

**Planning Board**

Jeffrey Cohen, *Chair*  
Shawn Hanegan, *Clerk*    Sandra Hackman  
Amy Lloyd    Lisa Mustapich  
Glenn Garber, *Planning Director*  
Catherine Perry, *Assistant Planner*

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**BEDFORD PLANNING BOARD MINUTES**

Regular Session and Joint Discussion with the CP Advisory Ad Hoc Committee  
Town Hall-Selectmen’s Meeting Room  
July 30, 2013

**MEMBERS PRESENT:** Jeffrey Cohen, Chair; Shawn Hanegan, Clerk; Sandra Hackman; Lisa Mustapich and Amy Lloyd  
**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 Notice:* read by Shawn Hanegan, Clerk

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

**DEVELOPMENT SESSION**

1. Wellington Way—Continuation of a Form A application, dated, June 14, 2013 and an Approval Not Required Plan of Land dated, May 31, 2013 reviewed by the Board on July 9, 2013. The applicant is also seeking endorsement of a Form H (Release of Lots/Certificate of Performance) to release the Covenant at Wellington Way Definitive Subdivision.

The following additional documentation was provided in conjunction with this continued review:

- Memo from Planning Director Garber dated, July 1, 2013 explaining that the Board during the July 9, 2013 meeting deferred reviewing the Form A application and ANR Plan for Wellington Way because Jeffrey Cohen, Chair, had inquired about the irregularly-shaped triangle at the rear of the new front lot, and how it might be evaluated against the minimum lot area provision in section 6.2.2 of the zoning.
- Memo from Pamela Brown, Attorney, dated, July 23, 2013 noting that the lots in question have sufficient lot area and frontage; and therefore the ANR plan must be endorsed. Ms. Brown stated in her memo; that while zoning compliance isn’t an issue for ANR endorsement, she understand the question raised in relation to the definition of lot area as described in section 6.2.2 of the Zoning Bylaws. Ms. Brown provided calculations that prove the proposed lots (by means of changing interior lot lines) will have adequate frontage that complies with current zoning.
- Memo from Adrienne St. John, Public Works Engineer, dated, July 30, 2013, stating that the DPW recently inspected Wellington Way and found all remaining work items to be

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complete. Ms. St. John recommended that a condition of the Covenant Release be that the street tree recently planted (week of July 30) be inspected by the DPW next Spring to insure its survival.

Planning Director Garber reviewed the additional documentation that was provided. Mr. Garber explained that the applicant wants to change the interior lot lines was for marketing purposes. Director Garber explained that endorsement of an ANR plan only requires two things; 1) frontage that complies with current zoning, and 2) provide real access on a public way, subdivision street or any other street of acceptable grade, width, and construction. Director Garber pointed out that both house lots have complying frontage on Wellington Way; and therefore he recommends endorsement of the Plan.

Director Garber spoke about releasing the covenant for Wellington Way and then said that part of DPW's final inspection of Wellington Way was to request that Gary Ruping, developer, plant an additional street tree with a 3- 3 ½ inch caliper. Director Garber pointed out that Adrienne St. John noted in her July 30, 2013 memo that all remaining items at Wellington Way are complete; however, Ms. Saint John also recommended that a condition of the Covenant Release be that the additional street tree planted the week of July 30 be inspected by the DPW next Spring to ensure its survival. Director Garber asked Attorney Brown if she, on behalf of her client Gary Ruping, Manager of Hill Park Circle, LLC could provide something in writing stating that if the newly planted street tree doesn't survive a full growing season, that it will be replaced late Spring 2014.

Ms. Brown provided the Board with a hand-written letter dated, July 30, 2013 stating that on behalf of Hill Park Circle, LLC (Gary Ruping, Manager) they certify that the newly planted street tree would be replaced late Spring 2014 if it didn't survive a full growing season.

