

**BEDFORD PLANNING BOARD**  
**Zoom Remote Meeting**  
**Minutes**  
**January 11, 2022**

**MEMBERS PRESENT:** Shawn Hanegan, Chair; Steven Hagan, Clerk; Amy Lloyd, Jacinda Barbehenn and Christopher Gittins

**STAFF PRESENT:** Tony Fields, Planning Director; Catherine Perry, Assistant Planner;

**OTHERS PRESENT:** Ed Pierce, Emily Mitchell, Rick Rosen, David Powell, Erin Harvey, Lee Vorderer, Todd Crowley, Tom Wang, Elena Zorn, Jeff Cohen, Dominic Rinaldi, Larry Smith (Cranberry hill)

Chair Hanegan called the meeting to order at 7:00 pm, cited the Remote Meeting Guidelines, stated that the meeting is being recorded and called the Roll of Board Members in attendance.

Chair Hanegan summarized the agenda.

**DEVELOPMENT SESSION**

**135 South Road – Site Plan Review – Proposed Addition**

Chair Hanegan noted that Member Gittins will recuse himself from this discussion and will rejoin the meeting after.

Dominic Rinaldi from BSC Group introduced himself and Larry Smith as the project applicants. Mr. Rinaldi stated that this is a resubmittal of the same project that was approved in 2009 but never built. He shared his screen to show the project plans. He stated that the project includes construction of an approximate 39,000 second story addition with stormwater improvements.

Mr. Rinaldi stated that Planning Director Tony Fields has shared comments with them from various town offices, and many included no comment. He stated that they met with the DPW to address their questions about drainage. He stated that just prior to the meeting, they received comments from the Fire Department that mimic comments they had in 2009 about access. He noted that the building does not have 360 access, however they will have a pad of reinforced grass to allow fire trucks to back up and turn around on.

Chair Hanegan asked staff if they received official comments from Fire. Mr. Fields stated that they did receive comments after hours, which includes that they would prefer to keep 360 access and they have concerns over the curb at the loading dock. Mr. Rinaldi stated that the curb at the loading dock is not raised, and while the model does show pulling in and turning around is

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achievable, they could also drive over the curb if needed. Mr. Smith added that it is a fully sprinklered building. Mr. Rinaldi shared his screen to show the tracking of a vehicle through the property and highlighted the access a fire truck would have.

Mr. Smith stated that they are agreeable to checking all the drainage elevations prior to construction. He stated that DPW was concerned about some of the retention areas having been filled in. He added that it is part of their conditions to maintain the drainage sites and that there has only been one storm since 2001 that saw an overflow of the retention areas.

Mr. Rinaldi highlighted on the site plans the location of a manhole on South Road that they will make sure goes in before the town begins their paving project on South Road. Mr. Smith added that they are agreeable to replacing the CMPs on the site.

Mr. Smith stated that they are delivering an easement to the Town for the continuation of the walking bike trail, including a footbridge they are adding over a portion of the wetlands.

#### Board Questions

Member Lloyd asked staff if DPW will be issuing a statement that they have vetted the plans. Mr. Fields stated that based on the discussion they had with DPW, staff will work on writing conditions of approval that address their comments. He noted that many of their comments were technical comments.

Member Lloyd asked the applicants if they are intending to have a dumpster on site. Mr. Smith stated that there is a trash compactor at the loading dock.

Member Lloyd stated that the bike storage looks close to an access door, and asked for clarification on how close it is and if it is compliant with emergency access. Mr. Smith stated he can ask for clarification from the architect. Ms. Perry noted that the design they included is for a curvy bike storage rack, and stated that the Town does not prefer that style because it does not support a bike at two points.

Member Lloyd asked if the plant list has been checked against the State's invasive species list as things have been updated since the original submission of the project. Mr. Smith stated they have not checked but they will look into updating the plant list. Member Lloyd also noted that the landscaping plans do not completely agree with the engineering plans.

Member Lloyd stated that a traffic study was done in 2009 to address if the lights at the intersection would need to be changed with this addition, and asked if that would need to be redone given the amount of time that has passed. Mr. Rinaldi stated that they have not revised

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the previous traffic study, and noted that it did not come up in their conversation with the DPW. Mr. Fields stated that from the staffing end, the trips from this addition are not expected to change the design of the intersection.

