

BEDFORD PLANNING BOARD
Zoom Remote Meeting
Minutes
September 12, 2023

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

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

STAFF ABSENT: Catherine Perry, Assistant Planner

OTHERS PRESENT: Pamela Brown (Attorney for pending applications), Brian Navarro (Greylock Partners, 100 Plank St), Matthew Mortensen (Attorney for Mrs. Wade, 251B Old Billerica Road), Paul Mortenson 4 Wellington Way & Select Board liaison, Alec Francesconi 251 Old Billerica Road, Joseph Piantedosi 14 Putnam Road, Erin Sandler-Rather 28 Hume Road, Robert Kalantari 8 Donovan Drive & ZBA Member

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

Chair Gittins summarized the agenda.

DEVELOPMENT SESSION

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

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

MOTION: Member Lloyd proposed and Member Hagan seconded, to continue the public hearing to the scheduled meeting on September 26, 2023

VOTE: By Roll Call:

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

Public Hearing (continuation): 60 Great Road – Mixed-Use Special Permit

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

MOTION: Member Hagan proposed and Member Barbehenn seconded, to continue the public hearing to the scheduled meeting on September 26, 2023

VOTE: By Roll Call:

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

BUSINESS SESSION

100 Plank Street

Attorney Pamela Brown shared her screen to show the package to the Planning Board with a rendering of the building. She stated the building has 52 residential units, including studio and one-bedroom apartments, and 6,000 square feet of vacant first-floor office space. Ms. Brown noted that finding renters for the commercial space has been challenging given the state of the office market and the location of the project. At the time of permitting, the By-Law in place did not allow for a non-mixed-use property. Ms. Brown and her client have requested to build out the office space as more residential units, and use the space to create more affordable units.

Brian Navarro, one of the principals of Greylock Development, stated that changes in trends have led to a decrease in demand for suburban commercial space. He added that tenants currently have a large market of options, and the location of their vacant office space within the apartments are not something tenants are looking for. He cited a letter from their commercial real estate broker, which agrees that this location will be challenging to fill as office or retail space. He also added that they do not want to see the space remain vacant, and they are confident that if left as commercial space, this will remain vacant for years to come.

Chair Gittins asked for clarification if they have marketed the space for commercial business. Mr. Navarro confirmed they have had a listing online, a large advertisement sign out front, and have spoken with several real estate brokers about the property but they have had no interest. He noted that in the last 1-2 years, they have only had two inquiries.

Member Lloyd asked for clarification about the potential addition of affordable units and the total amount. Ms. Brown and Mr. Navarro stated there are currently 13 affordable units, and 3 of proposed 6 new units will be affordable for a total of 16 affordable units. Mr. Navarro also stated he is willing to be flexible and provide even more affordable units to see the proposal be passed.

Member Lloyd asked if they are looking to add electric car charging stations. Mr. Navarro stated they are running lines for charging stations along the back of the parking lot, and will start with 6 spots of charging stations. If there is demand for additional spots, they will have the ability to create 20-25 total spots.

Member Lloyd asked if the building is gas or electric, and if they have considered solar. Mr. Navarro stated it is an all-electric building, and each unit will have its own electric heating. They have not discussed solar power for the building, and stated they may not have room on the roof to add sufficient solar panels with the number of condensers needed to accommodate the electric units.

Member Lloyd asked if they would consider adding solar panels to the sloped part of the roof, or if they would consider constructing it in a way that would allow for solar panels to be added in the future with little disruption. Mr. Navarro stated he is not against solar panels if they are able to make it work, and Ms. Brown stated she has a consultant who is knowledgeable on the topic they can discuss the potential with.

Member Barbehenn asked how many units are currently being developed, not including the proposed first floor units. Ms. Brown stated there are 52 units total, including 3 studio apartments and 49 one-bedroom apartments.

Member Barbehenn stated the of the multiple buildings on this property, there have been instances where proposed first floor commercial space was converted to residential. She asked staff to clarify the history of the amendments. Tony Fields stated the original permit included what is now the Taylor Pond property, which originally proposed commercial components. There have been two amendments, which has led to Taylor Pond being a full residential property. He stated in the original plans for the 100 Plank Street building foresaw this project as a full office building, but when the property was sold into new ownership, two more amendments allowed for the office element to be downsized in exchange for residential units.

