

BEDFORD PLANNING BOARD
Zoom Remote Meeting
Minutes
May 9, 2023

MEMBERS PRESENT: Christopher Gittins, Chair; Todd Crowley, Amy Lloyd, Jacinda Barbehenn and Steven Hagan

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

OTHERS PRESENT: Paul Mortenson, alternate SB liaison; Lauren Ennis, The Bedford Citizen; Pamela Brown, Paul Laudano and John Shutkin

Chair Gittins called the remote meeting to order at 7:02 pm, called the Roll of Board Members in attendance and cited the Remote Meeting Guidelines.

Chair Gittins summarized the agenda.

Assistant Planner Perry stated that the meeting is being recorded.

DEVELOPMENT SESSION

**Public Hearing: 229, 251A and 251F old Billerica Road – PRD Special Permit
(continuation)**

Since no new materials were received, the Chair asked Attorney Brown if she wished to continue to a future meeting. Ms. Brown confirmed she would like to continue the matter to May 23.

MOTION: Proposed by Member Barbehenn, seconded by Member Lloyd, to continue the public hearing to the Board’s scheduled meeting on May 23, 2023

VOTE: by Roll Call:

Amy Lloyd	Aye
Todd Crowley	Aye
Steven Hagan	Aye
Jacinda Barbehenn	Aye
Christopher Gittins	Aye

The Board discussed scheduling the site walk. Director Fields noted there is a need to post notice of the Board’s attendance and to inform the occupants of the house at 251A. Member Hagan noted he will not attend due to the difficult terrain. Staff explained that the site walk is an

opportunity for members to view aspects of the site that have been mentioned in the hearing or that may be otherwise relevant to evaluating the site design and making findings for the special permit. There should be no deliberations. The Board agreed to target Saturday May 20th and to suggest times to the applicant team, via staff.

BUSINESS SESSION

Planning Board Priorities and Goals for FY24

Director Fields shared on the screen a Spreadsheet with details of each of the major work items, which he has been working on updating and filling out. It covers five topics: Zoning Bylaw Reorganization, Comprehensive Plan preparation, MBTA Communities zoning, the Opt-in Specialized Energy Code and a Review of height in Industrial B and C Districts. Mr. Fields recalled that the last two were discussed as possibly targeting the November 2023 Special Town Meeting.

Also, Mr. Fields reported that the staff group that is meeting to coordinate on land use matters has raised a question, in response to a specific inquiry, of re-examining the uses allowed in conjunction with restaurants in the Great Road District/subdistricts. Our zoning definitions for restaurants, commercial entertainment and commercial recreation, together with the Town's alcohol regulations, do not allow drinking and playing amusements/ active games. The Board might want to discuss the subject with the Select Board and consider if we are too restrictive or if a change might be warranted to help fill struggling retail space.

Member Lloyd asked if Mr. Fields has seen other towns address types of uses without allowing larger, more commercial recreation such as Kings Bowling. Mr. Fields said he has only seen Bedford address them in such a way. Burlington granted a special provision for Kings Bowling. He also noted that cities can handle more things through licensing than towns can. In terms of what we allow in our restaurants, there are examples of small-scale entertainment as an accessory use, e.g. musical performance in a small space. Ms. Lloyd said she would be concerned by large, flashy commercial-type uses.

Member Barbehenn suggested looking at Lexington's Revolution Hall. She would be interested in liberalizing the rules but considers it may be the wrong time. It may be better to encourage redevelopment of the Great Road Shopping Center (Stop & Shop plaza). She would be interested to know if a change via Town Meeting in November would enable this operator to come or not.

Member Crowley supported the idea of looking at changes to the list of allowed uses. Member Hagan agreed.

The Board returned to the wider list of goals.

Member Barbehenn suggested a need to address community engagement tools, in particular using the money budgeted for software to get something up and running and use it for the MBTA zoning work.

Member Crowley said that, having discussed it, he finds that height may be a bigger topic than he thought, so it may be better not to try to address it early.

Member Lloyd observed that the Comprehensive Plan, MBTA zoning and Zoning Bylaw reorganization will take a lot of effort, and there is a need for community input as part of these. She suggested putting the other items (height, Energy Code and amusement/entertainment uses) into a lower category, to be addressed if and when time allows.

