

BEDFORD PLANNING BOARD
Zoom Remote Meeting
Minutes
August 8, 2023

MEMBERS PRESENT: Todd Crowley, Clerk acting as Chair; Amy Lloyd, Jacinda Barbehenn and Steven Hagan

MEMBERS ABSENT: Christopher Gittins, Chair

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

OTHERS PRESENT: Paul Mortenson (Select Board liaison), Pamela Brown (Attorney for pending applications), Taylor Dowdy (BSC), Matthew and Lizzie Dillon (applicants), Stephen Andress (46 Mitchell Grant Way), Don Kennedy (44 Mitchell Grant Way), Marcia Bushnell (2 Mitchell Grant Way), Matthew Mortensen (attorney for Mrs. Wade, 251B Old Billerica Road), Paul Laudano (attorney for Mrs. Wade, 251B Old Billerica Road), Laura Bullock (23 Mitchell Grant Way), Paul Schuman (251C Old Billerica Road), Michelle Puntillo (251 Old Billerica Road), Bruce Lee, David ____

Todd Crowley noted that he is acting as Chair in the absence of Chris Gittins, called the meeting to order at 7:04 pm, cited the Remote Meeting Guidelines, stated that the meeting is being recorded and called the Roll of Board Members in attendance.

Chair Crowley summarized the agenda.

Director Fields introduced Amanda Hawkes, the new Administrative Assistant for the Board. The members welcomed Amanda.

DEVELOPMENT SESSION

Public Hearing (continuation): 229, 251A and 251F Old Billerica Road – Residential Use Special Permit

Attorney Pamela Brown stated design efforts are on hold due to conditions of MOU with Select Board. She recapped the history: land was held in Chapter 61, removed seeking waiver of the Right of First Refusal, committed to no more than 16 units and agreed to add requirement to include 2 affordable units. She stated that the concept plan now appears agreeable with the Planning Board and abutters, that the applicant team needs an amendment to the MOU through the Select Board, and is working on offer of financial consideration (likely \$20k to the Town to put towards affordable housing). She added that they would like to see Planning Board support. She stated that they can't just offer to include 2 affordable units in the reduced-size development,

for financial reasons. Otherwise, they are ready to go ahead with final detailing of engineering and landscape plans.

Board Questions

Chair Crowley opened questions from Planning Board.

Member Barbehenn expressed frustration with lack of communication between Select Board and Planning Board. Developers shouldn't take the brunt of a lack of response from the Select Board. Neighbors need to be aware that working to reduce projects or omit affordable units will hurt the potential of adding needed housing to Bedford. Even the reduced project would create some housing, and a financial contribution would help with affordability efforts in the town. Planning Board should consider writing a letter to Select Board that this project should not be stopped due to the faults created during the process.

Member Lloyd noted that the decision on the MOU is not up to the Planning Board, it has to be resolved with the Select Board first. The developer has bent over backwards to accommodate the neighbors. She found it interesting that the intent of the syndicate agreement was to allow one or more parcel to be developed. She recalled that the original plan complied with density and setback requirements and only details needed addressing. She would support a return to it if engineering comments etc. can be resolved.

Pamela Brown stated Select Board is the only one who can amend the MOU but it doesn't seem that they will amend it without comments from another board.

Member Hagan commented he is amazed the developer is still around and putting up with this. He surmised that the developer could pursue a simpler development option and move on..

Chair Crowley stated it feels normal to him that the project became smaller in response to neighbor input, but if the Select Board can't move forward with this then the Planning Board can approve a number of units that allows the project to get through. Would prefer 13 units but if it has to be 16 to appease the Select Board then so be it.

Member Lloyd said she was semi in agreement with Chair Crowley, but is disappointed in neighbors and what the applicant did to try and satisfy them rather than work to make a development that complied with the MOU. She would like to see affordable units exist.

The Board discussed whether to write a letter. Chair Crowley saw it as helping to bring this project to closure, to let the Select Board know that the Planning Board is okay with increasing

the number of units so that they can accommodate 2 units of affordable housing if it means the project can proceed.

Pamela Brown stated she feels they are put in a bind and this will go against what the neighbors have asked.

