

BEDFORD PLANNING BOARD
Selectmen's Meeting Room
Minutes
September 13, 2016

MEMBERS PRESENT: Jeffrey Cohen, Chair; Shawn Hanegan; Amy Lloyd;
Lisa Mustapich, Clerk

MEMBERS ABSENT: Sandra Hackman

STAFF PRESENT: Tony Fields, Director of Planning; Catherine Perry, Assistant Planner; Kim Siebert, Recording Secretary

OTHERS PRESENT: David Powell, FinCom liaison; Eliza Rosenberry, reporter for The Bedford Citizen.

The Emergency Evacuation notice was read by Lisa Mustapich, Clerk

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

BUSINESS ITEMS

Lavender Lane—request to release performance guaranty: Documents in hand include a letter from Adrienne St. John, Public Works Engineer to Assistant Planner Catherine Perry RE: Lavender Lane Bond Release and a letter from Brown & Brown, PC explaining that the required work has been completed and requesting the release of funds held as guaranty.

Asked by Chair Cohen to comment on the request, Ms. Perry explained that the bond had been a tripartite agreement whereby the mortgage lender held back funds as assurance that the road and related items would be provided as agreed. Lavender Lane has now been accepted as a Town road and release of the remaining \$41,000 has been recommended by Engineer St. John.

Mr. Hanegan moved to accept the request to release the guaranty. Ms. Lloyd seconded. The motion passed, 4-0-0.

Work Program Discussion: Mr. Cohen thanked Ms. Perry for her memo on the work program that is intended to help the Board formulate the coming year's priorities. Ms. Lloyd asked new Planning Director Fields for his first blush impressions of imperatives.

Mr. Fields suggested that zoning bylaw initiatives related to the proposed medical marijuana moratorium vote at Special Town Meeting would require a certain amount of time and attention. The moratorium, if passed, would expire at the end of one year; it is the Selectmen's intention to have bylaws in place at the end of that period to designate areas of town as either opened or closed to the siting of a medical marijuana facility. Mr. Fields said, "Typically, the nature of discussion in most communities is, 'Is this something we'd be willing to see on Main Street?' and if not, 'Where in town is appropriate?'" Mr. Fields recommended forming a task force, with representatives from selected boards, to drill down into the issue and propose options.

Ms. Mustapich asked how much time such a task force would require. Mr. Fields reported he has done extensive research into medical marijuana and associated regulations. He has also drafted zoning bylaws pertaining to the matter. With Bedford's early Town Meeting date, however, he agreed that next November's STM might be the best target date to work toward a vote on related zoning.

Mr. Cohen asked if the Board of Health would be involved in these discussions. Mr. Fields reported that, in some cases, the BOH puts forth regulatory recommendations.

Ms. Lloyd asked Mr. Fields whether the medical marijuana question would complicate the Great Road/business district zoning initiative. Mr. Fields said he believes the Planning office will be able to handle both workloads.

Mr. Fields added that other zoning bylaws—such as the planned residential district, mixed use and multi-family housing—might benefit from being revisited.

Mr. Cohen asked Ms. Perry if she envisions moving ahead on the Board's Transportation Demand Management (TDM) initiative. Ms. Perry replied that former Planning Director Garber, before he retired, drafted a regulation. There has been a suggestion, however, of coordinating with the other Middlesex3 communities to ensure some consistency on the matter. There are also questions that may need some attention as to how it meshes with parking requirements.

Ms. Perry mentioned that it will be new for Bedford to institute a regulation rather than passing a bylaw. Ms. Lloyd said that past practice shouldn't deter creating a policy. Ms. Mustapich said she would be uncomfortable approving a regulation on something that had failed twice to pass Town Meeting. "I prefer to do it transparent at Town Meeting. It's up to us to sell it," she said.

Ms. Lloyd disagreed, saying that the nature of this kind of new initiative is that "it needs to be nimble. There's no way to get it right without trying it out. We can still be transparent and say it's a regulation that will be a work in progress as we see how it's working out. We'd get feedback from business owners, then we can adjust it."

Ms. Mustapich said she envisions this as part of a public hearing discussion. Mr. Cohen said he's heard more openness to TDM from Chamber of Commerce members, especially those that are closer to Route 3 and trying to attract workers who commute from the city.

