

**BEDFORD PLANNING BOARD**  
**Zoom Remote Meeting**  
**Minutes**  
**May 23, 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:** Daniel Carr (Stamski & McNary), Jay Miller (Jay Miller Landscape Architects), Cynthia First (Bilca LLC), Shawn Hanegan (Select Board), Lauren Ennis (Bedford Citizen), Marcia Bushnell, Michelle Puntillo, Don Kennedy, Stephen Andress, Paul Laudano (atty for Mrs. Wade), Joseph Kelnhofer (2 Foster Road)

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

Chair Gittins summarized the agenda.

**DEVELOPMENT SESSION**

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

Planning Director Tony Fields stated that he doesn't anticipate the Board closing the hearing tonight. He noted that the Board held a site walk on Saturday with a few abutters in attendance.

Chair Gittins shared his screen to show a Public Hearing Protocol that he proposes to operate, with three points: comments to be made through the Chair; time limits; and comments to be related to the criteria for a special permit or else stated to be more general.

Daniel Carr, project engineer, stated that the design team revised the plan. Pam Brown is away but has been working on the new syndicate agreement, including arrangements for Parcel H.

Mr. Carr shared his screen to show changes to the plan on a Progress Print dated 5-11-23, including: relocated trail connection (to north side of retention basin); two additional parking spaces near barn; EV chargers noted on plan; distances to nearest neighboring houses shown; and more detailed information about drainage system shown.

Jay Miller, landscape designer, shared his screen to show a revised landscape plan (full sheet) and a photometric plan for the street lights. On the landscape plan he highlighted: extended and additional lines of buffer planting (beyond the two areas previously shown); revised list of five

species; and placeholder for play space near barn. Mr. Miller said the developer intends to keep as much of the existing tree cover inside the cul de sac loop as possible.

On the photometric plan, Mr. Miller pointed to 31 pole light fixtures along the new road near the southern site boundary. He stated that after discussion with Mitchell Grant neighbors, he placed them on the south side of the road to be angled northward for minimal light spillage. There will just be very slight spillage from the fixtures closest to Old Billerica Road. Elsewhere, he described the light level as “zero zero”. He showed a picture of the fixture.

Member Lloyd thanked Mr. Miller for reconsidering the pear trees. She noted that there are still outstanding issues with the development application, such as finalizing a revised syndicate agreement, the status of the proposed subdivision application, etc., and asked if today’s presentation is just an update. The applicant representatives confirmed.

The Chair invited public comments.

Don Kennedy asked about the meaning of “zero zero”. Mr. Miller said it is a foot candle metric representing no illumination. Mr. Kennedy asked if there are any changes to snow storage in response to BedfordShire’s previous comments. Mr. Carr stated that snow storage areas are now proposed to be on the north side of the road, so any meltwater will run into the road and its drainage system.

Michelle Puntillo thanked the Board for coming on the site walk. She asked if there will be any buffer planting to replace the pine trees that will be lost near #229. Mr. Miller showed the landscape plan and pointed to one group of trees that will be kept and some evergreens that will be added near #251C. Ms. Puntillo asked about the fate of other trees not shown, near the edge of the paddock. She also asked what the light spread is in terms of feet. Mr. Miller described it as 29’ 1” from the pole to where the 00 reading is. The poles are 14 ½ feet tall, to be “pedestrian scale”. If bollard lights were used, many more would be needed and they are prone to damage. Ms. Puntillo commented that there won’t be many pedestrians, mostly drivers. She considered it a large amount of lighting, and asked how lighting is determined for a suburban street. Mr. Fields said that if it was a conventional subdivision, standards would be referred to, and they typically require certain types of location to be illuminated. DPW engineers would review it. Street lights are typically 25-30 feet tall. The current application is a zoning special permit, where smaller fixtures can be allowed. The proposed size and spacing allow a reasonably consistent illumination. He will compare with the Subdivision Rules and Regs for the next meeting.

Chair Gittins said he would be interested in any bylaws or criteria related to light spillage on adjacent properties. Member Crowley added that he would be interested in any requirement for full light coverage of sidewalks.

Member Lloyd commented that she doesn’t think DPW standard street lights are dark sky compliant, so these may be better.

Stephen Andress referred to the landscape plan, noting that some new trees are proposed in the snow storage areas. He asked if they are compatible. Mr. Miller said they can be but there may be some risk of pressure damage. He will look at moving the trees back a bit more. Mr Andress asked what assurances are given to Bedfordshire about replacing failed plantings, and for how long. He noted Ms. Brown said she would draft something. Mr. Carr said we should await that. Mr. Andress asked if a light reading of 00 means that an observer standing there wouldn't see the light. Mr. Miller responded no but the beam wouldn't be directed onto them.