Chair Crowley noted that all unit amounts are still on the table before the Planning Board for this project. It's nice to accommodate the neighbors but the Planning Board is still favorable toward the original concept. The developers can go in any direction they want, but the Select Board needs to make a decision on the MOU.

The Board decided against sending a letter to the Select Board but suggested that its members could watch the video of this discussion.

Tony Fields clarified for abutters the Planning Board is not making any decisions on the application tonight.

Public Questions and Comments

Stephen Andress, 46 Mitchell Grant Way- encouraged by what he's heard tonight from the Planning Board and their acknowledgment of the good faith from the developers. As somebody who was initially concerned with this project, the developers have done everything they could to accommodate the neighbors and does not think it is necessary for the Planning Board to pick a fight with the Select Board, but rather express support for this project and for the developer's efforts.

Don Kennedy- agreed with Stephen's comments. Developer has been very responsive and all abutters have done is do what they're entitled to do; express concern and questions for projects abutting. Both abutters and developers have acted in good faith for this project, in line with both their rights. Smaller development would be good for the town.

Paul Laudano representing Mrs. Wade - said he was confused by purpose of this hearing session but glad we have the chance to speak. Spent tremendous amount of time on this project and have had constructive conversations with the developers. We would like to see a smaller, less dense project. We were not allowed to speak to Select Board or see any MOU. There are title and legal concerns in the neighborhood. Unfair characterizations are being made about the neighbors' input.

Member Hagan stated some of these points can be taken up with the Select Board.

Member Barbehenn clarified previous comments. We do want to hear abutters and they are integral in the process, but when attorneys are brought in, it is harder to have a genuine conversation and it scares developers to want to back out of a project.

Chair Crowley stated if the Planning Board does their job right, developers will not back out of projects due to fears. Planning Board moving forward should be conscious of tone and phrases.

Board Discussion

MOTION: Member Barbehenn proposed and Member Lloyd seconded, to continue the public hearing to the scheduled meeting on September 12, 2023

VOTE: By Roll Call:

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

Public Hearing (continuation): 60 Great Road – Mixed use development special permit

The Chair brought this item forward on the agenda, in case members of the public were waiting, and noted that the applicant has requested a further continuation without testimony.

MOTION: Proposed by Member Lloyd and seconded by Member Barbehenn, to continue the public hearing to the Board’s scheduled meeting on September 12, 2023.

VOTE: By Roll Call:

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

Public Hearing (continuation): 1 Railroad Avenue – Mixed use development special permit

Attorney Pamela Brown stated we had a productive meeting in July and are here to confirm changes discussed. Transformer is moved back into site; retail doors on South Road are not feasible due to property lines, but we are trying to connect that space with sidewalks; planting mix of evergreens and red maples; garage level plan shows stairs, elevator, and bike racks. Need flexibility for fuel source in case of restaurants and garage, but otherwise committed to electric

Planning Board Minutes
08082023

heating. There are catch basins in original plot but plan will improve upon drainage efforts. Missing DPW comments are attached to memo. Confirmed 1100 square feet pocket park with bike rack to the left (west) of retail.

Board Questions and Comments

Member Lloyd asked if they have not received August 7th DPW memo with additional questions.

Pamela Brown & Taylor Dowdy confirmed they have received updated memo yesterday. Mr. Dowdy stated that DPW staff confirmed they are happy with the project so far and that it can be handled with conditions moving forward.

Member Lloyd asked for clarification on DPW questions.

Tony Fields stated it comes down to how the Planning Board wants to deal with comments: should these be answered ahead of time or be conditions during the project process. Details need clarification regarding question 3 with landscaping on South Road. Who will maintain landscaping on the border of the property. Maple trees are close to foundation and power lines are overhead.

Member Lloyd assumed Select Board has the jurisdiction in the ROW. Tony Fields confirmed and stated the Select Board could also leave landscape decisions to DPW staff. Member Lloyd is curious about on-street parking. Tony Fields stated Select Board would also have final say on that.

Member Lloyd asked about memo from the Fire Department. They reference MA fire code but it does not seem clear about what is already being followed and what is not with the project. Also questioned if all citations are required to be followed, particularly the 360-degree access to the building.