Member Barbehenn asked about the townhouses on the Taylor Pond property, and stated she would like to see this group of developments work as a cohesive community. Ms. Brown stated the townhouses were part of Taylor Pond but are under new ownership. She added that there are

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cross easements through the larger property which allow for these residents to drive through any of the lots and driveways through the facility.

Member Barbehenn stated that of all the units built on this facility, the remaining unit to be built on 100 Plank Street is the closest to the street. She asked what are the use cases that they have investigated to fill the first-floor commercial space, and added this may be an ideal location for a daycare or child center. Mr. Navarro stated that he does not view their space as an optimal situation for a child care center, adding that they lack outdoor space that could be utilized by a child care tenant. He also stated that any retail may not have an interest due to a lack of other retail nearby a low visibility in the unit. He added that the space would most likely need to be a type of office space if it stayed commercial, however they have still faced challenges finding tenants.

Member Barbehenn stated she would like to see more consideration for other commercial uses in the space, but if it is not feasible, she feels the Planning Board is interested in promoting more family housing, and asked for consideration on two and three-bedroom apartments on the first floor rather than more studio and one-bedroom apartments. Mr. Navarro stated that this is a possibility they could look at and design plans for, though they would prefer to drop down the same layout.

Member Crowley asked if all of the commercial space will be converted to residential or just a portion of the commercial space. Mr. Navarro clarified the proposal converts the entirety of the commercial space to residential. They will be maintaining amenities for residents, such as a fitness center, mail room, and bike storage.

Member Crowley asked for clarity on what specific relief they are looking for. Ms. Brown stated that under the By-law at the time of the permit, this was an entirely commercial property that has been amended to include residential, and they are looking for another amendment to create an entirely residential property. Mr. Navarro added that at the time of the proposal, it was more common to see office space utilized on the main floor of apartment buildings. However, the market trends have changed, and tenants are no longer looking to rent commercial space in suburban apartments.

Chair Gittins asked for clarity on what the applicant looks to come away from the meeting with. Ms. Brown stated they would like support from the Planning Board to convert the 6,000 square feet of commercial space to residential units, and for guidance on what type of residential units the Planning Board would prefer. If there is support, they will create new plans to present.

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Member Hagan asked if they would make all 6 additional units affordable. Mr. Navarro stated he is willing to offer all 6 units as affordable units if that would gain support from the Planning Board.

Member Barbehenn commented she has concern that the original permit was for all commercial, and this change would see the whole development become residential. She stated best practice in town planning is to create micro communities with both commercial and residential use, and she would like to see the commercial space in this project given a chance.

Member Lloyd commented that she partially agrees with Member Barbehenn, but finds it difficult that the original development was to be all commercial but there has been constant struggle to fill the commercial space. Member Lloyd then suggested work from home space for both residents of the development and the general public, or work from home space used as an amenity for just the residents of the building. She also stated she may be more in favor of a space that starts as commercial but is designed to be converted to residential if needed.

Member Hagan stated he would accept the additional 6 units as affordable units, given the recent push for MBTA Communities and adding additional housing to Bedford. He added that he feels like residential units would be a better use for this space and does not see commercial use being successful in this development.

Member Crowley agreed with Member Hagan.

Member Lloyd asked Mr. Fields for clarification on the MBTA Communities guidelines on percentages of affordable units within a development. Mr. Fields stated that it is currently unclear for communities looking to overlay MBTA Communities zoning onto existing projects developed under 40B. 40B housing requires 25% affordable units where MBTA Communities will allow for up to 15%, and the question remains how to maintain those units under the provisions of the MBTA Communities guidelines.

Member Barbehenn commented that this is an opportunity for Bedford to have a mixed-use property that creates a walkable, livable center without adding more traffic to the current situation. She added that they need to think about how people live, not just where people live.

Chair Gittins commented that they need to be pushing for mixed-use, however the history of this project shows commercial space has been hard to fill at this site. He stated that he does not see a benefit in preserving the 6,000 square feet as commercial space, but he does see a need for more affordable units and is currently leaning toward converting the space to residential with Member Hagan's request for all 6 units being affordable.

