

BEDFORD PLANNING BOARD
Zoom Remote Meeting
Minutes
June 27, 2023

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

MEMBERS ABSENT: Amy Lloyd

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

OTHERS PRESENT: Pamela Brown, Barry Ganek (architect), Shawn Hanegan (Select Board), Ted and Peg Bernhardt (Care Enterprises LLC), Karen Brown (HDC member), Jennifer McClain (HDC member), David Goldbaum (32 Elm St), Emily Mitchell (Select Board), Dot Bergin (Bedford Citizen reporter), David _____

Chair Gittins called the 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.

DEVELOPMENT SESSION

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

Chair Gittins reported that the applicant has requested to continue without testimony to the next meeting.

MOTION: Proposed by Member Barbehenn and seconded by Member Hagan, to continue the public hearing to the Board’s scheduled meeting on July 11, 2023

VOTE: By Roll Call:

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

Public Hearing: 60 Great Road – Horizontal Mixed-use Special Permit

MOTION: Proposed by Member Barbehenn and seconded by Member Hagan, to open the public hearing

VOTE: By Roll Call:

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

Pamela Brown of Brown and Brown represented the property owner, Care Enterprises LLC. She noted that Peg and Ted Bernhardt operate a business, Right at Home, on the property and that the project architect, Barry Ganek, is present.

Ms. Brown shared her screen and showed an aerial view of the site, on the corner of Fletcher Road. The proposal is to reconfigure the parking slightly and build a two-family house on the northern end of the site, keeping the office building near The Great Road. That building contains the Right at Home business and two other office tenant spaces on upper floors.

Ms. Brown referred to her submitted application package, including a table of dimensions. She noted that the corner lot has two front and two side yards, and described the current setbacks. She stated that the proposed setback on Fletcher Road, for the house, will be about 12 ½ feet and not as shown in the submission (20 ½ feet).

On parking, Ms. Brown said her calculations are of a minimum requirement of 14 spaces and that the proposal will involve a loss of two existing spaces but leave enough (20) to support the uses. The plan orients the house toward Fletcher Road. Two designs are in the packet but the applicant team prefers the one labeled as Option 3. In their opinion the proposal fits well with the goals of the Great Road/ Center District. The two dwelling units could be rented or converted to condominium ownership.

Ms. Brown showed small plans of the existing and proposed site layout. She noted the rear entry garages for the two duplex-style housing units, and a “pretty tight” side setback. Showing Google street view pictures, she discussed other features of the site including existing mid-sized light fixtures. The property line with the adjacent house on Fletcher Road has been staked, as have the corners of the proposed 2-family house. Ms. Brown noted there will be a need to remove trees but said the applicant proposes to retain vegetative and/or fence screening to the neighbor.

The Chair invited Board questions prior to the architect’s presentation.

Member Crowley asked about the height of the proposed house. It was stated to be 35 feet, slightly less than the maximum of 37 feet in this district. Mr. Crowley asked if it is proposed to

be five feet from the property line. Ms. Brown confirmed. Mr. Crowley asked how near the abutter's house is to the side lot line. Ms. Brown estimated 25-30 feet and said she will confirm. Ms. Brown acknowledged that most of the tall buffering vegetation would have to be removed. She added that the applicant will prepare a landscaping plan for the site. Mr. Crowley asked about the location of the existing row of arborvitae in relation to the property line. Ms. Brown said their trunks are on the applicant's property.

Chair Gittins asked why the applicant is proposing so much parking space, and commented that it appears to be only half used. Ms. Brown referred to possible need and noted that the new residents might like to have more parking space than the two garages.

Assistant Planner Perry pointed out that there is actually no minimum parking requirement in this Great Road subdistrict. Also, staff disagrees with Ms. Brown's opinion that site plan review is not needed as part of the process. Comments received today from the DPW engineers include requests for more site design details. Ms. Brown asserted her position that site plan review is not triggered but agreed to provide any more information that is needed, for the next meeting.