Member Barbehenn asked if there is currently full occupancy in the building and what types of tenants they are anticipating for the addition. Mr. Smith stated that they are at full occupancy for the building, including a fiberoptic company, a biolab company, a health lab company, and a construction company. He stated that the entire addition will be lab space.

Member Barbehenn asked if they have a sense of their commuter population who bike to work, and asked if they may consider an indoor storage room for bikes. Mr. Smith stated that many employees who bike to work prefer to bring their bikes in to their offices, and stated they rarely have folks use the bike racks outside. He stated he is willing to update the plans to enhance the bike storage, but that the employees are more than likely going to bring their bikes to their office.

Chair Hanegan asked where the snow storage is. Mr. Rinaldi shared his screen and highlighted the islands designated for snow storage.

Chair Hanegan asked if they have any EV charging stations. Mr. Smith stated that they have four charging stations, and Mr. Rinaldi highlighted where on his screen. Mr. Smith noted they have seen an increase in demand, and they would be willing to add an additional four.

#### Public Questions and Comments

There were no public comments.

#### Board Discussion

Chair Hanegan stated that he is hesitant that the Fire comments were late, and asked staff if that could be reconciled between staff or if they should continue this hearing. Mr. Fields stated that it is essentially the same comments they sent in 2009, and added that there is nothing in the code that compels their request to maintain 360 access. He stated that the Board in 2009 found the solution satisfactory, and added that the building is fully sprinklered. He stated that in order to maintain 360 access, they would be unable to build about two thirds of the addition.

Chair Hanegan stated that he is comfortable with the current plans, and stated that if no other members have comments he is ready for a motion.

MOTION: Member Lloyd proposed and Member Barbehenn seconded, to approve the Site Plan Review contingent on addressing the DPW comments, that there is regular clean out of retention

areas, that there is another look at bike storage, and that there is another look at the planting list with respect to the invasive species list and additional shade trees

Member Barbehenn asked if there is a plan for the bridge and if the bridge construction goes through the DPW and Trails Committee. Mr. Rinaldi stated they are coordinating with the Trails Committee.

VOTE: By Roll Call:

Shawn Hanegan	Aye
Steven Hagan	Aye
Amy Lloyd	Aye
Jacinda Barbehenn	Aye
Chris Gittins	Recused

The motion passed 4-0-0, with Member Gittins not participating.

### **BUSINESS SESSION**

Member Gittins rejoined the meeting.

#### **Housing Issues Workshop:**

- **Two Family Dwellings**
- **MBTA Community Multifamily Housing Draft Guidelines**
- **Residence C District historical use and dimensional criteria**

Mr. Fields stated that at the last meeting, many members seemed to be supportive of simplifying the ability of two-families to be built in any zoning district. He stated that he would caution against that because he is not sure if many residents are ready for that. He stated that if they do not limit it by geography, they need to find a way to regulate the size so they attract missing middle housing. Ms. Perry noted that the current two-family dwelling regulations are very restrictive.

Member Barbehenn stated she believe they should allow two-families by-right everywhere in town, but with regulations like Mr. Fields suggested. She stated that she believes there is an opportunity to regulate it in a way that serves the purpose of adding missing middle housing while allowing it everywhere in town.

Member Gittins stated that when the current two-family dwelling rules were put in to place, the

idea was to enable homeowners of older houses to be able to convert their home. He stated that thinking about the newer houses in town, he would like to enable two-family across the stories of the house rather than split down the middle.

Member Hagan stated that currently, it is hard to allow these larger houses to be multifamily. He stated that by the current rules, you would need a separate entrance for each unit which would require further renovations of existing houses. He stated the from the last meeting, he agrees with Member Lloyd that they should start with the center of town and work from there. He stated that he would be opposed to going town wide, and added that town wide may be hard to pass at Town Meeting.

