

BEDFORD PLANNING BOARD
Town Hall—Selectmen’s Meeting Room
Regular Session Minutes
September 1, 2015

MEMBERS PRESENT: Amy Lloyd, Chair, Sandra Hackman, Clerk,
Jeffrey Cohen, Shawn Hanegan and Lisa Mustapich

MEMBERS ABSENT: None

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

STAFF ABSENT: Catherine Perry, Assistant Planner

OTHERS PRESENT: Caroline Fedele (Selectmen); David Powell (Finance Committee); Karen Kenney, Elaine Davis, Julie Brown, Carolyn Conte (Residents)

Amy Lloyd, Chair convened the Planning Board meeting at 7:30 PM

Emergency Evacuation notice - read by Sandra Hackman, Clerk

Sandra Hackman, Clerk, also informed the public that the best way to stay informed of town board & committee meetings, agendas, and minutes is by subscribing to E-Info. on the town’s website.

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

NEW BUSINESS

Crosby Drive Discontinuance—the following documentation was submitted in conjunction with the applicant’s (DIV BEDFORD, LLC) request for discontinuance of Crosby Road.

- 1) August 19, 2015 letter from Riemer/Braunstein (applicant’s attorney) to the Board of Selectmen providing information regarding their client’s request for a hearing of discontinuance of Crosby Road.
- 2) Bedford Business Park Parking Expansion (August 2015) Existing Conditions and Layout & Materials plans.

Planning Director Garber explained that Crosby Road interferes with the applicant’s ability to optimize the layout of the property (4-18 Crosby Drive) because Crosby Road divides Bedford Business Park and the Salt Shed Property. The applicant recently acquired the salt shed property from Massachusetts Department of Transportation to accommodate tenant requests for additional research and development facilities, create additional parking, and provide drainage improvements. Therefore the applicant is seeking discontinuance of Crosby Road and acquisition of the underlying fee areas that are currently owned by the Town. Director Garber cited provisions in M.G.L. Chapter 82 Section 21 confirming that the request from the applicant is

valid and is under the jurisdiction of the Selectmen as the Town roadway commissioners. The Selectmen plan to consider/review this request on September 8. Director Garber further explained that the Planning Board does not need to take action; and that the applicant's request for discontinuance at this point is informational.

OLD BUSINESS

- 1) Zoning Amendment/Page Place Expansion—Catherine Perry, Assistant Planner submitted a memo dated August 19, 2015 regarding a potential zoning amendment to allow expansion at Page Place Condominiums.

Ms. Perry's above memo included the following:

- information regarding the first discussion of the expansion concept
- draft wording for a potential amendment to Section 11 of the Zoning Bylaws (Conversion of Public School Buildings to Multiple Residential Use) provided by Attorney Brown.
- information regarding the formal process of a zoning amendment
- informed the Board that she reviewed draft language provided by Attorney Brown for technical issues and to flag up matters the Board might wish to raise, and forwarded those comments to Ms. Brown
- provided background site information and the current zoning status of Page Place
- highlighted key issues related to the zoning amendment
- cited information from the Pedestrian/Bicycle Master Plan and how it relates to this site
- provided procedural/timing matters regarding the proponents intention to bring this zoning amendment to Special Fall Town Meeting
- final comments indicating that the proposed amendment with some further improvements could provide a reasonable increase in density and remain protective of the neighborhood public interest.

Director Garber explained that there has been some back and forth with mark-ups on the petitioner's proposed zoning article between Catherine Perry and Attorney Brown; and that the *latest* mark-up was provided this evening by Attorney Brown and includes some of Ms. Perry's earlier comments. Director Garber stated that Ms. Perry's August 19 memo shares, in detail, three key issues related to the proposed zoning amendment (see page 3) that the Board should focus on. **1)** overall density or number of additional units, as well as unit size mix; **2)** clarification/specifics on open space requirements and public benefits such a access, types of features to be retained and if there is need for Conservation Restriction (CR) status; and **3)** desirability of pedestrian and bike connections across Page Place property (Ms. Perry noted in her memo that it may not be possible to require a through route as a special permit condition, due to constitutional takings cases in the court; however, if offered voluntarily by the landowner, it may influence public receptiveness to approve a Town Meeting article).