*MOTION: Lisa Mustapich moved that the Board endorse Wellington Way Approval Not Required (ANR) Plan dated, May 31, 2013 for reasons discussed. (Amy Lloyd seconded the motion)*

*VOTE: 5-0-0*

*MOTION: Lisa Mustapich moved that the Board endorse the Release of Lots (Certificate of Performance) Form H dated, July 30, 2013 for Wellington Way Definitive Subdivision to Release the Covenant as discussed. (Amy Lloyd seconded the motion)*

*VOTE: 5-0-0*

2. Sorens Way—Final Release of Surety for Deer Meadow Subdivisions (Sorens Way). The following documentation was provided in regards to a request from Attorney Pamela Brown to release all remaining funds for Deer Meadow Subdivision/Sorens Way:

- Letter from Attorney Brown dated, July 13, 2012 requesting that the Board release all remaining funds held in a Sovereign Bank Account for Deer Meadow Subdivision (also known as Sorens Way) because the street has already been accepted by vote of Annual

Town Meeting 2012 which indicates that all work to be performed was documented or the street wouldn't have been accepted.

- Memo from Catherine Perry, Assistant Planner, dated, July 19, 2013 reviewing past information to ensure that all requirements are met prior to the Board granting approval to release all remaining funds held for Deer Meadow Definitive Subdivision/Sorens Way
- Memo dated July 23, 2013 from Adrienne St. John, Public Works Engineer, stating that Sorens Way project is complete and the roadway was accepted as a public way at Annual Town Meeting 2012 and therefore, DPW recommends that all remaining funds be released to the developer.

Catherine Perry, Assistant Planner, reviewed her July 19, 2013 memo and provided an update. Ms. Perry spoke about the last bond release review for Sorens Way and pointed out that \$29,700 was held to complete remaining work and an additional \$6,000 was held for recording six easements. Ms. Perry said that although DPW confirmed that all work is complete, and upon request Ms. Brown provided stamped as-builts and five recorded easements, she had asked for clarification regarding an issue raised by the former Planning Director, who stated that there was an error in recorded document, "Easement C", (Note: Easement C was recorded before the other five easements). Ms. Brown later provided Ms. Perry with the sixth recorded copy; "Confirmatory Easement C". Ms. Perry stated that she is now satisfied with the documentation that has been provided; and therefore recommends releasing the remaining funds held for Deer Meadow Subdivision/Sorens Way.

*MOTION: Amy Lloyd moved to release all remaining surety funds to the developer that are held in an account at Sovereign Bank for Deer Meadow Definitive Subdivision, known as Sorens Way for reasons discussed. (Shawn Hanegan seconded the motion)*

*VOTE: 5-0-0*

3. 29A Chelmsford Road Definitive Subdivision Public Hearing Continuation—the applicant has requested postponement of its continued Public Hearing from July 9, 2013 to a future meeting date to further explore a solution to issues in conjunction with the proposed infiltration system.

*MOTION: Lisa Mustapich moved to accept the applicant's request for postponement of 29A Chelmsford Road Definitive Subdivision Public Hearing to a future meeting date; a continuation date of August 20, 2013 was set.*

*VOTE: 5-0-0*

## **BUSINESS SESSION**

- 1) Comprehensive Plan Discussion (with CP Ad Hoc Advisory Committee)

Planning Director Garber commented that this evening's discussion is based on three pieces of the Comprehensive Plan (CP): 1) Newly edited Natural and Cultural Resources and Open Space element including the Snapshot. Director Garber noted that the revisions included comments received from participants who attended CP meetings, Workshops, or directly conveyed

information to Planning Staff. 2) Action Matrix for Natural & Cultural Resources & Open Space and 3) Revised Town-wide Vision.

Director Garber reviewed written responses that were submitted by David Sukoff, Jaci Edwards, John Zupkus, and Stephen Carluccio in conjunction with information that was provided for this evening's CP discussion. Mr. Garber publicly thanked these individuals for sharing their comments and noted that their suggestions are excellent and will be well-noted.