Member Lloyd stated that she does not believe town wide by-right two-family would pass Town Meeting, but added that she believes town wide by-right two-family is the same type of “one size fits all” approach that they are complaining about with MBTA Communities. She also stated that she does not believe this would work in the neighborhoods with largest houses, because they have already seen developers build a two-family dwelling that is essentially two large single-families attached, and they would not be adding any missing middle housing. She asked staff for clarification if they can put a square footage limit on two-family dwellings. Mr. Fields stated that the statue protects single and two-family dwellings. Member Lloyd stated she believes they could combine two-family dwellings and Residence C District changes to the historical use and dimensional criteria.

Member Gittins stated that when he looks at where middle incoming housing has come from in town, he does not see newly build two-family dwellings as a source. He stated that he does see large homes split into two-families and multifamily housing as a source, and he would like to place emphasis on that.

Member Barbehenn stated that she would like the Board to better understand the statue being referred to before they make any decisions. She stated that she is hearing some members prefer the center for this zoning, but added that with the discussion of MBTA Communities, multifamily may also be a good fit for the center. She stated that with that, she would prefer two-family to be town wide so that it can happen in other places and leave multifamily for the center.

Member Hagan stated that they could raise the elevation height in the center of town and allow for a four-story multifamily house, and that would go a long way to solving the affordable housing crisis.

Member Lloyd stated that two-family dwellings and multifamily dwellings are very different, and there are many lots in the center of town that could potentially be developed into two-family that would not be appropriate for multifamily at the density required under MBTA Communities.

Member Barbehenn stated they need to have a common understanding about what they want to do.

Chair Hanegan stated that his first inclination is to see two-family pursued town wide, because he does not want to give the impression that this is substandard housing that is only for smaller lots. He stated that he would like to have some people from the real estate industry weigh in. He stated that he believes the consensus of the Board is that they want to enable the creation of moderate-income two-family houses that look similar to a regular single-family house in the neighborhood. He stated that he is sensitive to what may pass at Town Meeting, and that he believes they will have Public Hearings where they can better gauge what peoples opinions are. He stated that with respect to MBTA Communities, they still do not have all the guidelines from the state, but he would like to see that along the bus route because that is the intent of the law.

Member Lloyd stated that she does not want to give the impression that she believes Residence C is an undervalued area. She stated that she would look at Residence C and B in the center of town as potential for significant changes because they have a history of smaller lots with nonconforming structures. She also questioned if they could rezone part or all of the VA because it is on the bus route and they have already identified that they would like to create higher density housing for specialized groups.

Chair Hanegan asked if that would count towards the state requirements because it is federal land. Ms. Perry stated that land owned by towns has been ruled not to count, and she suspects federal land may be the same.

Member Hagan stated that he is not understand the definition of terms between two-family and multifamily. Ms. Perry stated that the MBTA Communities rules are not including two-family, and they are starting with three units. Member Hagan questioned why the Board is continuing with two-family, and stated he is not bias to either type of housing, he is just looking for what is making members lean towards two-family over multifamily.

Member Barbehenn stated that when they talk about missing middle, there is a spectrum of housing styles that include single-family, duplex, triplex, and up to apartment styles. She stated that they all reflect different needs, and as a town they would need to create multiple alternatives to combat the housing crisis. She stated that multifamily is under the MBTA Communities guidance and two-family is something that they decided to pursue on their own independent of any mandates.

Member Lloyd stated that one of the reasons they are addressing two-family is because their current two-family laws are outdated and it is nearly impossible for many lots in town to qualify

to build them.

Member Barbehenn stated that she would like to separate the conversation between two-family and multifamily moving forward. She asked how many total acres in town they have to discuss at the next meeting. She stated that at the last meeting they discussed inviting the Housing Partnership and the Housing Trust to this meeting, and she stated that she does not know what the communication is but she thought they would be having a joint meeting with everyone to have this conversation.

Chair Hanegan stated that this was not intended to be a joint meeting, and that he has the Chair invited members of the Housing Partnership and Housing Trust to attend this meeting. He stated that in the future they could have a joint meeting, even if it was just a portion of a joint meeting. He stated he would like to get the opinions of those two groups and he would be in favor of having a joint meeting.

Chair Hanegan invited members from the audience to speak.

Lee Vorderer stated that she has lived in Bedford for about 30 years, and she came from Medford which is full of two-family and multifamily houses. She stated that she has not heard a lot from Bedford folks about what they would like, and she suggested a type of open forum to begin getting ideas and see if there is anything that needs further work to accomplish what the residents want.