Chair Lloyd agreed with Director Garber that the Board should focus on the above key issues. Chair Lloyd pointed out to Attorney Brown that it is difficult for her and other Board members to absorb all the new information provided in the latest zoning amendment mark-up, given that it

was just received this evening; and therefore the Board should only react to the initial draft and comments received.

Attorney Brown agreed to stay focused on the key issues, but also informed the Board that the latest mark-up version submitted incorporated most of Catherine Perry's initial comments (to create the draft submitted to the Selectmen) and responded to others with additional comments.

Issue #1: Board members discussed concerns regarding density and the number of proposed additional units—

Lisa Mustapich commented that Pulte Homes on Hartwell Road is a good example of how to present the density of a project because a maximum and minimum number of units and unit sizes were established. Ms. Mustapich pointed out that the density in the current proposal relating to Page Place expansion appears to be undefined.

Attorney Brown stated that the RFP for Page Place expansion will be similar to the Pulte Homes/Hartwell Farm project.

Ms. Mustapich stated that when reviewing the proposed zoning bylaw amendment, consideration shouldn't be given just to the Page Place site; the Board/Town should look at the big picture, because any approved zoning bylaw amendments would affect all public buildings and schools, not just Page Place (former Page School). Board members agreed that it is important to look at the whole picture to avoid any unintentional consequences in the future from decisions made based on a zoning amendment related to Page Place site and no other town buildings and schools.

Sandra Hackman stated a maximum density needs to be established. Ms. Brown stated that she had provided that information (4 units per acre). The Board noted that Ms. Perry suggested a maximum of 3 per acre.

Ms. Lloyd reiterated to the Board not to get into a line-by-line review and suggested sticking to the substantive issues; and then later give Attorney Brown feedback for her to produce a revised draft covering the major and minor issues discussed.

Shawn Hanegan suggested that the calculation for units should be by dry acres because of the existence of wetlands.

Jeffrey Cohen asked if Page Place desired unit count was 4 units per acre. Ms. Brown said the unit count will be less than 4 units per acre, but more than 3.

Chair Lloyd said the Board at this point the Board shouldn't be concerned with what makes Page Place project feasible, but to work on creating a zoning bylaw amendment that would work for any potential town building and school conversion in the future.

Mr. Cohen said; the reason he is asking this question is because Page Place site is one of the parcels that could be affected by a zoning bylaw amendment, so it's important for him to

understand what will or will not work at this site as an example for other potential town buildings/school conversions in the future.

Board members articulated that it would be helpful to have some examples of different PRD densities to have a comparison of what's a reasonable number of units per acre to propose.

Issue #2-- Open Space and Conservation Restriction requirements and Issue #3 Desirability to maintain public access across Page Place property were discussed together as follows:

Sandra Hackman shared her disappointment regarding the minimal language in the zoning amendment draft pertaining to open space and public use and access to it. Ms. Hackman reflected on earlier discussions with the applicants for the Page Place site expansion and at that time the applicant articulated that they were amenable to having open space open to the public; however, the current language in the draft doesn't appear to reflect that sentiment. Ms. Brown stated that the latest draft does capture that spirit.

Ms. Hackman pointed out that some of the descriptive language in the current proposal is a little wordy or repetitive. Ms. Brown agreed and said she had provided comment to that effect in the latest markup.

A discussion took place regarding public access to Page Place site and how that has changed. When the site was formerly a school public access was allowed; however, once it was converted to residential condo units, the public access was dismissed. Sandra Hackman and other board members would like to regain that public access (if possible) during the approval process of the potential expansion of Page Place. Board members also suggested including language in Section 11 of the zoning bylaws indicating the Board's preference to place high priority on public benefits, including maintaining public access to open space land and connectivity for pedestrian and bicycle trails via easements.