**Long Range Town-Wide Vision Comments:**

- Sandra Hackman--pg. 3, suggested changing DISCUSSION to EXPLORATION
- Jaci Edward would like fewer street signs to improve the aesthetic appeal of the existing street network to protect and enhance community character
- Amy Lloyd--pg. 2, commented that she agrees with the term historic assets, but was somewhat concerned if the term was clear enough for the lay person. Others thought the term was okay as written.
- Lisa Mustapich--pg. 3, shared concerns regarding why companies leave Bedford for other communities such as Billerica and gave Pharmalucence as an example. Ms. Mustapich commented that Bedford needs to emphasize its strengths of mixed-use and better market itself by sharing information about Bedford that indicates it's a good town to do business because of its history of having a strong tax base, good schools and a variety of housing choices (including many affordable housing options) compared to other surrounding communities. *Amy Lloyd pointed out that there is some language included on the bottom of page 3 & 4 that shares some of Bedford's strengths. A further discussion took place regarding what language should be conveyed or where this language should be found within the discussion session. Participants agreed that some rewording or reordering of the language should be considered.*
- Jaci Edwards--pg. 2, last bullet item, inquired about the use of the word "context" and asked if "character" should replace it. *Participants agreed to this change.*

**Natural /Cultural Element Comments:**

Amy Lloyd, referring to farmlands/fields, mentioned that there are few remnants of the past; and that we have allowed farmlands and fields to grow into forest that are conservation land, but aren't necessarily maintained. Ms. Lloyd and others suggested promoting the preservation of farmland and fields and to have multiple-use choices when attaining open space and conservation land.

Sandra Hackman agreed with Ms. Lloyd that the town should try to preserve farmland and fields and then she spoke about M.A.G.I.C. (Minuteman Advisory Group on Inter-Local Coordination) role in Agricultural promotion and how Bedford can't join these efforts because they really don't have farmland besides Chip N Farm and a couple other small parcels.

Jaci Edwards mentioned Jordan Conservation Land and Job Lane House as other parcels that have small amounts of land for agriculture use.

Participants agreed to amend the discussion regarding choice of open space uses so that it doesn't automatically come down to choosing only playing fields or conservation.

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Shawn Hanegan—pg.11, commented that he likes the information about the impact of climate change and mitigation measures used to avoid those impacts.

Shawn Hanegan—pg.12, (Historic/Cultural Assets) said he agrees that there is a lack of information regarding Bedford's historic asset inventory between the 1800's and 1900's and Native American Heritage; and that more information should be added. Mr. Hanegan also commented that; if the open space calculation 26.3% doesn't include Hanscom Air Force Base, then why it is listed under Other Open Space Areas.

Catherine Perry—Map on page 4, pointed out that the lower layers on this map especially the information referring to wildlife, got obscured; and therefore Ms. Perry suggested that a note be added to this map referring people to visit the town website for more details.

Sandra Hackman—page 7 (Summary of Issues); commented that something should be added regarding old existing street trees and a replacement plan for these trees.

Lisa Mustapich spoke about DPW maintaining stonewalls covered in poison ivy and have developers try to save as many trees as possible when stripping/clearing lots.

Amy Lloyd mentioned that ongoing tree education (by Conservation and Arbor Resources) could be an Action.

Catherine Perry shared 29A Chelmsford Road Subdivision as an example of a development under the Subdivision Rules and Regulations where the developer has shown a "cut to" line indicating the preservation of many trees. In this situation the Board has the opportunity to review the extent of tree cutting. Ms. Perry also observed that the fate of existing trees can be reviewed during site plan and special permit reviews, but that Bedford does not require site plan review for single family dwellings.

Director Garber suggested adding tree education to page 13 under Challenges.

Amy Lloyd stated that the town's bylaws do not define how sidewalks and easements can be acquired; and then asked if more can be done.

Lisa Mustapich commented that when deciding on location and need of sidewalks it should depend on the neighborhood. Bedford is not a one size fits all community, and we should try our best to be eco-friendly and minimize the amount of asphalt used.

Amy Lloyd said she is trying to figure out the problems related to achieving sidewalk connections and noted that it helps if doing the right thing is the easier path; and therefore, she wonders how we can encourage developers and others through our bylaws to go in that direction.

Director Garber stated that Ms. Lloyd's concerns/comments could go under Strategies and Goals.

Catherine Perry mentioned that she has been reviewing action items for the transportation chapter which will propose a sidewalk plan and prioritization of links, and some ways of achieving them.