Chair Hanegan stated they have not done that style meeting in awhile and he would be in favor of hosting one to discuss these housing issues. Member Lloyd noted that it is challenging as they cannot be in person in large groups. Member Barbehenn stated she would be in favor. Member Gittins noted that if they target Special Town Meeting, they would most likely not need the warrant article until September so they would have plenty of time for an outdoor event.

Todd Crowley stated that more data would be helpful as they consider which 50 acres to choose, and added the ZBA could offer input if the Board wanted it. Member Gittins stated that he would be in favor of ZBA input.

Elena Z stated that she would like to understand more about the terms the Board would like to move away from and what replacement terms would be used. She added that coming from a military family she has moved around a lot, and noted that some of the things she likes about living in Bedford will be different from somebody else. She stated that if they could gather opinions for what creates Bedford's character, they could figure out what exactly people want to keep and how they can craft changes to maintain the character people like.

Chair Hanegan asked if any members had any further comments on any of the housing topics.

Member Barbehenn stated she wanted to discuss a note from their memo about the potential of using the Woburn Sportsmen's Club. She stated she is not interested in doing that as that goes against the spirit of the law. Mr. Fields stated he listed it for consideration because it is on the LRT system and MBTA system, but those residents would not have access to the center of town via public transit. He noted that the regulations about limiting the size of a single-family home do not apply to a two-family. He added that in terms of how big 50 acres is in town, it is about half a percent of the size of Bedford. He stated that because Bedford is a bus community, they will need to allow for 20% of the 2020 housing stock, which at 15 units per acre would be about 73 acres for this zoning. He stated that if they look at their existing mixed-use districts which already allow multifamily housing, they could argue that they already achieve what this law is trying to accomplish. He added that he does not recommend they look at the Town Center district, because it overlaps with the historic district and they may have competing interests.

Ms. Perry added that the Great Road zoning allows for vertical mixed-use by-right, but it does specify that multifamily housing has to be above the ground floor. She stated she will ask the state if that would be allowed. She stated that in the Shawsheen district, there is a wide variety of lot sizes, and the MBTA rules currently say you need to take the existing parcels.

Member Gittins stated that they want to see new housing be part of a neighborhood. He stated that when Shawsheen was rezoned, the intention was to create a walkable area with a variety of homes and stores, and the same considerations need to be made with MBTA Communities.

Member Barbehenn stated they do not have an answer yet with regards to using mixed-use as part of this zoning. She questioned if there is a timeline for when they might have an answer from the State. She stated that she liked Mr. Fields breakdown of potential areas to use, and asked if they could have that in map and table form to visualize what that may look like. She asked if when calculating the acreage if they need to consider parts of lots that are not buildable, such as wetlands. Ms. Perry stated that the way the guidelines were written, they are saying you need to acknowledge lots that are not buildable and compensate for that. Mr. Fields added that the first information webinar is tomorrow, and he will be attending a presentation on the 21<sup>st</sup>. He stated that because they are draft guidelines, he anticipates the Planning Directors Association is going to have a meeting to try to help clarify the more confusing sections of the guidelines.

Member Lloyd stated that the guidelines seem to be written to say you need to allow anything, but there has to be some limitations because that is not how zoning works. She stated that she believes if their existing mixed-use were altered to allow multifamily by-right, that should be acceptable. Ms. Perry stated she believes they would allow housing as part of mixed-use as long as it meets the density, and she will get that clarified. She stated that they are talking about gross

density which includes road, so it may be possible that they include the area of the Great Road or any road in a district. She stated that would mean you need a higher density on development to compensate for the roads. She added that they are looking for units suitable for families, but they do not clarify what that means.

Member Lloyd asked if they would be allowed to create regulations on how many units of a certain size are in a development to ensure they get a variety of housing stock. Mr. Fields stated that the current way it is written, they would not be able to place those kinds of regulations. Ms. Perry added that they do not have to specify the number of bedrooms in a unit, but they cannot prevent adding more bedrooms.

Member Gittins stated that thinking about lot sizes and appeal to developers, he questioned what the pool of developers looks like. Mr. Fields stated that in his opinion, they have both developers who prefer small scale and large scale. He noted that the Woburn mall was cited in the article about how to redo strip malls, but he believes the Woburn mall renovation failed because it does not integrate the housing with the rest of the project.