Building height in the Industrial District was noted as a related potential priority. Ms. Mustapich said since Bedford competes with neighboring towns to attract businesses, the ability to grow in place or build higher would put Bedford on comparable footing. Mr. Hanegan agreed, noting that the Crosby Center owner has expressed interest in greater height.

Mr. Cohen added that there is also the question of Industrial District amendment that the Board is considering for the Wiggins Ave/DeAngelo Drive area, as well as the business districts/Great Road initiative. Mr. Hanegan recommended the Board check everything against the action plan of the Comprehensive Plan.

Given all the items now identified as priorities, Mr. Hanegan questioned whether there was the

necessary bandwidth to accomplish everything. Mr. Cohen agreed that the items represent plenty of work, especially in addition to the known and inevitable regulatory projects. It was agreed that the three main priorities are the Great Road Zoning Project, medical marijuana zoning and TDM.

Ms. Perry said that, on the staff side, the office wants to work on electronic file storage, tracking, and retrieval. Mr. Cohen asked if the matter was related to purchasing software. Ms. Perry she has experience in creating a permit tracking system using Microsoft Access, which is already available but most people cannot open files off-site using that system. Another available database which she could explore further is PeopleForms which can link with GIS but is said to have limited reporting capability. She has also examined the revised MAPC regional online development database and agreed to do quarterly updates (if time allows), but it doesn't track details of individual permit applications, and covers developments that would be permitted by a variety of boards/ staff. Mr. Cohen asked if it would be possible for Code Enforcement and Planning to have a collaborative filing system. Ms. Perry said that the sets of application records have to relate to the specific board or process but it's a good idea to have tracking databases that could be shared or linked.

Ms. Lloyd and Ms. Mustapich enthusiastically agreed that it should be a priority to improve filing, tracking, and retrieval. Ms. Mustapich said, "So often, our institutional knowledge fades. 'What was the condition? Was the condition done?' To me, it's the conditions and so many of the nuances and the office has to manually look that up... We usually rely on someone's memory."

Ms. Perry said that former Director Garber had made vast progress updating from a paper to electronic filing system but tracking and analysis methods are limited. It only goes forward from a few years ago; older files are mostly still on paper. The Town Clerk's archives are similarly being converted to an electronic system but the data retrieval capability is rudimentary.

Ms. Lloyd said she sees data management as critical; Ms. Mustapich agreed, saying the staff should be given time to work on it. Mr. Cohen agreed an improved system would be a beneficial tool and the sooner it was accomplished, the better. It was suggested that data management become a priority over TDM, if a choice had to be made between the two.

MINUTES

Ms. Mustapich made a motion to accept the August 30, 2016 minutes as revised. Ms. Lloyd seconded. The motion passed, 4-0-0.

REPORTS/DEVELOPMENT UPDATE

Questions/Comments on Development Update Chart: No new proposals have come forward and several projects are still in a holding pattern.

Ms. Lloyd asked Ms. Perry if there were any updates on the production of the post-ATM16 Zoning Bylaw. Ms. Perry said that it has been sent for a second round of corrections. She added that wider formatting issues such as variable bolding of headings are not being addressed at this time, and no one has been able to resolve some "stubborn" hotlink problems in the document,

probably because the software that was used to create the original document is no longer compatible with current versions. Ms. Lloyd said that eventually the whole document will need to be retyped—especially once the Great Road zoning revisions are complete.

Planning Board Liaison to Boards and Committees:

Ms. Mustapich gave a general update from the Municipal Housing Partnership, saying the Coast Guard property continues to move forward.

Ms. Lloyd said that interviews were held today for consultants who submitted proposals for the Great Road zoning project. A recommendation from the evaluating team will soon go to the Town Manager who will make the final determination based on this information together with the price bid information he is privy to. The goal is to award the contract by the end of September.

Mr. Hanegan said Community Preservation has minimal business for STM. There will be a public hearing on September 28 about the few new funding requests.

Mr. Cohen reported the Chamber of Commerce's website has a number of important dates listed. Items of note include: The Learning Express ribbon cutting will be September 21; Trunk or Treat is October 29; Flavors of Bedford is November 6; a Rotary event featuring Governor Baker is November 27 and tickets \$37/pp.

