

**BEDFORD PLANNING BOARD
MINUTES
Selectmen's Meeting Room/Town Hall
October 30, 2012**

MEMBERS PRESENT: Jonathan Silver, Chair; Jeffrey Cohen, Clerk;
Sandra Hackman; Shawn Hanegan; and 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

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

Emergency Evacuation Announcement read by Jeffrey Cohen, Clerk

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

DEVELOPMENT SESSION

1. 213 Burlington Road/Panera, LLC Special Permit Public Hearing—Modification for a new restaurant

Jeffrey Cohen, Clerk, **opened the public hearing @ 7:35 PM** by reading a Legal Notice stating that the Planning Board is holding a public hearing to review an application by Panera LLC and CMT Realty Partnership for an amendment to a special permit under the provisions of Section 15 of the Bedford Zoning Bylaw, Industrial Mixed Use, to allow Panera to operate a restaurant with takeout and delivery services, a food preparation area and seating in the common lobby area, plus an entry vestibule.

A motion and vote was made during the Special Permit Public Hearing for 213 Burlington Road/Panera, LLC to continue the public hearing to November 27, 2012 @ 7:00PM.

(Please review 213 Burlington Road/Panera, LLC Special Permit Public Hearing Minutes dated October 30, 2012 for details)

2. 184 Hartwell Road/Hartwell Farms—Performance Security Posting for Hartwell Farms residential condominium development.

Catherine Perry, Assistant Planner, presented documentation for the Board to review in conjunction with Hartwell Farms submission of a Performance Guarantee as requested under condition #17 of the 182-184 Hartwell Farms Special Permit. Ms. Perry informed the Board that the applicant (Pulte Homes of New England, LLC) referenced a Landscape sheet/L-3 dated 10/08/09, last revised on 10/28/10 in the *draft* Surety Bond; however, Planning staff, Code Enforcement, and DPW have no record of this document. Ms. Perry said she contacted the applicant to see if they could provide a copy of Landscape Plan/L-3, but the representative from Pulte handling the Performance Guarantee was out unavailable. Ms. Perry suggested that the Board hold off on any action until Landscape Plan/L-3 is confirmed. The Board agreed with Ms. Perry's suggestion and will review Hartwell Farms Performance Guarantee during a future meeting.

STAFF REPORT (brief verbal reports by Planning Staff)

1. Freedom Estates fence update—Planning Director Garber conveyed that he met with David Veo,

developer of Freedom Estates, Christopher Laskey, Code Enforcement Director, and Richard Reed, Town Manager, to discuss an ongoing issue regarding a homeowner who built a fence that encroaches upon an easement within the Freedom Estates Subdivision. Mr. Garber reported that the homeowner was not cooperative; and that Mr. Veo will work directly with the development's Home Owner's Association to resolve the issue.

2. 36 Middlesex Turnpike Site Plan Review/New Addition—Director Garber mentioned that he's expecting a Site Plan Review application to be filed within the next couple of days for the construction of an addition at 36 Middlesex Turnpike. Mr. Garber added that the applicant is on the agenda for November 13 at 6:00PM.

3. 100 Plank Street/Criterion/Village at Taylor Pond—Director Garber informed the Board that Vince O'Neill (property owner/developer) plans to submit an application for a Special Permit Amendment to include additional residential units in the permitted office building at 100 Plank Street. Director Garber added that Mr. O'Neill requested to be placed on the December 11th agenda.

4. Bedford VA Hospital/potential Site Plan Review—Director Garber said it's been awhile since he has heard any new information regarding the potential of Bedford VA Hospital constructing new residential housing at their campus located on Springs Road (which may or may not require site plan review); however, there has been some recent contact from an engineer representing the VA Hospital in regards to this matter. Mr. Garber told the Board he would continue to keep them informed.

5. Other—Chair Silver commented that he heard the town came to a resolution regarding issues relating to the sidewalk/public way in front of the Blake Block development; and then asked Director Garber to update the Board.