Project architect Barry Ganek showed a 3-dimensional drawing of the proposed house. He noted that in this location, it will be perceived as part of Fletcher Road. There is an example across the road of a 2-family house that look like a single-family, and he has designed this to look similar to a conversion of a large house into two units. The massing will be similar to nearby houses, with 2 ½ stories and gabled styling. He suggests a mix of finish/ trim elements like a Queen Anne Victorian. The details can be developed during the design process. The rear garages will not be visible from the street. He would aim for an additional parking space for each unit.

Mr. Ganek showed proposed floor plans, with two similar units having living space on two floors and storage and mechanical space at attic level. He also showed elevation drawings of front, side and rear. He noted that there will be unfinished basements.

The Chair invited questions from Board members.

Member Crowley asked the overall length of the building from front to back. It was stated to be 65 feet plus porches. The width was given as 40' 7".

Member Barbehenn welcomed the project concept and the amount of thought put into the house design. She asked how amenable the applicant is to moving the house footprint and reducing the parking area. She also wondered if it would be possible for the public to have use of the parking at weekends.

Member Crowley questioned placing the house only five feet from the property line. He noted that its middle section has three stories with windows on that side, and five feet would not allow room for vegetative screening. Ms. Brown agreed but noted there is more space toward the rear,

where the house is narrower. She said the applicant would try to talk to the abutters, who they have not been able to contact.

Member Barbehenn asked again if they could move the house further from the property line. Ms. Brown responded that they could probably shift it a bit, but they want to have some nice landscaping between the parking and the house. Ms. Barbehenn asked how much demand they really have for parking and if they could reduce the number of spaces to, say, 12.

Ms. Brown said that the applicant team hears the Board members' comments and consider them.

Ms. Brown stated that for cars to access the garages, they need to shift the house forward. Member Crowley asked if that will need a variance. Director Fields advised that under the zoning rules for the district, the Board has the power to grant a waiver for the setback.

Member Crowley asked about the floor area of each residential unit. Mr. Ganek responded that each has 2,400 sf of living space (on 1st and 2nd floors) and potentially an additional area of approximately 400 sf at attic level, depending on placement of walls.

Member Hagan expressed support for the project idea, subject to working out the details under discussion.

Chair Gittins asked staff what considerations or criteria the Board should be focusing on. Ms. Perry referred to the copy of Section 22 of the Zoning Bylaw (Great Road District) supplied in the Board's packets, and noted that it sets many dimensional rules since it emphasizes built form. There is provision for waivers to be considered on certain aspects; the front setback for the new house has been mentioned in that regard, and other waivers are requested in the application letter. The bylaw has a purpose section with goals for the character of each subdistrict, which may help with evaluation, and the discussion has already begun to touch on that.

Ms. Brown said she has tried to address points in the zoning in her application letter, but she is happy to work on the proposal based on feedback received, and come back to a future meeting.

MOTION: Proposed by Member Hagan and seconded by Member Barbehenn, to continue the public hearing to the next scheduled meeting on July 11, 2023

VOTE: By Roll Call:

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

BUSINESS SESSION

Potential Center Neighborhood Overlay District

Pam Brown had requested time to present a conceptual proposal for a multi-unit cottage style development for the Daugherty property at 49 Elm Street on behalf of David Goldbaum/Bespoke Renovations LLC, in conjunction with ideas for a new Center Neighborhood overlay zoning district that would support this type of development. She thanked the Board for the opportunity to discuss these matters and noted that similar ideas were floated ten years ago.

As presented, the goal would be to allow higher density but smaller scale development compared to what the current zoning is geared toward. It would not necessarily be senior housing but would be less expensive than larger houses. Ms. Brown showed some red-lined plans of suggested groups of lots in the vicinity that could have potential for this approach. She also showed a conceptual site layout plan for the 49 Elm Street lot and some conceptual elevation designs.

Ms. Brown's suggestions for zoning included having a minimum land area per unit but allowing several units on a lot (either attached or detached), up to a certain maximum. These would be combined with a maximum limit on the above-ground floorspace to control massing. In place of traditional frontage rules, there could be some other provision for safe emergency access. There could be additional requirements for landscaping and site design standards relating to sustainability or accessible/universal design.

Ms. Brown noted that existing lot sizes in this central area are mostly below the minimum for the Residence C zoning but do vary. The proponents are hoping for a response to the concepts, hopefully supporting the general idea and giving input on locations and parameters.

