

BEDFORD PLANNING BOARD
Zoom Remote Meeting
Minutes
September 26, 2023

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

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

OTHERS PRESENT: Pamela Brown (Attorney for pending applicants), Peg Bernhardt and Ted Bernhardt (applicants and owners for 60 Great Road), Shawn Hanegan (Select Board liaison), Martin Klein 34 Fletcher Road, Bonnie Klein 34 Fletcher Road, Susan _____

Chair 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 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 Hagan proposed and Member Lloyd seconded, to continue the public hearing to the scheduled meeting on October 10, 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

Attorney Brown shared her screen to show the updated package to the Planning Board. She noted that the biggest changes were an adjustment of the parking lot which allows for an extra foot between the abutting Klein's property, an adjustment of the landscaping along the abutting property line to mitigate light from cars and provide a buffer, and an engineer was hired and completed a stormwater analysis.

Ms. Brown noted that in her memo to the Planning Board, she stated the proposed property will be all electric, however her clients would like to consider a gas fireplace, gas stove, and gas drier. In response to a comment from DPW, she confirmed that the front walkways will be connecting to the sidewalks on Fletcher Road. She also added that they will consider solar panels for the building, however due to cost concerns it may not be feasible. She stated that they will put in the conduits to allow for solar panels in the future, but they may not add the panels depending on costs.

Ms. Brown cited a concern about construction vehicle parking. She stated construction vehicles can park in the site parking lot during construction, and that while street parking is public on Great Road and Fletcher Road, she does not see a need for construction vehicles to utilize street parking for this project. She added that due to the size and costs of this project, there will be no affordable units offered.

Board Questions

Catherine Perry asked about snow storage related to handicap parking. Attorney Brown clarified the snow storage space is separate from handicap parking.

Chair Gittins asked about the cost concern for adding solar panels. Attorney Brown stated the upfront cost is the concern due to the growing cost of the project, however if it is feasible they will install.

Public Questions and Comments

Martin Klein of 44 Fletcher Road stated they have been working with the applicants and they have been really great at accommodating their needs. He thanked the Bernhardt's and added he is okay with this project.

Bonnie Klein of 44 Fletcher Road echoed Martin's comments and thanked the Bernhardt's and landscape architects for creating a plan.

Peg Bernhardt added that she will continue working with Klein's during planting and appreciates their nice words.

Board Discussion

Member Lloyd suggested they reconsider the sewage plan to allow for condoizing in the future without needing to retro fit a sewage system.

Member Lloyd suggested they extend the proposed fence in the green area while the plantings are fresh and not at their mature size. She added her appreciation for the addition of shade trees to the plan.

Member Lloyd asked that the applicants reconsider the addition of gas to the units as she would like to see more non-gas units in town.

Member Crowley asked staff which by-law this project will fall under. Planning Director Tony Fields stated that this project is subject to the Great Road Town Center district and not by the new 2-family by-law passed for residential lots.

Member Lloyd asked if they had contacted the Historic District Commission (HDC). Attorney Brown stated she has not yet but will reach out to them. Mr. Fields commented that some members of the HDC did attend the original public hearing for the project and therefore are aware.

Member Barbehenn asked for clarification on what authority the HDC has in regards to this project and what the order of approvals is. Mr. Fields stated that in regards to this project, there is no requirement for what board gives approval first. He stated that they have jurisdiction over the architecture of the structure and the landscaping.

Chair Gittins stated he is glad to hear the conversations with abutters has gone well. Gittins stated that from his perspective, it will be a stronger proposal as an all-electric building rather than including gas elements.

Chair Gittins asked staff if the Board is still waiting for comments from DPW. Mr. Fields confirmed, however he stated that he believes the Board has all the information they need to make a decision. He added that DPW has confirmed they will have comments ready before the October 10th Planning Board meeting.

Member Barbehenn stated she would like the Board to move to vote for approval tonight. She stated that of the potential gas in the units, the Town is getting ready to prepare an Energy Stretch Code and Specialized Stretch Code which will require a higher building standard with regard to all-electric.

Chair Gittins expanded on Member Barbehenn's comment, stating that there will be enhanced energy requirements if new construction is going to utilize gas, and the requirements would not be as stringent if the new construction is all-electric. However, presuming that these pass at Town Meeting, these requirements would not go into effect until mid-2024.