Chair Crowley questioned if DPW and FD memos are traditionally unclear to the Planning Board.

Catherine Perry agreed they were not entirely clear in this case. We may need another round of communication to work out clarity on what is being asked, and whether they are needs or preferences and big issues or minor details.

Chair Crowley questioned if voting on approval before seeing final plan is traditional without having clear answers from DPW or FD.

Member Lloyd confirmed there have been approvals with conditions, but with unclear conditions like this, we haven't taken a vote.

Member Barbehenn agreed the past has been done both ways, however in this case we may need one more meeting for clarity on memos. From FD memo, it felt like this is not the first time we

Planning Board Minutes
08082023

have received a general memo not specific to a project. 360-degree access around this project would be unfeasible.

Matt Dillion stated the project is going to be built to code. 3 requirements already met and 2 will be met in the future documents for the project. We reached out to State Fire Marshals office and this project does meet the requirements. In relation to DPW comments, we have overlaid the plan and it is compatible with Town's plans; our design accommodates the reconstruction of Railroad Ave. Mike Sprague emailed stating the concerns should not hold up the Board's decisions.

Member Barbehenn added she hopes the applicants work with DPW to do the plantings on South Road optimally so there is a great public place with the bus stop and they may be responsible for that maintenance.

Member Lloyd stated she believes they have complied with the minimum fire requirements but they should seek approval from the Select Board as Road Commissioners. Also reiterated her comment that street trees always have issues with roots and are more likely to fall; planting in pervious strips with cobblestone would allow tree roots to grow stronger.

Member Barbehenn comfortable with conditional approval tonight.

Tony Fields noted there are power lines along the property's street fronts and in terms of the FD, he thinks these power lines could impede rescue. The state Fire Marshal may not be aware of the logistics of this situation in simply checking horizontal distances. If the FD can't have 360-degree access, the wires may need to be moved. FD has requested more time to review.

Member Lloyd asked for information on pricing for putting power lines underground.

Tony Fields stated on a previous project it was \$1 million per mile, however it may now be \$2 million per mile and is likely economically infeasible.

Matt Dillion thanked Tony for his comments. They have been meeting with FD for about 8 months and they have not discussed the wires. The building is also fully sprinklered and they have worked hard to meet all fire codes and the FD is aware along with State Marshal.

Chair Crowley stated the FD are still asking for more time, Tony Fields confirmed their email came in today asking for more time.

Member Lloyd agreed the FD has more to say and she believes the Select Board does need to approve.

Member Lloyd suggested that if the time frame works for the applicant, we could have a brief time for them on the next August 22 meeting, which was otherwise intended to be a workshop for the Board.

Planning Board Minutes
08082023

Chair Crowley stated parking lot across the street can't take overnight parking. This project seems to have a low number of parking spaces per unit and he seeks clarity.

Taylor clarified the project will have 18 residential units, and a total of 41 parking spaces (including 10 on-street). He calculates 33 are required: 15 retail and 18 residential. Parking demands anticipated to be flipped with retail parking demand during the day and residential parking demand during the evening.

Tony Fields clarified the by law requires to start with 1.5 spaces per unit, but given the bike path and bus stop at the property the Planning Board could frame an argument allowing this project's required space per unit to be lowered to 1, and recognize there is some potential for business use of daytime public parking.

Public Questions and Comments

No public comments.

Further Board Questions and Comments

Member Lloyd clarified with Board that the August 22 date is okay.

Member Barbehenn questioned if this is enough time for the Select Board. Tony Fields stated he will work with DPW tomorrow on discussions of this project, will confirm if this can continue at the staff level.

MOTION: Proposed by Member Lloyd and seconded by Member Barbehenn, to continue the public hearing to the Board's next scheduled meeting on August 22, 2023.

VOTE: By Roll Call:

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

BUSINESS SESSION

MBTA Communities multifamily zoning

Tony Fields shared updates with first draft of potential survey for residents that gives backgrounds on what the state requires Bedford to do by the law. Board can decide to save this for the next meeting with a larger discussion about the options.