The Chair invited Board members' questions and comments.

Member Barbehenn commented that the center has unique opportunities and Board members may all agree that we could do better with the zoning for it. She was concerned to look at the area holistically, including other properties that might have potential but have different individual characteristics. She noted that the Board has discussed rolling back the zoning in this area to lower dimensional requirements, which might help in a different way.

Director Fields commented that most of the lots around Elm Street are very small and the Goldbaum lot would need testing to see if it could be configured to comply.

Ms. Barbehenn took issue with the large size of unit that Ms. Brown is calling a cottage, noting that it is like a 1970s standard house. She said she favors smaller units and not requiring parking for everyone.

Ms. Brown said that she like the idea of returning to older zoning but that standard zoning, with frontage requirements, can be a limitation on development formats. There may be ways to use

density and perhaps form-based rules to get more creative projects. She generally recommended first envisioning what you want and then writing the zoning.

Ms. Barbehenn noted that the Board has limited time available but thought it may be able to offer input.

Chair Gittins commented that he likes the concept for 49 Elm Street but he is not enthusiastic about creating an overlay district. He thinks the minimum lot size in Residence C is too high and that far too many properties are non-conforming, so he would not favor leaving that situation in place.

Member Hagan asked what might be feasible on the lot under current zoning, perhaps with a variance. Mr. Fields responded that creating lot lines for multiple units would be challenging; some would likely have zero frontage. Currently, allowed uses on one lot are a single family, a two-family or a single family plus an accessory dwelling unit.

Member Crowley observed that reducing the minimum lot area would allow people to build a large single family or a two-family house.

Ms. Brown said she wondered if a new district that wasn't an overlay, separate from the remainder of Residence C, would be a good idea to explore. It might have zero frontage with provision for access ways, or go down to the historic 7,500 sf lot area. She also referred to Lexington's 'site sensitive' and 'balanced housing' zoning provisions which allow some flexibility, including trading house sizes against number of units.

The Chair invited David Goldbaum to speak. He described the property he is interested in as being convenient for the Town campus and other amenities and being tucked behind other properties. He acknowledged that fire safety is important but noted that a truck could go through the site, exiting to the Town campus. He stated there is a movement toward smaller and downtown housing. Saving a historic barn and house are other goals of his project. Feedback on conceptual ideas is helpful.

Ms. Brown said she will work on some revised ideas for further discussion.

MBTA Communities multifamily zoning

Director Fields outlined information provided in his memo. Firstly, he has spoken with a CHAPA representative about using their assistance in connection with public outreach. They are likely to include us in a group 'cohort' of nearby towns. Secondly, he has gathered some data relating to the residential section of The Great Road between the Shawsheen and Marketplace business subdistricts. Of the 30 properties, which are in the Residence B district, only 9 are currently conforming to the minimum lot area, 11 are historic, and the total area is 20.5 acres.

Assistant Planner Perry noted that Concord is holding a public information session the next evening, June 28, to kick off its MBTA Communities work. It will be a hybrid meeting. On Bedford's dedicated webpage, Ms. Perry has posted maps of the town's Excluded and Sensitive land (in PDF form), and she has asked the DPW Analyst to prepare an up-to-date bus route map. As a next step she suggests updating and expanding the summary of the zoning law and guidance, perhaps by revising the PowerPoint slide set that was prepared for Bedford Day last fall, and then publicizing the information. She will be giving a talk at the Council on Aging in July, which could help.

The Board viewed the webpage and asked about the sub-categories that fall within the Excluded and Sensitive categories. Member Hagan asked how Bedford compares with other towns in terms of the amount of land deemed unsuitable.

Mr. Fields reported that he is trying to find out more about the treatment of floodplains. He raised the issue with the CHAPA representative but she hadn't heard of it before. Ms. Barbehenn suggesting pressing our questions further with EOHLC (the replacement for DHCD).

Ms. Barbehenn asked for a map of the properties between the Shawsheen and Marketplace subdistricts that Mr. Fields reported on.

Mr. Hagan referred to undeveloped large parcels in town and asked if the golf course off Old Billerica Road might be a location to look at. Ms. Perry responded that it constitutes the Open Space portion of the BedfordShire Planned Residential Development and therefore should be considered developed. Mr. Fields added that it is protected as Conservation Restriction/ Town conservation land.