Member Lloyd stated that in the MAGIC meeting today, there was mention of a meeting on February 1<sup>st</sup> for a webinar on housing the law will effect our area. She stated she will get the information on that to share with the Board. Member Barbehenn added that CHAPPA has two series on housing coming up that she can also get the information for.

### **Board Liaison Reports**

Member Lloyd reported that the MAGIC meeting discussed that there is a working group looking at regional EV charging procurement. She stated the goal is to develop a network of third party owned charging stations to look for better deals across the region. She stated that they are interested in having more members in the working group, and there will be more opportunities for input. She added that there were discussions on virtual meetings at the State level, as they expire in April. She stated that there is a template letter asking the legislature to extend that.

Member Barbehenn reported that CPC met last week and voted on a slate of projects to bring to Town Meeting, including \$1.5 for easements for the Minuteman Extension Way and \$600,000 towards the Housing Trust account.

Member Gittins reported that Energy and Sustainability met last week and they saw a presentation by the Heat Smart Alliance. He stated they are a volunteer organization promoting insulation of heat pumps to reduce greenhouse gas emissions. He stated they are inviting people from Bedford to join the efforts, and he will share information for their meetings. He stated that

Mass Save is expected to offer up to \$10,000 in incentives. He added that the Town is still in the hiring process for a Sustainability Director.

Member Lloyd added that Maynard is interested in sharing a Sustainability Coordinator. Member Gittins stated he believes they are looking for full time.

### **Development Update Chart**

Ms. Perry stated that there are not many new projects, but this is a good reminder of what projects are being worked on. She stated that the Conservation Commission reviewed the wetland delineation for the Seppi Farm area. Mr. Fields stated they are looking to have the design team for Brian DeVellis at the February 8<sup>th</sup> meeting to provide an update.

### **Staff Updates**

Mr. Fields stated they are the first budget for the presentation process with the Finance Committee, and he presented it last Thursday and believes it went smooth. He stated that as more budgets are presented, he believes it may be hard for the Town to stay within the 2% increase.

Member Barbehenn asked if there is an update from the Barret Group. Mr. Fields stated they are currently being held up by the contract being reviewed by Town Council.

### **Adjournment**

MOTION: Member Barbehenn proposed and Member Gittins seconded, to adjourn at 9:39pm

VOTE: By Roll Call:

Shawn Hanegan	Aye
Steven Hagan	Aye
Amy Lloyd	Aye
Jacinda Barbehenn	Aye
Chris Gittins	Aye

Minutes prepared by Amanda Hawkes

### **DOCUMENT LIST**

Agenda

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Briefing memo dated January 7, 2022 from Planning Director D. Anthony Fields, for Planning Board meeting

135 South Road- 2009 Site Plan Review Information Folder

135 South Road- Larry Smith response to DPW dated January 11, 2022

135 South Road- Site Plan Review Application & Checklist dated December 9, 2021

135 South Road- 13-page site plan package dated September 22, 2021 and revised October 15, 2021

135 South Road- Bedford GIS parcel map

135 South Road- DPW comments dated January 10, 2022

135 South Road- Conservation Commission comments dated January 6, 2022

135 South Road- Police comments dated December 21, 2021

135 South Road- Code Enforcement comments dated January 5, 2022

11-page report titled “Gentle density can save our neighborhoods” from Brookings dated December 4, 2019

Article titled “End of single-family zoning will take long study to avoid worse wealth gap, Planning Board says” from Cambridge Day dated January 5, 2022

Article titled “To improve housing affordability, we need better alignment of zoning, taxes, and subsidies” from Brookings dated January 2020

Draft Compliance Guidelines for Multi-family Districts Under Section 3A of the Zoning Act from the Department of Housing and Community Development

Article titled “MA's push for more multifamily: DHCD releases draft guidelines for MBTA communities” from Nixon Peabody dated December 30, 2021

Summary of Draft Guidelines for MBTA Communities prepared by Citizens’ Housing and Planning Association dated January 5, 2022

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Development update dated January 6, 2022

Various press articles on topics of planning interest