Mr. Crowley commented that the top items may not be continuous, so there may be gaps on meeting agendas that allow other things to be taken up. Chair Gittins said that was part of his thinking in wanting a schedule. He thought the Energy Code may be a relatively modest time requirement; the MBTA zoning would need more time but has a longer timeframe.

Chair Gittins checked on the timeframe for using the budget allocation for software. Director Fields stated it is for the next financial year: July 2023 to June 2024. He agreed to look into the staff work involved in selecting/setting up such software, but noted that the Board will need to consider what information it wants to convey.

The Chair focused on the early steps suggested in the spreadsheet, for May. Mr. Fields noted that the staff work identified can proceed without the need for Board input.

With regard to the Specialized Energy Code, Member Barbehenn reported she has heard of some uncertainty at state level about the Passive House standards referenced. With regard to discussions of height in the Crosby Drive area, she reported hearing from developers that they are more interested in flexible building forms than height. They are thinking ahead to chip manufacturing and not building offices, so height may be less of an issue. Mr. Fields noted that Ultragenyx needed to use a height variance that was granted in the past, and our standard allowance for rooftop equipment seems to be less than developers are now putting forward.

The Chair noted that the Board is in agreement that the highest priority goals are those related to state mandates. In the short term, staff's work items for May may not require any goals to be culled. They include data gathering and submission of a letter of interest on funding to the state's Community One Stop program, for the Comprehensive Plan.

Member Barbehenn reported that CHAPA is asking for interest in another round of its Municipal Engagement Initiative program, and suggested that Bedford could try again, perhaps through another entity such as Bedford Embraces Diversity. Director Fields said he would discuss it with Housing and Economic Development Coordinator Jeff King.

MBTA Communities Multifamily Zoning

The Chair opened discussion in response to memos prepared by Assistant Planner Perry, which described her progress in exploring the application of DHCD's compliance tool and summarized relevant webinars. The Chair noted that Member Lloyd offered some comments at the last meeting.

Member Lloyd reiterated her comments that Alfred Circle could be considered for designation for multifamily housing, subject to a pedestrian connection to The Great Road being feasible, and that she likes the idea of using a height incentive for mixed use in our central business areas. She added a comment that the large Woburn Sportsmen's Club property on Middlesex Turnpike has the potential to help us meet the criteria, together with smaller areas that we could customize, rather than designating existing residential areas.

Ms. Perry outlined her most recent memo and invited other members' comments or suggestions, about areas to focus on or issues that have shown up in the explorations.

In response to a request, Ms. Perry further explained the maps supplied for each of the three business areas examined: Shawsheen, Marketplace and Depot (based on two of the current Great Road districts and the Depot Area mixed use overlay district). The maps marked up in red show the properties that were found to have some capacity for multifamily housing when the state model was applied. The numbers are simply the street addresses. Ms. Perry noted that these results are based on using the existing zoning metrics as far as possible; if the minimum lot area was lowered, more properties would be counted as having some unit capacity. The numbers of units calculated by the model are generally high. However, it is doubtful that those sites which are mapped as being mainly in the floodplain would actually be counted by DHCD, since our zoning requires a special permit for major development in the floodplain unless the development is shown by a detailed survey to not really be in the floodplain. The maps marked up in green show Ms. Perry's tentative suggestions for sites where it might be acceptable to allow housing-only developments. They were chosen to avoid the current key retail properties and most prominent sites, because of concerns that housing-only redevelopment there might eliminate the main attraction.

Chair Gittins commented that he supports Ms. Lloyd's suggestions of looking to the Alfred Circle and Woburn Sportsmen's Club properties. He also asked Mr. Hagan about the Conservation Commission's role in relation to 100 ft and 200 ft buffer areas around wetlands and streams, and discussed developments in, or on the edge of, floodplains. Ms. Perry later clarified that in the MBTA Communities compliance model, wetlands and floodplains are treated differently. For wetlands, only the 25 ft no-build buffer and the actual wetland resources are excluded. Floodplains are classed as sensitive land, which doesn't exclude them but raises a warning flag, but DHCD has stated at a webinar that if a zoning special permit is required for development, they will be excluded because it is not 'as of right'.