Paul Laudano, representing Emily Wade, asked what enforcement mechanisms are available for the Planning Board to put into its approval. He asked if the Board has plans with all the planting locations, sizes and types. He also asked for the plans to be clear in depicting what is common landscape or buffer areas and what is house lots.

Chair Gittins stated that the Board can write conditions and the Code Enforcement Director would be responsible for enforcement. Director Fields confirmed. He noted that the Bedfordshire PRD approval had planting conditions to protect the neighbors when it was built but the planting does not appear to have been done. Today we would require planting to take place prior to issuance of occupancy certificates, or a bond provided if it was the wrong season to plant. Later in the life of a development, an abutter may bring an issue to light and sometimes planning staff can nudge the developer/property owner to correct it. Member Lloyd commented that the Board has sometimes asked for landscape maintenance to be specified in the Operations and Maintenance manual.

Mr. Miller stated that the details and numbers of plantings are shown on the landscape plan, including the size of plantings.

Michelle Puntillo asked if there is a different lighting standard for a private road, as opposed to a public one. Mr. Fields said that the same safety requirements would be applied, and we would want some kind of lighting along a road today. Ms. Puntillo commented that individual homeowners may put up lights too, and asked if we can temper that. Mr. Fields responded that the Board could require the Homeowners Association documentation to limit it, e.g. prohibit free-standing lights in yards.

The Chair invited Marcia Bushnell to speak but she seemed unable to connect.

Member Barbehenn asked the Bedfordshire neighbors if it doesn't give them pause to hear that their own development didn't implement buffer planting that could have reduced or avoided the current problem. Mr. Andress responded that it doesn't remove the current need to provide a suitable buffer. Member Crowley reported from the site walk that he noticed most of the trees near the property line are on the applicant' property, whereas the Bedfordshire side is very open.

Chair Gittins asked if the applicant wishes to continue to a future meeting. Mr. Carr confirmed they would like to continue to the next meeting.

MOTION: Proposed by Amy Lloyd and seconded by Steven Hagan, to continue the public hearing to the Board’s next scheduled meeting on June 13, 2023

VOTE: By Roll Call:

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

## **BUSINESS SESSION**

### **Planning Board Priorities and Goals for FY24**

Director Fields shared on the screen the same spreadsheet as at the last meeting, noting that the Board didn’t look at page 2 but agreed on five high priorities.

Member Barbehenn asked where public engagement is. Mr. Fields said it has not yet been added, and recalled that there were two things that he understood the Board to have agreed to take off the list previously: public engagement and the members’ handbook, but Ms. Barbehenn asked for them to be put back on.

Member Lloyd noted that community engagement will be an integral part of several of the high priority items and may not need to be listed as a separate project. Chair Gittins recalled that there was discussion of itemizing the purchase of software for community engagement. Ms. Barbehenn said she wanted it in the list and to pursue it early on. Ms. Lloyd responded that in that case, if any significant amount of work is involved, something else should be taken off – potentially the Energy Code or height zoning amendments.

Chair Gittins discussed the Specialized Energy Code, saying that it could go other routes but he would like the Planning Board to commit to it for the Fall Special Town Meeting, with assistance from others. Ms. Barbehenn asked if the Select Board took a position on it. Select Board member Hanegan responded that they have not addressed it as they do their goal setting in August. As most of the language is ‘boilerplate’ and it is a general bylaw, he thinks they may agree to present it. Ms. Lloyd stated that she considers it a high priority. She would like to get a view from the Select Board as to whether they think they will lead it and put it on the Warrant for the Fall Special Town Meeting. Mr. Hanegan agreed to raise it under liaison reports at the next Select Board meeting on June 12 and report back. Several Planning Board members said they would prefer the Select Board or someone else to take the lead on this item.

Ms. Barbehenn suggested not looking at page 2 of the spreadsheet until several months' time. Ms. Lloyd suggested agreeing to only address 'engagement' and 'height' when time allows.

Chair Gittins suggested committing to purchasing software for engagement within a certain time, and implementing it later, in conjunction with IT staff. Ms. Barbehenn noted that there may be free trials of software products that we could start before July, but IT staff may need be involved in that.

Chair Gittins commented that we won't touch the medium and low items this year. He wanted to acknowledge that some of the high ones are mandatory and prioritize the others next time. He asked for views from staff.

