

**BEDFORD PLANNING BOARD
MINUTES
Town Hall – Selectmen’s Meeting Room
August 2, 2011**

MEMBERS PRESENT: Jonathan Silver, Clerk; Sandra Hackman; Janet Powers;
Margot Fleischman (was available via Conference Call for the Planning Session discussions only)

MEMBERS ABSENT: Lisa Mustapich, Chair

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

STAFF ABSENT: None

OTHERS PRESENT: None

Jonathan Silver, Acting Chair, convened the meeting at 7:30 PM.

Emergency Evacuation Announcement read by Jonathan Silver, Clerk/Acting Chair

DEVELOPMENT SESSION

1. Pino Planned Residential Development (PRD)/10 Green Street—the applicant, Attorney Brown, submitted a letter dated July 22, 2011 regarding a time extension request on the Special Permit application for Pino PRD that was received by the Planning Board on February 25, 2011.

Planning Director Garber informed the Board that the statutory time limit for the Board to render a decision on the Pino PRD development special permit application was coming near; and therefore, on behalf of the land owner of 10 Green Street, Frank Pino, Attorney Brown submitted a letter requesting that the Board agree to a time extension of November 1, 2011. Mr. Garber also shared that the applicant/developer discussed with him submitting a concept plan for the Board to review and give feedback during the August 16 meeting because they are not prepared to submit revised plans.

Sandra Hackman commented that the Board instructed the applicant during the April 12, 2011 meeting to return with an as-of-right development plan for the Board to review and make a comparison between the existing PRD proposal and a conventional subdivision. Ms. Hackman expressed that she didn’t see the point of the applicant coming before the Board on August 16 with a concept plan if they were not prepared to come in with the plan that the Board requested during the April 12 meeting. Ms. Hackman said she would prefer that the applicant return when they are ready to present a conventional subdivision plan during the continued public hearing.

Jonathan Silver agreed with Ms. Hackman; and expressed the importance to inform the abutting neighbors when the public hearing will be continued; and that the developer should be prepared to alleviate the concerns of those neighbors.

Janet Powers said she also agrees that the developer needs to return with the plan that was asked of them, plus include the abutters in the continued discussions.

MOTION: Sandra Hackman, second Janet Powers move to extend the time period on the Special Permit application for Pino Planned Residential Development to November 1, 2011 to provide additional time to render a decision.

VOTE: 3-0-0

2. Village at Taylor Pond/Criterion Mix Use Development-update—FYI (no action needed by the Board) Adrienne St. John, DPW Engineer, informed Planning Director Garber via email dated 7/27/11, that as a condition of the Special Permit for the Village at Taylor Pond, a water main is being connected from Criterion's site back to Middlesex Turnpike along Plan Street, and a concrete sidewalk is being installed along Plank Street. Ms. St. John also noted that Criterion was unable to get all the easements needed to continue the sidewalk.

Ms. Hackman asked Director Garber to contact Ms. St. John to see if DPW could do anything further to obtain the remaining easements to continue the sidewalk; and if not, please find out why.

PLANNING SESSION: (Margot Fleischman was conferenced called into the Planning Session so she could be part of the CLURPA and Comprehensive Plan update discussions while she was out of town)

1. Comprehensive Land Use Reform and Partnership Act (CLURPA)—Director Garber summarized the main features and current status of the CLURPA bill for the Board. Mr. Garber provided the Board with a chart highlighting the CLURPA bill sections as follows: Section 1- Zoning Act, c40A; Section 2 – Master Plans, c.41, 81D; Sections 3-18 – Subdivision Control Law, c41; and Section 19 – Land Use Partnership Act, c.40U and an outline of Joel Russell's testimony before the joint committee on Municipalities and Regional Government re: CLURPA.

Mr. Garber first explained that former Planning Director Joly had researched information awhile ago regarding the Land Use Partnership Act (LUPA) and the Community Planning Act II (CPAII); and that the Board had recommended support for CPAII because it would reduce the zoning freeze for subdivisions from 8 years to 3, and the Planning Board would be able to grant time extensions. However, the Board was opposed to LUPA because of Subdivision Zoning Freeze. LUPA would not require that a subdivision plan be filed to get the 8 year zoning exemption; instead they would just have to submit a brief statement describing the development, called a Declaration of Development Intent. Mr. Garber mentioned that the use of Approval Not Required (ANR) plans (shifting lot lines) would give property owners 3 years protection in land use planning; however, under optional provisions of LUPA, towns would be able to eliminate ANR plans, but would have to comply with undesirable optional provisions, such as subjecting the division of roadside properties into building lots to the same reasonable standards and conditions that fall under the local review process for a subdivision.

Jonathan Silver asked if developers would be more inclined to come forth with ANR plans knowing there may be a zoning change.

Director Garber replied; yes, because when you shift/ change a lot line (under the ANR process) you can protect other lots. Mr. Garber briefly mentioned dimensional protection on contiguous land ownership being another loophole that makes it harder to plan development. Mr. Garber stated that in his opinion, Massachusetts undercuts long-term planning because of inconsistencies in planning and zoning; and that CLURPA seemed to address this when the two bills merged together.