Ms. Barbehenn asked if Board members will be able to sit in on any multi-town discussions led by CHAPA. Mr. Fields will inquire.

Board Liaison Reports

Member Crowley reported that BAC and TAC met jointly and DPW staff spoke about the prioritization of projects. He will circulate more information when the minutes are available.

Member Hagan reported that ConCom reviewed 1 Railroad Avenue but had some questions about the tree line and measurements. The matter was continued and so will overlap with the Planning Board's review. He further reported that HATS has drafted a memo to the Governor, for signing by the four towns, asking her to stop the North Airfield hangar project, based on climate and environmental impacts.

Chair Gittins reported that he missed the Energy and Sustainability Committee meeting but it voted to write to the Select Board encouraging them to pursue adoption of the Specialized

Energy Code at the fall Special Town Meeting. Select Board member Shawn Hanegan reported that the Select Board discussed the Code last night but deferred a decision on the timing.

Mr. Hanegan also reported that the Select Board discussed Pam Brown's request for an amendment to the MOU for 251A and F Old Billerica Road. It will discuss the matter further with town counsel before responding.

Staff Reports

Director Fields reported that staff conducted further interviews for the Administrative Assistant position.

Mr. Fields and Ms. Perry will be conferring with the Barrett team this week on progress on the Zoning Bylaw reorganization project. The team has produced a draft of the relocated sections based on the Crosswalk document, for Bedford staff to review.

Minutes

The Board reviewed the minutes of June 13, 2023.

Ms. Barbehenn noted an error in the proposer/seconder on page 1. Ms. Perry will check and correct it.

MOTION: Mr. Hagan proposed and Ms. Barbehenn seconded, to approve the minutes with the correction.

VOTE: By Roll Call:

Todd Crowley	Aye
Steven Hagan	Aye
Jacinda Barbehenn	Aye
Chris Gittins	Abstain, due to absence for the relevant meeting

Adjournment

MOTION: Proposed by Member Hagan, seconded by Member Lloyd, to adjourn, at 9:02 pm

VOTE: By Roll Call:

Todd Crowley	Aye
Steven Hagan	Aye
Jacinda Barbehenn	Aye
Chris Gittins	Aye

Minutes prepared by Catherine Perry

Approved July 11, 2023

DOCUMENT LIST

Agenda

Memo from Planning Director Tony Fields to Planning Board, dated June 23, 2023 with respect to matters to be taken up at the June 27, 2023 Planning Board Meeting.

Legal notice for public hearing for 60 Great Road, applicant Care Enterprises LLC

Special permit application for 60 Great Road (Mixed Use in Great Road/Center District) with cover letter from Pamela J. Brown dated May 30, 2023 and attachments:

- Marked-up GIS plan with aerial photo base
- Unofficial property record card
- Photos of the property from various viewpoints
- Proposed plot plan by Rober Survey dated 9/19/2022 (unstamped) – 2 versions, for existing and proposed conditions
- Architectural designs dated 14-04-2023: progress set – option 2 and permit set – option 3

Copy of Section 22 of Bedford Zoning Bylaw – Great Road District provisions

Memo from Pam Brown to Bedford Planning Board dated June 3, 2023 Re: Center Neighborhood Overlay – Concept Discussions, attaching:

- Preliminary site plan (colored sketch plan) for 49 Elm Street, dated December 21, 2022 by A C Nelson cartography
- GIS plans of area between Town/schools campus and South Road, showing current zoning, marked-up with red edge to depict potential groups of lots for an overlay district (Options A, B and C)

Email from David Goldbaum to Pamela Brown dated June 27, 2023 relaying ideas for architecture at 49 Elm Street with front elevation drawing

Development Update chart dated 6-22-23

Memo from D. Anthony Fields, Planning Director, to Bedford Select Board dated June 23, 2023 Re: Consideration of Specialized Energy Code at Special Town Meeting

Advocacy materials from Mothers Out Front concerning adoption of Specialized Energy Code

Planning Board Minutes
062723

Draft Minutes of Planning Board meeting held on June 13, 2023

Various press articles on matters of planning interest