Director Garber suggested improving the capital investment process to include a direct budget for town-wide connectivity.

Mike Oleksinski said he supports prioritizing connectivity because in doing so, many goals are achieved.

**ACTION PLAN/Matrix (Natural & Cultural Resources & Open Space) Comments:**

Director Garber reviewed the column headings in the matrix and spoke about scheduling and ranking the action items.

Sandra Hackman spoke about the proposed list of consortiums and suggested consolidating them. Ms. Hackman also suggested adding the word “effort” in the column that highlights the level of effort.

Jeffrey Cohen whether moving forward with amending zoning in the Mixed Use Overlay Districts could be acted upon sooner than Spring 2015 Town Meeting.

Sandra Hackman suggested combining the first two \*action items on page 4, as the information appears to overlap. \*Revisit mixed use overlay district zoning provisions and Provide greater incentives to the market

Suzy Enos asked how the actions were determined.

Director Garber explained that he and Catherine Perry had extracted ideas received from participants of past discussions, workshops, and meeting minutes to compose the list.

Jaci Edwards asked if there will be more public sessions that will include additional specific action items; Ms. Edwards gave sidewalks and rain gardens as examples of specific action items.

Catherine Perry reviewed the varying level of action items and agreed that a few more details or examples could be added, but also noted that in some cases the details will be defined during implementation.

Amy Lloyd suggested that the responsible groups to implement the action items could assist with fleshing them out.

Jaci Edwards voiced it’s important that town volunteers know that their input counts during this process.

Brian O’Donnell asked if a comprehensive plan ever evaluates issues such as whether the town has the right volunteer committees and staff to achieve the goals and objectives outlined. Mr.

O'Donnell shared that he sees a lack of ownership regarding some of the issues; and that could be why there may have been limited progress.

Glenn Garber shared that we don't have resources to cover this as a specific topic; however we could try to add some discussion within the existing elements. Mr. Garber suggested possibly establishing an Implementation Committee once the Comprehensive Plan is adopted to review if there are any barriers to overcome.

Sandra Hackman mentioned that she doesn't believe the final Comprehensive Plan will be ready for upcoming Special Fall Town Meeting; and then asked Director Garber about what will be presented.

Planning Director Garber shared that Planning Staff and the Consultants will have a PowerPoint update, and possibly a rough draft of the CP prepared in time for Special Fall Town Meeting; and at that time we will request public feedback. Background materials will be made available online.

2) Blake Block Planter Discussion—

Director Garber provided a memo dated, July 16, 2013 sharing feedback to questions raised by Planning Board members, Sandra Hackman and Lisa Mustapich regarding the choice of planting materials used in the raised planters at Blake Block. Director Garber briefly reviewed the original landscape plans approved in the 2008 Special Permit, as well as later revisions dated, May 18, 2011 and June 11, 2012. Director Garber commented that through investigative work and by Catherine Perry visiting the site; it was evident that the planted materials did not match any of the landscaping plans on record. Director Garber further commented that the May 18, 2011 revised landscape plan was approved by the Board; however, the June 11, 2012 revision was never adopted, but even so, the current plantings did not reflect that plan either.

Director Garber shared the following three options for the board to consider:

- a. Tear out all the newly planted materials in both raised planters and replace them with materials acceptable to the Board, or request that the developer use the materials proposed in the latest June 11, 2012 landscape plan.
- b. Modify the newly planted materials to provide some color by adding flowering plants such as daylilies.
- c. Accept the current planting as being functional and sufficiently attractive.

Board members shared their disappointment regarding the developer's choice of planting materials used in the planters. The following are some comments that were made; 1) there is an absence of color; 2) the junipers should be removed; 3) there is a lack of height—should have added trees, not shrubs; 4) have the developer comply with the 2011 approved landscape plan.

After a further discussion regarding what planting materials would be acceptable and which landscape plan should the developer comply with, Board members articulated that they want the Code Enforcement Officer to write a letter to Mr. Blake to inform him that the planting materials provided in the two raised planters do not conform to any planting plan on record; and therefore this is interpreted as a violation of the special permit and any other related amendments.