A further discussion took place regarding the merger of the above two bills (CPII and LUPA) to create CLURPA.

CLURPA proposes to amend three existing sections of Mass. General Law and create one new chapter. The creation of CLURPA will bring clarity and update Chapter 40A (the Zoning Act), Chapter 41 (Section 81D; the Master Plan) and portions of Chapter 41 (Subdivision Control Law). CLURPA also creates a new statute in MGL, Chapter 40U and offers additional options to communities that opt-in to certain additional performance standards consistent with the state's sustainable development principles. Mr. Garber explained that the real change is that a compromise is trying to be reached. Mr. Garber, referring to Section 1 of the Bill (Zoning Act), mentioned that the City of Newton has been a strong lobbyist to support city interest versus a town. The required 2/3 majority vote to adopt/amend a zoning bylaw can be very difficult to acquire in a town meeting setting. Cities often prefer to have this higher standard because they have a smaller number of people voting, (representative vote) whereas during town meeting it requires the majority of attending resident bodies to achieve the 2/3 majority vote.

Jonathan Silver asked; why are cities and towns working under the same provisions.

Mr. Garber replied; the latest compromise is that there will be no default to either group; however, a lesser majority vote now may be written in a zoning bylaw, such that a reduction in vote majority would need to be adopted by a two-thirds vote of a legislative body. Mr. Garber briefly shared scenarios why he believes a 2/3 majority vote is not always best.

Section 2 of the Bill (Master Plans)—Director Garber informed the Board that this bill changes the scope for Master Plans. The CLURPA bill is less stringent re: Master Plans and its cost. The number of required planning elements in a Master Plan have been reduced from nine to five; however there are other elements that can be added at a community's discretion in order to adopt a development impact fees bylaw or opt- in to the provisions of the new Chapter 40U.

Sandra Hackman asked Mr. Garber to further explain development impact fees under the new provisions.

Mr. Garber explained that once a city or town becomes a Partnership Community, then that community can have additional powers, including imposing development impact fees.

Ms. Hackman asked if this bill has a chance of passing.

Mr. Garber said; at this point the bill is out of committee and it's not ready because it's still under internal debate.

Sandra Hackman, referring to Joel Russell's testimony (dated May 18, 2011) before the Joint Committee on Municipalities and Regional Government re: CLURPA, said could this bill pass without developer support?

Mr. Garber replied; this bill is very close to passage; however, we need a more prosperous economy for things to happen.

Sandra Hackman agreed with Senator Jamie Eldridge that communities need to get their Representatives' and Senators' support for this bill to help move it forward, as it contains important revisions that would bring the state's planning laws into the twenty-first century.

A discussion took place regarding Town Meeting adoption of a Master Plan versus Planning Board adoption. Mr. Garber commented that to get *teeth*, the Board may need more than just Planning Board adoption of the Comprehensive Plan. Director Garber suggested publicizing/promoting the update of the Comprehensive Plan as much as possible through the use of the town website; and also through the various individual department,

committees, and boards webpage. Board members suggested targeting other sources such as the Bedford Byline, Annual Town Census, and the Bedford Minuteman to further create public awareness regarding the update.

Director Garber reviewed a few more points that were outlined in the CLURPA bill. The Board suggested the Mr. Garber write a letter to local representatives Senator Susan Fargo, State Representative Charles Murphy, Senator Jamie Eldridge (Bill Sponsor), State Representative Stephen Kulik and Metropolitan Area Planning Council/MAPC representatives sharing the Board's support for CLURPA.

MOTION: Sandra Hackman, second Janet Powers, move that Planning Director Garber write a letter to the above mentioned State Senators, State Representatives and MAPC representatives, sharing the Planning Board's support of the Comprehensive Land Use Reform and Partnership Act (CLURPA) Senate Bill 1019.

VOTE: 4-0-0

2. **Comprehensive Plan Update**—the following is a list of submittals in conjunction with the Comprehensive Plan update:

- Memo dated July 29, 2011 from Cathy Silvestrone, Planning AA, sharing a list of links to other Community Master Plans in preparation of Bedford's Comprehensive Plan update.
- Memo dated July 28, 2011 from Planning Director Garber sharing a Comprehensive Plan Update Consulting Proposal (Limited Scope of Services) for Board consideration.

Director Garber reviewed a July 28, 2011 *draft* proposal for professional planning consulting services to assist with drafting designated plan elements in the update of the town's Comprehensive Plan for consideration by the Board and or Steering Committee. Mr. Garber said; based on six weeks of work from a consultant, he estimates the cost to draft the plan elements would be in the range of \$24,000-\$25,000. Mr. Garber mentioned that he will utilize the Planning Intern to collect data and review census information as a cost effective measure to get things started.

Margot Fleischman suggested coordinating, in advance, the estimated cost of \$25,000 for the consulting funding with the Finance Committee (FINCOM) especially knowing this request only occurs once in every ten years. Ms. Fleischman suggested approaching FINCOM at the very beginning of Fall.

Director Garber stated that he will write a proposal to FINCOM regarding the need to re-write the Comprehensive Plan if that's the direction the Board desires.

