and need to meet the higher standard (NFPA 13).

Attorney Brown informed the Board that Pulte will place a restriction in the deeds of units located within buildings that could trigger the need of a higher code standard for the fire suppression system if they included a screen porch, and the building was over 12,000 sf. Pulte would like the flexibility to have the deck, and when possible the screen porch option available for marketing purposes. Ms. Brown also said that permits will be pulled by the building; and at that time a determination would be made which units, within a building, opt to include a deck, and/or have screened porches built, as there will be no opportunity to include a screen porch later.

Margot Fleischman asked if there is a maximum percent of units allowed in the development to have screen porches and still keep within the Conservation numbers for stormwater runoff.

Director Garber reiterated that Conservation would like to see roof runoff documented for nine buildings that lie within the 100' wetlands buffer area; and pointed out that this will require a submission of amended plans and drainage calculations. Mr. Garber also reiterated that that the town engineers have requested in the 4-unit buildings that an infiltration chamber be installed to supplement stormwater capacity.

A brief discussion took place reminding the Planning Board not to base their decision contingent upon another permitting jurisdiction, such as the Conservation Commission, given that Conservation in this instance is requiring additional documentation from the developer.

Janet Powers suggested that the minor amendment should state, "screen porches" versus "3-season porches" because 3-season porches gives the owner/developer of a unit the opportunity to covert the screens to glass making it more accessible to convert a unit to a year round room.

Sandra Hackman, referring to page 2 of Chris Laskey, Code Enforcement Director's memo of July 11, 2011, asked for clarification regarding Pulte Home's interpretation of aggregate building area versus Code Enforcement's interpretation when determining if the developer has gone over the 12,000 sf threshold under the MA building code, once screen porches are added in building 23 & 12.

Director Garber explained that the matter is centered around the interpretation of the code definition of aggregate building area; and that we do need to get a definition of gross floor area in our zoning bylaws. Pulte's response has been to adjust the square footage down to fall under the 12,000 sf threshold, which would otherwise trigger the requirement for the more costly National Fire Protection Association NR-13 System, rather than the less costly NR 13R system. Mr. Garber further explained that this is a building code issue rather than a zoning concern.

MOTION: Margot Fleischman, second Jonathan Silver move that the Board finds the developer/applicant's request for a special permit modification for conversion of approved decks to optional screen porches as a minor change.

VOTE: 5-0-0

MOTION: Janet Powers, second Sandra Hackman move to accept the draft decision submitted by Director Garber and include the following amendments as discuss: 1) change language that states, "three-season porches to read just "screen porches"; 2) include information from the Town Engineers memo (July 14, 2011) which states, in the event that a 4-plex unit has four screened porches constructed, an additional Stormtech SC310 chamber will be needed; 3) under condition 1 change "optional decks" to "optional screened porches"; 4) include information stated in Conservation Commissions email dated July 13, 2011 regarding concerns with impervious surface calculations and distance from wetland buffers as a result of adding one or more screen porches in any building located within the 100 ft. wetland buffer.

VOTE: 5-0-0

2. 213 Burlington Road permit extension—applicant requested acknowledgement of a two year permit extension under the MA Special Permit Extension Law (Section 173, Chapter 240 of the Acts of 2010). The following are submittals pertaining to this request:

- Letter dated July 6, 2011 from Attorney Brown, representing CMT Realty Partnership, owner of 213 Burlington Road acknowledging that the approved special permit for parking in the front of this location would expire on August 13, 2011. Therefore the applicant is alerting the Board that this permit falls under the 2010 Permit Extension Act, that allows permits in effect between August 15, 2008 and August 15, 2010 to automatically be extended an additional two years. The extended permit for additional parking at 213 Burlington Road will now have an expiration date of August 13, 2013.
- Memo dated July 15, 2011 from Planning Director Garber stating that he has reviewed the 2010 MA Permit Extension Act and past history of the special permit action at 213 Burlington Road, and it appears that the applicants fall under the provision of the statute; and therefore are entitled to this extension.