*MOTION: Lisa Mustapich moved to request that the Code Enforcement Officer communicate with Mr. Blake in writing informing him that the planting materials provided in the two raised planters at the Blake Block development do not conform to any planting plan on record; and therefore this is interpreted as a violation of the special permit and any other related amendments.*

*VOTED: 5-0-0*

Shawn Hanegan commented that he had observed that the rainwater level of the detention pond located behind the Blake Block is high again. Director Garber said he would follow up with Adrienne St. John, Public Works Engineer regarding this matter.

3) Verbal Update on development permitting cases—

**251 Concord Road**—Director Garber shared that he met with town staff regarding a developer's preliminary request to gain access to a rear lot located at 251 Concord and Ten Acre Roads with the intention to build a new house on that lot. Director Garber commented that in 2004 the Planning Board endorsed an ANR Plan that created the current lot lines for Lots 247 & 251 Concord Road; and that the ZBA later granted a variance (with conditions) to allow construction of a house on lot 251, as shown on the 2004 ANR Plan approved by the Planning Board. Director Garber briefly reviewed the conditions in the variance that were set by the ZBA; and then explained that after much dialogue between town staff, town counsel, and he that the proposed action will not go through Subdivision Control, but will go through Zoning Board of Appeals.

4) Minutes—

- a. May 20, 2013 Bedford Business Park/4-18 Crosby Drive Special Permit Public Hearing Minutes;

*MOTION: Lisa Mustapich move to approve Bedford Business Park/4-18 Crosby Drive Special Permit Public Hearing Minutes dated, May 20, 2013 with minor edits. (Shawn Hanegan seconded the motion)*

*VOTE: 5-0-0*

- b. June 4, 2013 Regular Session and Joint Meeting with CP Ad Hoc Advisory Committee Minutes;

*MOTION: Lisa Mustapich moved to approve Regular Session and Joint Meeting with CP AD Hoc Advisory Committee Minutes dated, June 4, 2004 with minor edits. (Amy Lloyd seconded the motion)*

*VOTE: 5-0-0*

- c. June 18, 2013 100 Plank Street Industrial Mixed Use Special Permit Amendment Minutes;

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*MOTION: Sandra Hackman moved to approve 100 Plank Street Industrial Mixed Use Special Permit Amendment Minutes dated, June 18, 2013 with minor amendments. (Lisa Mustapich seconded the motion)*

*VOTE: 5-0-0*

d. June 18, 2013 Regular Session Minutes;

*MOTION: Lisa Mustapich moved to approve the Regular Session Minutes dated, June 18, 2013 with a minor amendment. (Shawn Hanegan seconded the motion)*

*VOTE: 5-0-0*

e. July 9, 2013 Regular Session Minutes;

*MOTION: Sandra Hackman moved to approve the July 9 Regular Session Minutes as submitted. (Lisa Mustapich seconded the motion)*

*VOTE: 4-0-1 (Amy Lloyd was absent)*

f. July 9, 2013 29A Chelmsford Road Subdivision Public Hearing Minutes;

*MOTION: Lisa Mustapich moved to approve 29A Chelmsford Road Subdivision Public Hearing Minutes dated, July 9, 2013 as submitted. (Sandra Hackman seconded the motion)*

*VOTE: 4-0-1 (Amy Lloyd was absent)*

g. July 9, 2013 46 Wilson Road Scenic Road Public Hearing Minutes;

*MOTION: Lisa Mustapich moved to approve 46 Wilson Road Scenic Road Public Hearing Minutes dated, July 9, 2013 as submitted. (Shawn Hanegan seconded the motion)*

*VOTE: 4-0-1 (Amy Lloyd was absent)*

- 5) Other—the Board briefly discussed schedule and suggested that the August 6 meeting may not be necessary. Staff stated they would review incoming development cases and contact Board members by email to confirm if this meeting needs to be canceled.

**ADJOURNMENT:**

*MOTION: Amy Lloyd moved to adjourn the meeting. (Lisa Mustapich seconded the motion)*

*VOTE: 5-0-0*

*TIME: 10:22PM*