Planning Board Minutes
08082023

Member Lloyd liked the survey however would like to do some editing to make it easier for residents to want to read it and find it more straightforward. Would like to discuss at the next meeting.

Catherine Perry suggested we need to coordinate what we put in the survey with what we put on the webpage, and consider how to publicize both. Member Lloyd agrees it needs to be distributed differently.

Member Barbehenn agreed. She would like to defer discussion of the survey to the next meeting and distribution should go beyond putting it on the website. Potentially attached to, or at least a link included in, a DPW or Rec flyer to get in a mailbox to residents.

Tony Fields clarified that the Town has a bulk mail permit, and attaching to another department flyer would depend on timing.

Member Hagan asked if at Bedford Day, Planning Board has a booth to help with a major communication to the public. Member Lloyd would like to add Bedford Day to the next agenda. Mr. Fields confirmed we have a booth at Bedford Day.

The Chair suggested that members send any written comments that they wish to share to Tony or himself, and further discussion will happen on August 22.

Catherine Perry reported that she submitted Bedford's questions about flood plains to EOHLC. Their staff confirmed that if a zoning special permit is required for development, then land in floodplains will not count toward compliance. They did not give specific advice on alternative ways of regulating floodplain development, only a link to another state website. We believe some towns do use alternative methods but changing it would be a lot of work and need approval by FEMA.

Member Barbehenn asked to see the email correspondence.

Ms. Perry reported that on the webpage, she has added a paragraph identifying the categories that comprise Excluded and Sensitive land.

Board Liaison Reports

Member Lloyd: HPC- working on Fire Station design about burying lines and examining square foot needs.

Planning Board Minutes
08082023

Member Hagan: Conservation meeting tomorrow night will discuss 1 Railroad Ave. Hanscom committees are awaiting state Environmental Impact Report; Select Board to send another letter opposing decision.

Staff Updates

Meeting with 5 CHAPA ‘cohort’ towns about MBTA community issues next week.

Middlesex 3 event was postponed from next week to November.

Jiffy Lube closure is in the Great Road Shawsheen district and can be used for mixed use.

Barrett Group’s relocation of sections of the Zoning Bylaws has been reviewed by Bedford staff.

Ms. Perry’s performance review completed.

Minutes

The Board received the minutes of its July 25 meeting.

Member Lloyd offered some edits.

Ms. Barbehenn asked for more time to review. Agreed to defer to next meeting.

Adjournment

MOTION: Proposed by Member Hagan and seconded by Member Lloyd to adjourn, at 9:06 pm.

VOTE: By Roll Call:

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

Minutes prepared by Amanda Hawkes. Approved August 22, 2023.

DOCUMENT LIST

Agenda

Planning Board Minutes
08082023

Briefing memo dated August 4, 2023 from Planning Director D. Anthony Fields, for August 8 Planning Board meeting

1 Railroad Avenue – Mixed Use Proposal: Letter dated August 4, 2023 from Pam Brown summarizing responses to points from last session

1 Railroad Avenue: Memo from DPW engineers to Planning Director dated August 7, 2023 giving comments

1 Railroad Avenue: Letter from BSC to DPW and Conservation Commission dated July 3, 2023 re Notice of Intent

1 Railroad Avenue: Memos from DPW engineers to Conservation Administrator dated June 13 and August 7, 2023 giving comments on Notice of Intent

1 Railroad Avenue: Fire Department Comments dated August 2, 2023

1 Railroad Avenue: Email from Pam Brown dated August 8, 2023 to Planning staff, transmitted at 5:38pm, containing comments on fire safety issues and correspondence with Massachusetts Division of Fire Safety

1 Railroad Avenue- Site Plan set dated May 26, 2023 Revised July 18, 2023 by BSC Group (12 sheets including title sheet, landscape plan and detail sheets)

Chapter 18 of Bedford Zoning Bylaws (Depot Area Mixed Use Overlay District)

Perfect Fit Parking Initiative, Phase 4: MAPC memo to West Metro HOME Consortium dated July 2023

Draft questionnaire: MBTA Communities Multifamily Zoning

Development Update dated 8-3-23

Draft minutes of Planning Board meeting on July 25, 2023

Various press articles on topics of planning interest