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Member Barbehenn added if the space is converted to residential, she would like to see 2-bedroom units included as affordable units throughout the building. Mr. Fields clarified that the existing building being developed is entirely studio and one-bedroom apartments, 13 of which are affordable. Ms. Brown added that if the first floor is converted to two-bedroom apartments, there will be less units created and therefore less affordable units added.

Mr. Fields clarified that the existing approval is for office space, and not retail space. Child care could be allowed as it is an exemption, however if retail is found to be feasible it would require an additional amendment to allow retail rather than office. He also clarified that this project is technically under a different set of provisions of the By-Law, therefore staff will need to look into how that By-Law is worded and what can be voted on. Mr. Fields added he would like to have guidance ready for the next Planning Board meeting, however this may be better to move to the first October meeting due to the pending agenda for the next meeting.

Member Lloyd asked the Board members to consider the future and not just right now. While she is pro affordable housing, she believes Bedford currently has a good percentage and this is an opportunity to plan for a cohesive community.

Ms. Brown added that she had the same visions for this property to create a cohesive and lively community, however they have continued to struggle to fill the commercial space.

MBTA Communities multifamily zoning

Member Barbehenn spoke about an assessment of Bedford done by RKG, a consulting group Bedford has worked with for past zoning. They developed a new model that helps communities understand where the best fit is for MBTA zoning, given distance to downtown, public schools, grocery stores, and bus routes, and excludes flood plains and excluded land. Member Barbehenn states that the map of Bedford created under this model proves that their zoning should be 2 dimensional, not just one dimensional along The Great Road. She states that for example, 10,000 square foot parcels close to the center of town could be developed into quads rather than single family homes. She adds that this will create a low density look and feel rather than concentrating all the development in large commercial apartment buildings, while still complying with the MBTA Communities guidelines.

Member Lloyd asked for clarification on the range of the scoring matrix. Member Barbehenn stated the range is 0-4, with 4 being the highest rank.

Member Lloyd commented that there are some aspects that it does not look like RKG considered, like existing zoning lot size. She stated that she is not against duplexes or quads, however developing those on a 10,000 square foot lot is not something that is typically approved

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by the Zoning Board of Appeals or done by developers. She added that it also does not look like RKG considered the historical structures in town, and she feels those structures need to be thought about.

Member Crowley added that he would like to see examples of structures that are at or above 15 units per acre in terms of relative lot sizes.

Chair Gittins commented that he views the report as an indicator that they will need to change the zoning in most of the center so that lots are conforming, as right now only about 15% are conforming. He also added that he does not feel that the historic district was factored in the report, but that the general guidance from the report is sensible.

Member Barbehenn clarified that this model is intended as a first pass when considering zoning, and does not include what the town's existing zoning is. The report is highlighting where geographically in the town would be the best choice to update the zoning, and it assumes that there will be other work needed to be done with regard to historic preservation and rules to allow it. She added that RKG and other consulting firms would be willing to help with deeper guidance.

Member Lloyd asked if the scoring matrix shows the only criteria they used to construct the map. Member Barbehenn confirmed that is the full list of criteria.

Member Barbehenn shared her screen to show examples of different housing forms that are multi-unit in relative parcel sizes.

Chair Gittins asked Mr. Fields how many tear-downs Bedford sees per year. Mr. Fields stated he can get updated data, however he speculates it to be under 10 in the last year. Chair Gittins stated that with that number, only about 0.2% of the housing stock might turn over with the new zoning. If 50 were torn down per year, that would be 1% per year.

Member Lloyd and Member Crowley agree that they cannot assume what developers will want to build once the door is opened for more units per acre. Member Lloyd added the buildings that may be more favorable are the buildings that are hard to maintain, which include historical buildings. She added that regardless of how few or how many lots are redeveloped and converted, where those lots are located and their visibility will have the most impact on the town.

Member Barbehenn commented that she believes margins will not see much change on the developer side because it's more expensive to build multi-unit housing. She added a bigger concern for her is what the community means by historic character. She asked if it refers to the look of a building in town or if it refers to the community as a whole, and added that she believes

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they need to look at the community itself and create a place that people want to be and not focus solely on the looks. She added that changing the zoning in accordance with MBA Communities and something they have to do, but they have the option to create a community that has a sparse non-developed historical looking district next to a highly dense over-developed district, or to create a community that has gentle density spread throughout a wider section of town that feels more appropriate for a historic New England town.