Director Garber stated that the Department of Public Works is in agreement with the design that was approved for the Blake Block development by the Department of Public Safety Architectural Access Board develop; and therefore resolution is on its way.

BUSINESS SESSION

1. Meeting Schedule—Cathy Silvestrone, AA provided the Board with a current list of scheduled meetings. The Board agreed on the following adjustments/additions to the meeting schedule.

November 13-- (prior to Special Fall Town Meeting) begin at **6:00PM** to review 36 Middlesex Turnpike site plan and any other pending items. At **7:30PM**, Board will attend **Special Fall Town Meeting**.

November 27-- continue 213 Burlington Road/Panera LLC Special Permit Amendment Public Hearing at **7:00PM**; followed by a **joint meeting with CP Ad Hoc Advisory Committee** starting at **8:00PM**.

December 11—7:30PM regular Planning Board meeting (potentially including 100 Plank Street Special Permit Amendment Public Hearing)

January 9—7:30PM (Weds) joint meeting with CP Ad Hoc Advisory Committee (can't meet Tuesday, January 8 because of town caucus).

2. MAGIC (Minuteman Advisory Group on Inter-Local Coordination) Suburban Transit Survey Results—MAGIC Transit Survey Results for the Town of Bedford and MAGIC Sub-region were presented to the Board; however, the Board decided to discuss these results at a future meeting.

3. Special Fall Town Meeting Warrant—a copy of the Warrant for a Special Town Meeting was presented to the Board for discussion.

a. **Article 3/ Abbott Lane Street Acceptance** --The Board reviewed language for a recommendation to present at Special Fall Town Meeting that was drafted by Planning Director Garber. Director Garber informed the Board that he needs to slightly amend the language to include that; *these conditions have now been met to the full satisfaction of the Public Works Engineer and the subdivision can now be deemed physically complete. The town holds performance guarantee funds only for legal costs associated with street acceptance and unspecified contingencies; easements applying to the subdivision must be recorded at the Middlesex County Registry of Deeds prior to town assuming public ownership.*

MOTION: Lisa Mustapich, second Jeffrey Cohen move to approve draft language submitted for a Planning Board Recommendation at Special Fall Town Meeting for Article 3, Abbott Lane Street Acceptance, with amended language provided by Planning Director Garber.

VOTE: 5-0-0

The Board agreed to have Lisa Mustapich present Abbott Lane Street Acceptance Recommendation at Special Fall Town Meeting—

b. The Board briefly discussed the other Warrant Articles and showed interest in potentially giving a recommendation at Special Fall Town Meeting on the following:

Article 4/High School Synthetic Turf—*Shawn Hanegan agreed to draft a Planning Board recommendation for Article 4 for the Board to review during the November 13 meeting.*

Article 9/Bond Authorization-Portions of School Way and Municipal Complex Access Roads & Parking Areas—*Sandra Hackman agreed to draft a Planning Board recommendation for Article 9 for the Board to review during the November 13 meeting.*

4. Other—Shawn Hanegan, liaison to the Transportation Advisory Committee (TAC), reported that at the last TAC meeting he attended there was a discussion regarding the safety of the residents who live on Hemlock Lane now that it has become a cut-thru road since the re-construction of the Page Road/Rte62 Bridge. The residents of Hemlock Lane would like the Town to seriously consider constructing sidewalks for their street and provide a link that will connect Hemlock Lane/Page Road/Shawsheen Rd. TAC suggested having the Planning Board share their thoughts/ recommendations with the Selectmen on this matter. After a brief discussion with the Board, Mr. Hanegan agreed to send a letter to TAC sharing the Planning Board's thoughts/recommendations regarding Hemlock Lane sidewalk, and a connection from Hemlock Lane/Page Road/Shawsheen Road.

ADJOURNMENT

MOTION: Lisa Mustapich, second Jeffrey Cohen move to adjourn the meeting.

VOTE: 5-0-0

TIME: 9:55PM