Service has begun on the new 14-seat "DASH" shuttle. On Fridays, DASH will offer a lunchtime shuttle to Bedford center from the Crosby Drive area. The hope is that this initiative will become so popular that people will need to reserve seats ahead of time.

The Chamber has identified three economic goals for the coming year: improve tourism by promoting interesting places; promote Yelp and Trip Advisor reviews; attract retailers. Mr. Hanegan asked what sort of retailers the Chamber has in mind. Ms. Lloyd questioned why retail was chosen as a priority when preliminary results from Bedford's market study show a low retail vacancy rate and a "good mix" of retail businesses. Mr. Cohen said he is not clear on the Chamber's thinking. Ms. Perry commented that the market study says Bedford compares favorably to other areas but she suggested there could be specific retail areas that might improve.

The Summer Walk-About was successful and the Chamber plans to do it again next year. The hours will be shifted to attract more after-work participants.

Mr. Cohen alerted the Chamber about the Board's Great Road zoning task force so that members would have time to consider becoming part of the group.

Mr. Cohen reported that the ZBA is busy reviewing residential teardown/reconstruction applications. The ZBA listens to both neighbor and developer perspectives and strives to be as consistent as possible with decisions. "In general, the people in attendance—although they may not always get the result they prefer—know their concerns are being heard," Mr. Cohen said.

Mr. Cohen asked the Board to consider how the Great Road advisory committee would be formed: what would the timing be and which stakeholders should be included? After some

discussion, the Board identified these participants: Selectmen, ZBA, Chamber, FinCom, Economic Development Officer Alyssa Sandoval, Transportation Advisory Committee, Healthy Bedford and at-large members representing residents, business owners, and property owners. Some participants—like DPW and Code Enforcement—might rotate in and out of the group.

Ms. Mustapich questioned whether there should be first a core group and then a fluid assortment of other stakeholders, as she was concerned about quorum issues. Ms. Perry suggested this group might be considered a sounding board rather than a voting group. Ultimately, members decided a format somewhat similar to the Comprehensive Plan ad hoc advisory committee would be best. The group would meet as part of regularly scheduled Planning Board meetings.

Ms. Lloyd said she'd like to hear from the consultant before finalizing the list and process. The Board discussed how to invite the other boards/committees and how to advertise to residents and businesses. Ms. Sandoval was identified as a resource/liaison for the business interests. No final action plan was devised.

PUBLIC HEARING: ZONING BYLAW AMENDMENTS—to review nine draft amendments, mostly of a minor nature, relating to the following topics:

- a) Zoning Map—add former MassDOT salt shed property to Industrial C District
- b) Maximum height in Planned Residential Developments
- c) Maximum allowable density in PRDs
- d) Industrial and Industrial Mixed Use provisions (5 items)
- e) Site Plans—require professional stamp and affidavit

Ms. Mustapich read the Public Hearing announcement. Mr. Hanegan made a motion to open the public hearing at approximately 8:30. Ms. Lloyd seconded. The motion passed 4-0-0.

The Board received copies of draft amendments prepared by Catherine Perry, with proposed explanations for Town Meeting in italics.

- a) Zoning Map—add former MassDOT salt shed property to Industrial C District

The salt shed property in question was exempt from zoning when it was owned by the State. The proposal recommends that it now be zoned the same as the Industrial C adjacent land. The property is now privately owned, purchased by the abutting business park, DIV Bedford LLC.

Ms. Perry noted that Town Counsel agrees with her wording in respect of the discontinued public way—Crosby Road—that is proposed to be encompassed by the Industrial C District.

Town Counsel conveyed a comment that at some point the official Zoning Map will need to be replaced, mentioning Section 2.2 where it is referenced in the text. Ms. Perry commented that production of the new map can readily be done via the Town's GIS Analyst and that the date in Section 2.2 (2008) is already behind the times in terms of approved changes to zoning districts. It may need to be brought up to date at the Spring 2017 Town Meeting.

- b) Maximum height in Planned Residential Developments

Mr. Cohen said that the proposed change from 37 feet to 35 feet would bring bylaw section 9.2.6

into alignment with other height limits as amended at the 2016 ATM.