Member Hagan commented that Bedford is not the only town that has to go through this. Every town will discuss how to create higher density, and in turn developers will not be solely looking to develop Bedford. He stated that they cannot assume the motives of potential builders because it will be more than just Bedford creating new zoning.

Chair Gittins opened the floor to public comment. He noted that public comment is not typically taken during a business session, however they had time and saw hands raised in the audience.

Erin Sandler-Rather of 28 Hume Road stated she urges the Planning Board to make their decision based on the history and patterns with builders rather than what we may think the builders may do or want to do. She added that the 50 acres that need to be zoned is a very small percentage of Bedford's total land area, and we should look away from historical buildings.

Bedford Day

The Board opted to begin discussion with the drafted slides for Bedford Day.

Member Hagan stated that he read through the slides and compliments all who worked to create them, and added his only comment is the final slide contains a bullet noting the Woburn Sportsmen's Association as a potential area to rezone and that bullet is too controversial to include in the conversation at Bedford Day. He stated that they want this to be an educational and informative handout, and including anything controversial about where to propose the zoning will only divide the town.

Member Barbehenn stated she has some edits for the slides to make them more resident friendly and to state the case in a different format for residents to read on the fly at Bedford Day.

Member Lloyd commented this is a good example of why we need to stress that this is just about changing the zoning, not about building projects. She added a lot of residents have the misunderstanding that the state is looking for Boards to actually build these projects, however they just need to allow owners to potentially build with the zoning.

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Member Crowley commented that there is a question of are we really trying to change Bedford or are we trying to meet the requirements.

Chair Gittins stated there is a lot of good information in the slides, however it should be trimmed down for Bedford Day. He added potentially no more than 6 pages for Bedford Day, and a link or QR code to the Planning Board website with the full slides.

Member Lloyd agreed with Chair Gittins that they need to cut down on the length of the handout, and added maybe even less than 6 pages.

Chair Gittins and Member Barbehenn agreed to work together on condensing the handout for Bedford Day.

Chair Gittins opened the floor to public comment.

Joseph Piantedosi, member of the Woburn Sportsmen's Association, spoke on the topic of changing the zoning in the district of the club. The club has been there for 90 years and many members are Bedford residents. There is a variety of ranges for different shooting activities, competitions are held there, and safety classes are hosted there. If housing were developed in this area, it could not be replaced or replicated anywhere else in town. The wetland borders provide the distance needed to have outside ranges as well as help with sound. This is a special site and it should be maintained in the state that it is.

Robert Kalantari, Zoning Board of Appeals member, commented that towns in surrounding areas have been looking at the potential of adding residential units on top of existing malls, and Bedford has two major shopping plazas.

Mr. Fields clarified for the audience that these two plazas already allow for mixed-use, meaning residential expansions could be proposed at either location if the owners were inclined. However, with the criteria from the state, the zoning would need to be changed to allow those locations to qualify.

Member Lloyd clarified that she is not saying the Woburn Sportsmen's Association should be part of the zoning, but rather the whole town should be considered and not eliminate certain places for consideration. She also clarified that spot is on two bus routes, and that it's already zoned residential.

Member Barbehenn asked for clarification of the MBTA Communities regulations in regards to their consideration of the two town plazas.

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Mr. Fields stated that in regards to the amended guideline, Catherine Perry attended a recent office hour and asked for clarification. He stated her take away is that the provision does not help with Bedford, but at this time he is unable to reword the amendment in simpler terms. He added that he believes you can count units within these mixed-use properties, however there would still need to be the full 50 acers zoned elsewhere.

Member Barbehenn commented that she believes the revision of the guideline was intended to help towns like Bedford, and that further understanding it may open a way for Bedford to use it. She added that if they understand it and it still does not work for Bedford, they could then further lobby for amendments that will help communities like Bedford.

Member Barbehenn stated that they could create incentives for developers to create mixed-use facilities in certain areas where the Board would prefer them.