MOTION: Sandra Hackman, second Janet Powers move that Director Garber draft a proposal to the Finance Committee for Planning Board consideration regarding consulting services funding to update the Comprehensive Plan.

VOTE: 4-0-0

Sandra Hackman mentioned that the Steering Committee creation should happen by this Fall too; and that it is time to start soliciting for members. Director Garber said he would work on a draft proposal for the Comprehensive Plan Steering Committee.

Mr. Garber shared a range of Master Plans from five communities (Westwood, Lexington, Dedham, Princeton & Lincoln) he thought may be helpful in the Board's work to update Bedford's Comprehensive Plan.

Jonathan Silver asked what the key differences are between the five plans.

Mr. Garber explained the first parameter is the length of a plan; and that *Dedham's* plan is long, but won a lot of awards for having a thorough plan. Its data is involved within the text. *Westwood's* plan is short, but to the point. Its Land Use Section needs to be strengthened. Mr. Garber said; another parameter to review is what elements did the plan include? *Dedham* included all elements in a traditional plan and they added a governance section. *Bedford's* plan falls somewhere between the *Dedham* and *Westwood* plan. *Lexington* has only five elements and the transportation section was later added. *Princeton's* plan (a community being in very rural setting) is a very good plan, and it incorporates all elements required in state statute. *Lincoln's* plan is very large, has a lot of process, and it incorporates a lot of core values that are important to their town. Overall, Director Garber said he leans toward *Westwood's* Master Plan as a model for *Bedford*, but recommends adding more graphics and data.

Jonathan Silver stated that we need to consider who are audience is when creating the update of *Bedford's* Comprehensive Plan.

Sandra Hackman commented that overall she favored *Westwood's* plan, but would like to see a bit more added. *Lexington's* plan was too dense and had way too much information. Ms. Hackman also pointed out that the in *Bedford's* CP the maps didn't really relate to the text; and that she preferred to see one chart and one map relate to correspond with each Chapter of the CP, plus use appendices to give more details.

Margot Fleischman stated that she prefers *Westwood's* Master Plan too; and that *Bedford* will probably generate more information than what we actually need or add to the CP. Ms. Fleischman stated that the Board should publicize information whether or not its gets included in the CP.

Jonathan Silver stated that the Board will be receiving a lot of information and even though all of this information may not be included in the CP, it's still important to include this information on the website.

Margot Fleischman pointed out that the vision element for each group/committee/board is important; and therefore we should ensure that this information gets captured.

Janet Powers said she agrees with keeping things brief; however, the Board does not want to miss the committees and boards excitement or engagement to get involved with the CP update.

Jonathan Silver said that core values at the beginning of a plan are effective; but then you need to follow through with the rest.

Janet Powers commented that it's important maps and text included in the CP draws the reader's attention; and that both items relate. The document should engage the reader and paint a picture of what the vision is.

Margot Fleischman requested that maps be more interesting; and that maps show changes that have occurred over the years to assist the town with its upcoming vision.

Director Garber reiterated that the creation of the CP boils down to the budget.

Margot Fleischman commented that it may be best to have fewer maps in the upcoming CP, but have a better quality of the maps included.

Director Garber agreed that maps and graphs are very important; and that land use plans are what CP's are made up of. Mr. Garber added that it's important to include maps and graphs that show change in land use over the years by using ratios.

Sandra Hackman suggested that we review the message each chapter is trying to give; and then incorporate graphs, charts and maps to support that chapter.

Note: Margot Fleischman signed off from the conference call at 9:25PM because the above Comprehensive Plan update discussion ended.

BUSINESS SESSION

Update on Pending Development Cases—

1. Director Garber informed the Board that the Boardroom Bistro Restaurant located at 54 Middlesex Turnpike are planning to come before the Board on August 16 to propose a minor amendment to their special permit that was granted in December 2008. The applicant recently submitted a floor plan showing what they would like to add to their restaurant and they presented a new parking analysis.

Carleton Willard Village—

2. Director Garber mentioned that Carleton Willard Village representatives met with him to further discuss zoning and the potential to expand their facilities by constructing 5 duplex independent living units at their site on Old Billerica Road.

North Road—(FYI)

3. Director Garber shared that a surveyor came by the Planning Office and discussed a potential subdivision on North Road

Other Business—

1. **FYI**--Jonathan Silver informed the Board that the Bicycle Committee received a grant to create maps of places of interest in Bedford.

2. **Minutes--** will be reviewed during the next meeting when more Board members are available to vote.

3. **Upcoming Committee Appointments for the Comprehensive Plan Update--** September 7/Chamber of Commerce and possibly September 20/Energy Task Force.

4. **FYI**—Lisa Mustapich submitted Draft Meeting Minutes from HATs' May 26, 2011 meeting.

5. **FYI**—Cathy Silvestrone submitted a memo dated July 27, 2011 informing the Board of her vacation time off.

ADJOURNMENT

MOTION: Sandra Hackman second Janet Powers move to adjourn the meeting.

VOTE: 3-0-0

TIME: 10:05PM