Mr. Garber shared that he visited the site and noticed that granite bollards were dislodged during snow plowing season and need to be repaired or reinstalled, as the installation of these bollards were part of the permitting requirements to help protect wetlands from the abutting parking lot. Mr. Garber also said that it would be appropriate for the board to inquire; when the applicant actually intends to construct the lot.

Attorney Brown replied; there has been some discussion with CMT to build this parking lot soon, however, there are other ideas for this site in the works that might affect how and when the parking lot is built. Ms. Brown also acknowledged that the bollards need to be reinstalled.

Sandra Hackman asked Ms. Brown why the parking lot hasn't been built, given that the owner of the property, during the approval process, stated that it was detrimental to the business on site if additional parking couldn't be built.

Ms. Brown replied; the owner of the property got quotes to construct this additional parking and it was very expensive. However, there are plans in the future to move forward with more work on site that may or may not affect the current parking approvals.

3. Blake Block/64-68 Great Road at Fletcher—A special permit minor amendment to modify design details pertaining to: architectural detailing, landscaping and street trees, parking supply, as well as to provide final authorization of special accessory use.

Chair Mustapich read for the record the following submittals in conjunction with the above special permit minor amendment request to modify design details.

- Memo dated July 13, 2011 from Attorney Brown re: Final Plans and Carriage house modifications with an attached June 6, 2011 memo re: Blake Block Final Plans and an elevation drawing dated, December 23, 2010 of the carriage house.
- Memo dated July 15, 2011 from Planning Director Garber sharing an overview on the number of physical details changes at the Blake Block in the past 6 months or more, and other development plan changes that were not memorialized for the record.
- Notice of Determination dated January 6, 2011 from the Historic District Commission in conjunction with the carriage house approval (as shown on elevations dated December 23, 2010).
- Special Permit Amendment for minor amendments with six conditions signed by Planning Director Joly on 7/15/11.

Ms. Brown reviewed her July 13, 2011 memo regarding Blake Block Final Plans and a modification to the Carriage House. Ms. Brown said that during the January 25, 2011 meeting the Board reviewed and supported a request to allow 2 of the 3 carriage house garage stalls to be used as an artist's studio. This request and support from the Board was never solidified for the record. Therefore a draft decision was provided as a result of this discussion to include and have on record information from the Board, that the Board supports this minor amendment to the special permit to allow 2 of the 3 garage stalls in the carriage house to be used for an artist studio provided that a third window is added to the construction drawings for the south side of the carriage house building. Other details pertaining to landscaping, street trees, and parking supply will be as follows:

Attorney Brown reviewed information in her June 6, 2011 memo regarding follow-up landscape items to finalize the Blake Block development plans. Ms. Brown stated that the changes made to the June 10, 2010 approved plans and revised on 5/18/11 are consistent with a discussion that took place with Mr. Joly, Janet Powers and herself. Ms. Brown, referring to item # 6 in the June 6 memo, stated that she agrees with Ms. Powers decision to change the Forsythia that was proposed to be planted behind the bench along the carriage house wall to something different and to add a suitable variety of shade trees flanking in the driveway area near Springs Road side of the site. Ms. Brown, referring to item #8, stated that Rich Warrington, DPW Director and Tree Warden, recommended planting Thornless/Podless Honey Locust as the variety of street tree to be planted along Great Road and Fletcher Road, however, the development team was strongly oppose to the Thornless/Podless Honey Locust because of its quick growth and its root system branches off widely, and could possibly buckle the surface of the sidewalk. A further discussion took place regarding the Mr. Warrington's decision to include a tree well around the street tree at the intersection of Fletcher Road with a 6x14 tall granite curbing and planted flowers. Ms. Brown noted that the development team would like to renew their request for

an alternate street tree, or combination of trees that would be more suitable for this site. Ms. Brown added that the development team would like to appeal Mr. Warrington's decision because it doesn't match the approved site plan.