Mr. Powell of FinCom asked for an explanation of the difference between “building” in the current bylaw, and “structure” as proposed by the new language. Mr. Cohen replied that the term “building” in this instance is preferred for the sake of consistency. He added that “structure” can include something other than a building, for example, a fence or antenna. Ms. Perry added that the PRD bylaw has provisions for reviewing structures such as flagpoles.

c) Maximum allowable density in PRDs

This change proposes to remove an obsolete sentence.

d) Industrial and Industrial Mixed Use

i: Permitted Uses in IMU

A sentence that was wrongly included from the preamble from a previous Town Meeting article is proposed to be removed.

ii: Board Responsible for IMU

This inserts the word “Planning” before “Board” in two places because the word “Board” on its own could refer to the Zoning Board of Appeals.

iii: Use Within Buildings Only

The text of the bylaw will be updated to give the current names of the three Industrial districts (A, B, and C) and to delete “4.6.4 Heavy Vehicular Dealership and Repair” from the classification of principal uses, reflecting changes approved at ATM 2016.

iv: Table I, Line for IMU

This article proposes an adjustment to Table I that will make it consistent with text changes approved at ATM 2016.

v: Table I, Line for IT, Life and Materials Science & Engineering

Proposed is a revision to Table I to include the classification 4.6.4 IT, Life, and Materials Science & Engineering which was added to the text of Section 4 at ATM 2016. The changes would specify in which districts the use is allowed and whether by right or by Mixed Use Special Permit. A site plan approval would be required.

Ms. Perry said that the use category was first created in 2014 within the IMU section. It was added to the Classification of Principal Uses in Section 4 at the 2016 Annual Town Meeting, with a fuller description, but it wasn’t included in Table 1. As proposed, inclusion in Table 1 would clarify the use is not permitted in any of the Residential Districts.

Ms. Perry’s memo noted that there may be overlaps between this use category and others such as offices, research and light manufacturing. This could pose some issues for its application in certain cases. However, the Code Enforcement Director didn’t have concerns about the way the

proposal was structured. Board discussion about the category centered on whether a research office with no lab or something like a call center would be included in it.

At the Board's request, Ms. Perry read the more detailed text that lists, in greater detail, the different uses. Ms. Lloyd said that labs seem to be the deciding factor of whether a use is allowed or not. Mr. Cohen said that larger square footage is needed for labs and that may be a key to how this would be interpreted. Ms. Mustapich said that labs are often around-the-clock concerns whereas offices often have standard working hours. Mr. Hanegan pointed out that data storage, which is included in the IT category, can require cooling and specialized chemicals. The Board noted that in completing the columns for this use in Table I, the most conservative approach has been taken.

Ms. Lloyd said that the zoning bylaws in the business districts will be revisited during the Great Road project and the question of this particular item can be reviewed at that time. Mr. Hanegan said it is better, in general, to not allow something and then permit it later rather than to allow something and then take it away. The other members of the Board agreed to let the subject rest for the time being.

d) Site plans—require professional stamp and affidavit

This proposal adds text that will require proof of professional oversight in the form of a stamp for site plan and an affidavit that all conditions have been met before an Occupancy Permit is issued.

On this instance, the burden would be placed on the applicant to assure that compliance has been met. Mr. Hanegan asked how much a stamp of this sort would cost. Mr. Cohen said it would depend on the complexity of the project. Ms. Perry said that larger projects already have the necessary professionals retained. Ms. Mustapich reasoned that if the project was small, it would nonetheless be important to have “a professional set of eyes” review the plans. Ms. Lloyd recalled certain professionally done projects that struggled or failed to meet specifications and would have benefitted from the affidavit requirement.

As for how the articles will be grouped at Special Town Meeting, Ms. Perry said that following discussion with the Town Manager there would be four articles: the Zoning Map; the PRD changes; the Industrial and Industrial Mixed Use changes; and, finally, the Site Plan professional stamp and affidavit.

Ms. Mustapich made a motion to close the public hearing at 8:55. Mr. Hanegan seconded. The motion passed, 4-0-0.

Ms. Lloyd made a motion to recommend approval of the zoning bylaw amendments to Town Meeting. Ms. Mustapich seconded. The motion passed 4-0-0.

ADJOURNMENT

Mr. Hanegan made a motion to adjourn. Ms. Mustapich seconded. The motion passed, 4-0-0.

Respectfully submitted,
Kim Siebert, Recording Secretary.