Chair Gittins called for any final comments or questions from the Board related to the slides for Bedford Day. No other comments or questions. Chair Gittins moved the conversation to the topic of the drafted questionnaire.

Member Barbehenn asked the Board if they would like to hardcode an additional meeting to prepare for Bedford Day. The Board moved to finish their discussion of the questionnaire and Bedford Day before deciding on an additional meeting.

Mr. Fields shared his screen to show the revised questionnaire. He stated that the Board needs to agree on how to introduce the questionnaire and the new law, and if they would like to reword any of the questions. He added that this could be included in the two-person committee of Chair Gittins and Member Barbehenn.

Mr. Fields shared his screen to show edits by Member Lloyd, which include a revised introduction.

Member Barbehenn suggested merging the original introduction with Member Lloyd's revisions offline with Chair Gittins. Member Lloyd suggested also forwarding the email from Catherine Perry to use that information in the revisions.

Chair Gittins confirmed that he and Member Barbehenn will work the front end of edits to the questionnaire and have it sent to Mr. Fields by this Friday.

Board Liaison Reports

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Member Lloyd reported that the ad-hoc committee and the architect from the fire station project came before the historic district commission, and in her opinion most members seemed to be more in favor of facing the trucks out towards the front. She added that one of the plans show three bays, and in her research of fire stations around the area, three bays are not unusual.

Member Crowley reported that TAC discussed the tree policy and what changes will go before the Select Board, but it is still being discussed and worked on.

Member Barbehenn reported that Housing Partnership is meeting later this month. She added that the shared article about Chelsea transforming a bus stop to a “Flower Walk” is wonderful to see and that down the line Bedford can use these techniques to make the streetscapes more friendly.

Chair Gittins reported he has not had attended any meetings since the last Planning Board meeting. He noted the next Energy and Sustainability meeting is on Back to School night and he may need coverage from the Board. Member Lloyd stated she would check her calendar for coverage.

Member Hagan reported the Conservation Committee meets tomorrow night and will be discussing the tree policy, and that the 4 Hanscom Area Towns Committee towns are still exchanging documents and presentations and solidify what they will send to the governor.

Staff Updates

Tony Fields attended the Middlesex 3 presentation about the Building Code changes. He stated there was a lot of reference to the changes in the Stretch Code to the opt in Specialized Code, and the majority of the attendees think that will be the code in 3 years when they go to 2026 for the next iteration of the Building Code. He also attended the Select Board hearing last night regarding this topic and if additions will be subject to the opt in code.

Mr. Fields stated that the MBTA Communities cohort is meeting Thursday and the state will be holding office hours next week. He added that Bedford Day officially is 10-2 and he will be stationed at the table the whole 4 hours.

Mr. Fields added that the Board received a copy of the draft of the annual report that is due at the end of the month, and it will be a formal topic on the next meetings agenda.

Minutes

The board received the minutes of its August 22 meeting.

Member Lloyd corrected a statement on page 3.

MOTION: Proposed by Member Hagan and seconded by Member Barbehenn to approve the minutes with edits.

VOTE: By Roll Call:

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

Adjournment

MOTION: Proposed by Member Hagan and seconded by Member Lloyd to adjourn, at 9:33 pm.

VOTE: By Roll Call:

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

Minutes prepared by Amanda Hawkes

DOCUMENT LIST

Agenda

Briefing memo dated September 8, 2023 from Planning Director D. Anthony Fields, for September 12 Planning Board meeting

Old Billerica Road- 17-page MOU dated August 21, 2023

Old Billerica Road- Memo dated August 31, 2023 from Select Board Chair Bopha Malone

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60 Great Road- Memo dated August 21, 2023 from attorney Pamela Brown to continue the public hearing to the September 26 Planning Board meeting

100 Plank Street- Broker opinion on Office Market updated with retail dated August 2, 2023

100 Plank Street- Package to Planning Board dated August 8, 2023 from attorney Pamela Brown

Bedford Parcel Scoring Map

MBTA zoning scoring matrix

Draft summary for Bedford Day 2023

Comprehensive plan for Bedford Day 2023

Draft FY23 Planning Board Annual Report

Draft minutes from Planning Board meeting August 22, 2023

Various press articles on topics of planning interest