Janet Powers stated that it was unclear to how Mr. Warrington was planning to address this tree and the installation of the grate around it.

Mark Siegenthaler, Selectmen liaison to the Planning Board, said he believes Mr. Warrington is trying to have the tree and grate installed in a manner that will allow the sidewalk snowplow to be able to move freely along the sidewalk.

Planning Director Garber commented that the sidewalk plow seems to be one issue, but there is a jurisdiction issue. Richard Warrington shared with Mr. Garber that, as Tree Warden this is his jurisdiction as Tree Warden to choose trees that are planted in the town public way. Mr. Garber also shared concern with the choice to plant Thornless/Pod Honey Locust for the same reasons aforementioned.

Margot Fleischman commented that much of effort went into the review of the site plan and layout of this development and that the Board should enforce the approved site plan.

Janet Powers stated that the DPW had their chance during site plan review to share comments regarding variety and location of street trees and plantings; and that they should not be changing things afterwards.

Sandra Hackman shared her frustration and concern regarding Mr. Warrington's decision to make these changes; and then stated that this is not an isolated event, changes like this have happened before. Ms. Hackman said that the jurisdiction of trees/street trees should be figured out during the process, and not after approvals. Ms. Hackman would like to have a full discussion regarding the jurisdiction to make decisions regarding street trees during site plan review or any permitting action so this doesn't keep happening.

Mark Siegenthaler spoke about the public way on this site; and then stated that the Selectmen did not resolve all issues in respect to closing the sidewalk. Mr. Siegenthaler added that this may be an opportunity for the Planning Board to share their concerns regarding street tree issues.

Margot Fleischman said; if the Tree Warden wants that last tree to remain, (referring to the recent removal of trees on site) will this tree interfere with the construction of the project as approved, (especially the benches), and does that the tree interfere with the sidewalk amenities reflected on the current site plan.

Ms. Brown replied; the latest plan showed that this tree still exists.

Chair Mustapich asked if a Planning Board representative should go with Ms. Brown when she appeals the Tree Warden's decision to the Selectmen.

Director Garber stated that trees on a site are important; and that a further discussion should take place with Rich Warrington, a Planning Board representative(s) and himself to review the variety of trees, location, and sidewalk snowplow issues at this site so that all parties involved would have a better understanding of each other's reasoning.

Margot Fleischman expressed the opinion that if agreement couldn't be reached in this way, it would call into question the Board's ability to make decisions regarding street trees on public row within the scope of a Special permit.

Mark Siegenthaler commented that as road commissioners, the Selectmen have the authorization to discuss these type of issues with the Tree Warden; and it's possible that Town Counsel's advice is needed to determine who has the authorization when determining plantings in the public right of way; in other words....where does the Tree Warden's authorization begin and end.

Margot Fleischman expressed that the Board should inform the Selectmen that this issue has arisen; and request that the Selectmen allow the special permit approval to stand.

A discussion took place regarding the bump out of the sidewalk at this site; and if there remains support to do this. Margot Fleischman reported that there is support from DPW to do this, however they are waiting to see how the Great Road Master Plan develops.

Janet Powers ask if the Board would support her request to include an extra tree on the west side of the site near the westerly pair of benches (located along the Great Road at Elm Street & Fletcher Rd intersection), and also move the tree near Fletcher Road slightly north without interfering with utilities.

Board members supported Ms. Powers to move forward with presenting the above requests when meeting with Richard Warrington, Glenn Garber and Margot Fleischman to discuss tree issues on site.

MOTION: Jonathan Silver, second Janet Powers move to accept the draft Special Permit Amendment (Minor Change) to modify design details pertaining to: architectural detailing, landscaping and street trees, parking supply, and accessory building dimensions, as well as authorization of special accessory use with the exception of changing the language in item # 3 to read as follows: The revised plans drawn by GPR dated May 18, 2011 are approved; however, the final details related to street trees and landscaping shall be finalized with Planning Board and staff input.