Member Barbehenn said she was OK with the Alfred Circle suggestion but unsure about the Woburn Sportsmen's Club. In relation to floodplains, she noted that sometimes developments on piers are feasible, and wondered if we could argue that DHCD should allow such sites to qualify, and if we should allow for such elevated building designs in setting height rules.

Member Hagan expressed opposition to designating the Woburn Sportsmen's Club property because he felt it would be perceived as anti-gun.

Member Lloyd noted that so far we have focused on this side of Route 3, as being the main part of Bedford, but the other side has both MBTA and LRTA bus routes and access to a larger retail center in Burlington. Some people will see it as a desirable place to live. She noted that the Woburn Sportsmen's Club is already zoned residential and the owner would still have control over whether to sell it. Designating that property might be less disruptive than designating groups of single-family house properties to make up a large enough district.

Member Barbehenn expressed a preference for sites along The Great Road to help community cohesion.

Liaison Reports

Member Crowley reported that the ZBA allowed the fence for 40 Middlesex Turnpike with some restrictions.

Member Lloyd reported that the HDC reviewed replacement of steps at Old Town Hall. She missed the MAGIC meeting today but Ms. Perry attended and supplied a report.

Assistant Planner Perry summarized the MAGIC meeting, which focused on work planning and a short 'community roundup'. She had expressed interest on behalf of Bedford in sharing experiences on MBTA Communities planning and Energy codes. She reported that she recently spent three days attending the online version of the National Planning Conference. Her home town of Concord voted at its Town Meeting on May 1 to adopt the Specialized Energy Code, to come into effect early in 2024.

Board members asked for insight on the fate of local restaurants, with some recent closures. Ms. Perry commented that in general the sector is struggling, although some new ones are opening. Mr. Fields noted that we can't get involved in landlord/tenant negotiations. Ms. Lloyd observed that B. Good closed in Burlington as well as Bedford, so its issues may be wider.

Pamela Brown raised her hand and was invited to speak. She stated that rents are high in the Bedford Marketplace, for restaurants. She believes that has been the challenge for previous operators.

Planning Board Minutes
050923

Ms. Brown went on to speak of some development/zoning ideas that she is hoping to bring forward, one concerning higher density residential development in the Elm Street area, and one for mixed use in the Depot area.

Minutes

The Board reviewed the minutes of its meeting on April 25, 2023.

MOTION: Proposed by Member Hagan, seconded by Member Lloyd, to approve the minutes as written.

VOTE: By Roll Call:

Amy Lloyd	Aye
Jacinda Barbehenn	Aye
Steven Hagan	Aye
Todd Crowley	Aye
Christopher Gittins	Aye

Adjournment

MOTION: Proposed by Member Hagan, seconded by Member Lloyd to adjourn, at 8:35 pm

VOTE: By Roll Call:

Amy Lloyd	Aye
Jacinda Barbehenn	Aye
Steven Hagan	Aye
Todd Crowley	Aye
Christopher Gittins	Aye

Minutes prepared by Catherine Perry

Approved May 23, 2023

DOCUMENT LIST

Agenda

Memo from Planning Director Fields to Planning Board, dated May5, 2023 with respect to matters to be taken up at the May 9, 2023 Planning Board Meeting.

Planning Board Minutes
050923

Excel spreadsheet of Planning Board Initiatives, 2023-2024

Memo from Assistant Planner Catherine Perry to Planning Board, dated April 21, revised May 3, 2023, re MBTA Communities zoning - progress update

GIS maps of three areas explored in Test 2 of MBTA compliance model (Shawsheen, Marketplace and Depot) with markups showing a) parcels with calculated capacity for multifamily housing and b) potential properties for allowing residential-only development as an option.

Email letter from Karen Willson of Mothers Out Front to Select Board and Planning Director, dated April 17, 2023 re Energy and Sustainability Committee – Specialized Energy Code Warrant Article

Article by Christian M. Wade in *Statehouse Reporter* dated April 24, 2023, “Regional leaders huddle to discuss housing crisis”

Article by Samantha J. Gross in *Boston Globe* dated May 3, 2023, “In Mass. Race to shelter homeless families, some local governments balk. The state is moving to change that.”