Director Garber outlined different methods of preservation that normally would be applied in a condominium-type project. He said that it's quite common to have deed restrictions to protect common open space areas (lawns, sitting areas, walkways, playing fields, gardens etc.), while employing state-approved Conservation Restrictions (CR) on the more pristine natural habitats. Page Place could have a combination of CR's and standard Open Space restrictions. Chair Lloyd agreed with Director Garber's suggestion to provide a combination of restrictions based on the type of land.

Other Comments:

Board members discussed the necessity of placing some parameters on unit size. Jeffrey Cohen particularly thought unit size should be included to keep things under control. Mr. Cohen inquired if the proposed maximum 2,400 sq. ft. unit size includes unfinished areas such as basements and attics because if it doesn't, 2,400 sq. ft. could easily be increased to much larger unit sizes and the potential for additional bedrooms. Shawn Hanegan offered that he is not as concerned about the size of the units, but would prefer monitoring the number of bedrooms allowed because of the growing amount of school aged children in town. Chair Lloyd expressed that she would like the size of the units to be limited and voiced that any unit over 2,400 sq. ft. is

not a unit, it's a house. Ways to ensure a mix of unit sizes were discussed, since the current draft only expresses the average as a minimum.

There was a detailed discussion of the possibility of adding in an inclusionary housing provision for affordable units. Lisa Mustapich felt that this requirement was imposed in certain special districts and overlays, and that to be uniform and fair, there should be similar requirements with the amended Section 11, School Conversion. Shawn Hanegan and others acknowledged the validity of this point. However, discussion ensued in regard to the economics of the situation, i.e. that provision of several affordable units (depending, of course, on the required percentage) could make the relatively moderately priced market rate units less affordable by raising the price point to pay for the inclusionary units. Alternatively, the proponents could press for additional density to cover the subsidization of the affordable dwellings, or they could do a combination of both. Either way, the majority of the board noted an affordable component will be necessary; however, some members felt that mandatory provision of affordable housing at Page Place could have a dampening impact on overall viability and affordability of the development and/or it could have the greater physical effect on the site as a whole, by increasing the number of dwellings. There also was brief discussion on the fact that the original bylaw was passed in 1983 during a wave of school closings in the suburbs, but that this era was long past in this time of rising enrollments, and the likelihood of further school conversions (before these buildings have to be replaced anyway) was remote, especially since the town would be reluctant to give up scarce school sites for more condominiums. No consensus was reached on the whole issue. Lisa Mustapich pointed out that the Housing Partnership meeting (the group that among other housing matters considers inclusionary cases) was scheduled for September 15, the same evening date and time as the Planning Board.

Although members felt that another discussion might be in order on some major issues like density, affordable housing and unit size mix, the extremely tight schedule, with the petitioners having to submit their draft warrant article to the Selectmen by September 4, made it difficult to reach consensus on all issues by that date. The requisite public hearing before the Planning Board, followed at a later date by the Board's report to town meeting, offered more opportunity for substantive discussion.

Board members were conceptually in favor of the proposed zoning bylaw amendment article however, they had identified some concerns which they had begun to discuss. They found the article to be complicated and a lot to digest in such a short period of time; and therefore had some reservations about the applicant being able to turn around a comprehensible draft on which they would be comfortable giving a supportive recommendation.

Attorney Brown informed the Board that the latest version before them covers most points discussed; and expressed confidence that she will be able to produce a clean draft covering issues discussed this evening and turn it around for Board review before the September 30 zoning amendment public hearing.

2) Industrial Zoning Amendment Status—Director Garber submitted a status memo dated August 26, 2015.