VOTE: 5-0-0

PLANNING SESSION

1. Comprehensive Plan (CP) Update Discussion—Planning Director Garber reviewed a summary of the boards/committees that already met with the Planning Board to discuss preliminary thoughts to update their section in the Comprehensive Plan, and also mentioned those boards/committees who still need to be scheduled.

Mr. Garber shared the some ideas for moving forward with the CP update as follows: 1) collect data as a baseline; (hiring an intern to assist with the CP, collecting data will be part of their tasks); 3) possibly start a steering committee; 4) draft language (Glenn Garber, Board members and some outside assistance to accomplish this); 5) run workshops that will include the public; 6) continue to collect information from other Board and Committees; 7) possibly create a blog; and 8) use the town's website to promote and inform all of the CP update.

COMMENTS:

Mark Siegenthaler recommended that the Board create more of a basic policy plan rather than a huge document with tons of details that can be overwhelming.

Jonathan Silver stated that the CP should flow as one document, therefore he is not in favor of having boards and committees assist with drafting the final language.

Planning Director Garber agrees with Mr. Silver; and stated that it's very important that the final document has uniformity.

Pam Brown recommended that the CP include a "State of the Town" and a table with action items. Ms. Brown said that other communities have this format and it's been effective.

Sandra Hackman asked what would be the Steering Committee's role.

Planning Director Garber said the Steering Committee can serve as an advisory group to work with the Board to create strategies to develop an update of the CP.

Sandra Hackman requested that Director Garber provide some master plans from other communities as examples for the Board to review and get ideas.

BUSINESS SESSION

1. **Other**—Letter dated July 15, 2011 from the Bedford Chamber of Commerce (handed out at the meeting from Pam Brown) requesting a scheduled time for the Chamber to meet with the Planning Board to discuss the Comprehensive Plan update. The Board discussed September 7 as a possible date to meet with representatives from the Chamber.
 - 1a. Memo dated July 14, 2011 from Cathy Silvestrone, Planning Administrative Assistant, asking Board members to review and update, if necessary, the Planning Board & Staff address and phone list.
 - 1b. FYI—Email dated June 29, 2011 from Sandra Hackman sharing information from Frances Bigda-Peyton on Transition Towns.
 - 1c. FYI—the DPW provided the Planning Board with an Athletic Field Construction Program dated January 19, 2011.
 - 1d. Margot Fleischman announced that the Board of Health is ready to meet with the Board regarding the update of the CP and requested to be on the August 16, 2011 Agenda.
 - 1e. Chair Mustapich stated that she would like to add another meeting in August to focus strictly on the Comprehensive Plan update. The Board agreed to an **August 2, 2011 meeting** for this **CP update** discussion. The Board also agreed to **September 7 and September 20** as upcoming **Planning Board meetings** to post.
 - 1f. Planning Board members asked Director Garber to prepare information regarding Comprehensive Land Use Reform and Partnership Act/**CLURPA** to discuss during the August 2 meeting.

2. **Minutes**—June 28, 2011 Minutes

Board members postponed approving the June 28, 2011 minutes until the August 2, 2011 meeting.

3. **Possible August Agenda Items**—

Planning Director Garber shared the following August highlights with the Board:

- a. Planning Board will discuss preliminary goals for the upcoming year.
- b. Pino PRD (10 Green Street) public hearing continuance
- c. Board Room Bistro may come before the Board with a Special Permit Amendment request.
- d. Board of Health and the Chamber of Commerce will come before the Board to discuss the Comprehensive Plan update.

ADJOURNMENT

MOTION: Margot Fleischman, second Janet Powers move to adjourn the meeting.

VOTE: 5-0-0

TIME: 10:10PM