Director Fields reported that staff is generally working on all fronts, depending on the variable demands of the permitting load and other daily events. He is working on a submission to the state's Community One Stop grant portal, for assistance with the Comprehensive Plan, coordinating with other Town submission ideas for infrastructure under MassWorks, which must be done by early June. We are working with the consultants on the Zoning Bylaw Reorganization, and they may return to the Board in late June or early July. In relation to MBTA Communities zoning, Ms. Perry has been dealing with new materials from DHCD, including re-entering data into a new version of the Compliance Model. Mr. Fields will work on a survey concept for June or July, either using new software or we may be able to use Survey Monkey or another platform. He has some illustration ideas. He applied to CHAPA for assistance with PR. The text for a Specialized Energy Code warrant article and a Zoning Bylaw amendment on height is fairly straightforward but public engagement will be needed. He has some examples of height rules from other towns.

Ms. Perry referred to the outreach ideas she wrote up from recent webinars, in her last memo on MBTA Communities work. Some towns are starting from an earlier point in terms of needing to get discussion going on housing. One experience from Acton that may be relevant to expanding the audience is that there was door-to-door canvassing of, and information provision for, rental housing occupants by a grassroots organization (related to housing and environmental issues), which brought new people out. However, such efforts are labor-intensive and care has to be taken with advocacy versus a Planning Board's interest-balancing role. Many of the ideas from the webinars echo the range of practices that Bedford has used in previous outreach efforts, such as: hosting public workshops with breakout discussions and activities; creating a dedicated webpage with an introduction, slideshow or illustrations, and a collection of relevant documents; using a variety of media channels to draw attention and explain concepts. She proposed setting up a dedicated webpage for MBTA Communities.

Member Lloyd asked about the intended scope of the zoning changes on height and Director Fields outlined his intention to cover height limits in the industrial districts in the short term, and mixed use in the Great Road districts at a future time.

Chair Gittins asked members to provide their rank ordering of items for the next meeting so that priorities can be set for when time is tight.

### **MBTA Communities multifamily zoning**

Assistant Planner Perry reported that DHCD has produced some new materials:

- A Model Bylaw with extensive accompanying notes
- A revised version of the Compliance Model with corrections to some of the formulas in the spreadsheets

Ms. Perry reported that after re-running the tests she did so far, of potential zoning districts, in the corrected Compliance Model, she concluded that the changes do not affect our results.

She has read through the Model Bylaw document and found some of its discussion of possible variations, and the interaction of different factors, interesting. Much of it confirmed points that she had discovered by working through a few tests. There was no new advice on floodplain issues, and little discussion of affordable housing where many people have raised concerns about the poor relationship to existing affordable housing regimes.

Ms. Perry reported that she looked into Alfred Circle, which members had suggested a potential location for multifamily housing. It is entirely in the floodplain so is unlikely to be allowable as a district. A path connection to the Great Road, while physically feasible, would need the acquisition of rights on intervening property (by negotiation or eminent domain).

Member Lloyd asked if staff could supply a copy of Lexington's new MBTA zoning. Ms. Perry will endeavor to identify the final approved version and circulate it. She discussed Lexington's selection of locations and varying rules for different ones. She reported that in the most central location, Lexington decided against allowing housing-only development, and therefore that location will not qualify. Elsewhere, Lexington incentivizes mixed-use development by allowing additional height compared to housing-only development. Their zoning is complicated to interpret because it references base zoning as well as having three different overlay district types. Most of the locations are currently in commercial use, some of them only one story, and Lexington has several bus routes.

Ms. Lloyd expressed the view that the Board should start to educate the public about the state's MBTA Communities zoning requirement as soon as possible, because she felt that misinformation may be circulating.

Ms. Perry suggested starting by setting up the dedicated webpage, incorporating some items that are already posted on the Housing and Residential Development page and adding an introduction and more detailed explanation.

Chair Gittins asked if it would be helpful for the Board to write letters to the Bedford Citizen. Ms. Perry thought that could be helpful once the webpage is established, and suggested members be considering what points they want to convey. She noted that a recent Bedford Citizen article on the Planning Board's last discussion did give a brief summary of the state requirement.

Ms. Barbehenn asked if there is any way of doing a town-wide mailing, perhaps by tagging onto other departments' mailings or seeking discretionary funds from the Town Manager. Mr. Hagan opined that such outreach was premature, given that we are still doing technical explorations and that we are targeting next year. He noted that the Board doesn't have a plan to put forward.