Director Garber informed the Board that it's not feasible to move forward with Industrial Zoning Amendments in time for Special Fall Town Meeting. He explained that this is mainly due to an extremely tight timeline for submitting warrant articles to the Selectmen, as well as to the lengthy list of new and continued development cases actively coming forward. Director Garber gave Bedford Business Park, 162 South Road, and Page Place expansion as examples of development (or development-related zoning cases) that is moving forward rapidly and also mentioned that 56 Evergreen Avenue is closely following. He also pointed out several more permitting projects that were definitely moving forward. Director Garber acknowledged that since the last discussion on August 11th Board members suggested moving forward with some pieces of the Industrial Zoning Amendments to show that Planning has been working diligently on these initiatives; however, after further thought regarding how interconnected all the potential zoning amendments are, Planning staff believes it would be more advantageous not to pursue the most prominently discussed amendment, i. e. re-zonings to Industrial B along northern Middlesex Turnpike, until opportunity is given to notify and work with landowners and existing occupants in that area, as well as the general public. He also spoke about the staff's continued work on Industrial District Expansion data base and case studies, and shared that all this information has been recently compiled into one editable document that will be extremely helpful when drafting the future industrial zoning amendments in inclusive, comprehensive fashion, rather than incrementally. He further shared that by waiting until Annual Town Meeting in March-2016 to bring forth potential amendments; it will allow more time to further refine potential articles and to do the necessary outreach to the public, business/property owners and other stakeholders.

Although Board members were enthusiastic about moving forward with presenting some pieces of the Industrial Zoning Amendments to Special Fall Town Meeting they understood the constraints staff was under and agreed that more time is needed to properly prepare for future such amendments. Director Garber suggested creating a presentation for Special Fall Town Meeting to inform the public of Planning's work on its case studies and explain how these studies lead into possible Industrial Zoning Amendments that would benefit the town's economy and future revenue. Director Garber also spoke about the broad public awareness that can be provided prior to Special Fall Town Meeting sharing this same information via Planning's website, Facebook page, Town's home page, BCAT, placing an article in the Bedford Minuteman and Bedford Citizen news publications. Board members agreed that it was important to get property/business owners and the public in the loop; and that a timeline should be provided to show Planning's progress toward future Industrial Zoning Amendments.

REPORTS/DEVELOPMENT UPDATES: verbal reports; non-deliberative

Director Garber reported the following: **1)** 54 Middlesex Turnpike-potential 2nd restaurant **2)** potential subdivision development on the Bedford/Billerica Line; **3)** 150A-162 South Road filed a Special Permit PRD (Planned Residential Development)—hearing September 30; **4)** Crosby Corporate Center IMU is under negotiations with Aspen Technology—indicating that progress is moving forward; **5)** 56 Evergreen Avenue—likely continuation of preliminary plan review on

Sept. 15; 6) 30 Chelmsford Road—having a staff meeting with developer next week; 7) Bedford Business Park filed a minor special permit amendment request—on September 15 agenda.

COMMITTEE LIAISON REPORTS

1. Sandra Hackman—spoke about the Transportation Committee/Middlesex 3 Coalition and Ken Gordon, State Representative’s Outreach letter which mentioned that the State and some private business owners are providing transportation for people living in and around the Lowell area to come work for Burlington retail businesses. Ms. Hackman also mentioned that there was some discussion about changing Route 3 to Middlesex 3 Highway.
2. Sandra Hackman—commented that 205 Burlington Road building was being gutted out and inquired if Planning staff knew what was going on. Director Garber said he was unsure, but would find out and share that information with the Board.
3. Jeffrey Cohen—reported that there was an article in the Boston Globe that cited Springs Brook Park in Bedford as one of the greatest places in the world to cool off. Board members were surprised, but pleased to hear that.
4. Chair Lloyd—reported that she attended the Cultural District planning group committee meeting and said that a cultural district zone hasn’t been defined yet. Chair Lloyd informed the Board that the State has criteria that needs to be met; and that the Cultural District planning group, as part of meeting this criteria is carefully working on what to include in this district and its location.
5. Director Garber—told the Board that he spoke with Bill Waite and Mr. Waite informed him that Ken Larson, property owner of 111 South Rd, doesn’t believe it’s viable to construct a café at this location; and therefore he plans to move forward with a retail photography business that has shown interest.

OTHER BUSINESS

August 11, 2015 Minutes—

MOTION: Lisa Mustapich moved to approve August 11, 2015 minutes with minor edits. Shawn Hanegan seconded the motion.

VOTE: 5-0-0

ADJOURNMENT

MOTION: Jeffrey Cohen moved to adjourn the meeting. Lisa Mustapich seconded the motion.

VOTE: 5-0-0

TIME: meeting ended at 9:05PM