Board members further discussed the Woburn Sportsmen's Club as a potential multifamily zoning location.

### **Planning Board Handbook**

Director Fields stated that the current version is intended to be 'nearly done'. He may want to adjust the public discourse section based on the recent legal decision, once he has attended an MMA conference session covering the subject. He also intended to add more resources, either within the document or as appendices. Some definitions may be provided in the revised Zoning Bylaw document, reducing the need for them here.

Mr. Fields suggested members take time to read the document. Any additions/ revisions could be discussed at a future meeting.

Chair Gittins suggested members supply any suggested changes as markups to Director Fields. June 16 was agreed as a deadline.

### **Liaison Reports**

Member Hagan reported he attended HATS and HFAC. The hangar project was the biggest item of discussion, with a focus on environmental issues. He recommended reading the Boston Globe article for a good summary.

Chair Gittins attended the Energy and Sustainability Committee which discussed the Specialized Code and supports it. He hopes the various committees and groups that have an interest in this will coordinate on a strategy to bring it to Town Meeting and conduct outreach along the way.

### **Other Business**

Member Barbehenn noted that the Select Board received a presentation from Brian DeVellis on his Carlisle Road proposal. It voted to support the LIP application, subject to conditions. Two members abstained as abutters, so three voted. Ms. Barbehenn questioned changing the concept in terms of the number and mix of units as part of the vote. Ms. Perry said her understanding was that the Select Board voted to let the LIP application move forward as written but to explore

some changes during the process, similar to the proposed exploration of more affordable units/deeper affordability levels. Select Board Member Hanegan confirmed that position and said that it took account of hearing from others, including Housing Partnership members, and that the Select Board was free to express its views.

Member Lloyd asked if the contemplated change would mean fewer units. Mr. Hanegan responded that at the most extreme it would go from 139 to 103 units. Ms. Lloyd noted that there wasn't unanimous town support for the developer's proposal.

Ms. Barbehenn asked Mr. Hanegan how the process will unfold. Mr. Hanegan explained that he will be signing the letter of support on behalf of the Select Board, including their perspective on it. DHCD will determine if what is being proposed is acceptable for the LIP program and within the allowed ranges for financial feasibility and maximum profit. The ZBA will review the Comprehensive Permit and can consult with other boards. Mr. Hanegan reported that the developer sees the current step as crossing the start line.

### **Staff Reports**

Director Fields reported that Lexington gave a presentation about its recently approved MBTA Communities zoning at a RHSO meeting that Bedford's planning staff attended. Today he attended an MMA webinar on affordable housing. They suggested responses to housing critics/objectors. He will pass the presentation along. There are more training events next month.

Assistant Planner Perry reported that she visited Revolution Hall, along the bikeway at Maguire Road in Lexington (mentioned in the Board's recent discussion of mixed dining/ drinking/ activities concepts). She found it to have food service, a bar, a variety of seating including a lounge-style area, a table game and potential for outdoor events such as a barbecue, but not large-scale indoor recreation.

### **Minutes**

The Board reviewed the minutes of its May 9 meeting.

MOTION: Proposed by Member Barbehenn and seconded by Member Hagan, to approve the minutes of May 9, 2023 as written

VOTE: By Roll Call:

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

**Adjournment**

MOTION: Proposed by Member Hagan, seconded by Member Crowley, to adjourn, at 9:32 pm

VOTE: By Roll Call:

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

Minutes prepared by Catherine Perry

Approved June 13, 2023

**DOCUMENT LIST**

Agenda

Memo from Planning Director Fields to Planning Board, dated May 19, 2023 with respect to matters to be taken up at the May 23, 2023 Planning Board Meeting.

Package to Planning Board from Pam Brown for Michael Bacon Way PRD, Old Billerica Road, dated 5-15-23

Landscape Plans for Michael Bacon Way PRD, Rev 1 dated 5-12-23, transmitted 5-16-23 (6 sheets including photometrics)

Site Plan (Road) site walk sketch: Progress print dated 5-10-23 showing stakes on south side

Site Plan (PRD layout): Progress print dated 5-10-23

Letter from BedfordShire to Pam Brown dated 5-5-23

Letter from Patricia Lennon to Planning Board dated 5-22-23

Sample Zoning for MBTA Communities, March 2023, Massachusetts Department of Housing and Community Development (DHCD)

Planning Board Handbook, 2023, Draft #7.1

Development Update chart, 5-27-23

Planning Board Minutes  
052323

Draft Minutes of Planning Board meeting held on May 9, 2023