Member Barbehenn restated that she would like the Board to move to vote for approval tonight. Member Lloyd and Member Crowley agree, Member Hagan agrees as long as conditions are worded correctly. Chair Gittins is hesitant due to the crafting of conditions prior to receiving DPW comments, however he states it seems doable and would like guidance from staff.

Mr. Fields stated that the Board is able to move for approval with conditions tonight based on what has been presenting to them. He cautioned the Board on including the Energy Code in their conditions as they do not have the jurisdiction. He stated that the condition could read that this approval will be subject to satisfying the comments of Public Works and reference that this will need HDC approval.

Assistant Planner Catherine Perry added that if the Board wants to be more specific about the engineering, the relative comments are about the utility connections under point one and the snow storage and landscaping under point three in the memo from Attorney Brown.

Member Barbehenn stated she believes the conditions should ask that the applicants comply with any DPW requests and should state that the Board would appreciate compliance with the potential Stretch Code even though it would not be in effect until 2024.

Member Lloyd agreed with Member Barbehenn, and also added that if the applicants choose to extend the fence along the property line, they would be allowed without another site plan review from the Board.

Chair Gittins added if the applicants were to change the plans to include the solar panels or to make the building all-electric, he would be a definite yes for approval.

Member Barbehenn stated that there are a lot of Mass Credit plans and tax incentives right now that significantly reduce the cost of installing solar panels. Ms. Brown commented that they have not investigated the costs of solar yet, but they are willing to run the cabling and will talk to the architect and look into it further as they get closer to construction.

Chair Gittins summarized the conversations, stating that if the Board were to move forward with approval tonight, it would allow the applicants a few weeks head start on the project, and if the Board were to wait to move forward with approval, that would allow the applicants a few weeks to investigate costs of solar while the Board is receiving comments from DPW. Ms. Brown added that she does not believe they will be prepared with costs of solar by the next meeting.

Member Barbehenn commented that she appreciates the Bernhardt's sitting in on these conversations. She stated that the Board is in a unique time of changes in regards to energy codes in Massachusetts and they are just looking to do the right thing. Peg Bernhardt stated that they will consider solar and they would love to implement if they can, however the project has become very expensive and they are not confident they can add solar upfront due to the costs.

MOTION: Member Hagan made a motion that the Board approves the project at 60 Great Road as presented tonight, subject to confirmation that the DPW is satisfied with the engineering details, and that the Board would like to request another meeting with the applicant in the calendar year 2023 where they present on their findings in relation to possible solar panels and an all-electric building

Chair Gittins seconded.

VOTE: By Roll Call:

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

MOTION: Member Barbehenn proposed and Member Hagan seconded, to close the public hearing for 60 Great Road.

VOTE: By Roll Call:

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

BUSINESS SESSION

MBTA Communities multifamily zoning

Chair Gittins stated the survey was distributed at Bedford Day along with an informational packet.

Member Barbehenn reported she has 9 results from the survey. She noted that an engagement strategy is more meaningful than an outreach strategy and she hopes to see the Board continue with engagement efforts in as many places around Town as possible.

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Member Lloyd asked about where the survey is located on the website. Ms. Perry stated the survey and information from Bedford Day are not yet posted but she is currently preparing the files to be uploaded.

Chair Gittins asked how long the survey will remain open and if there is a timeline for public engagement. Member Barbehenn asked Mr. Fields when the next cohort meeting is and when the warrant article needs to be prepared by.

Mr. Fields stated the draft warrant articles are typically due around the first week of January, therefore the timeline will be having their strategy by the end of this year. He added the next cohort meeting is October 12, and the main topic will be engagement. He suggested the survey should stay open for at least a month, and host a series of engagement events to continue to explain the requirements and compliance of the new law. Ms. Perry added that they should hold a public hearing by January at the latest.

Member Hagan asked if the Board could have a speaking opportunity at the Fall Town Meeting as well as have handouts for the public. Mr. Fields stated that would be the choice of the moderator and that Article 1 is typically update from boards and committees.

Chair Gittins commented that he likes the idea and he and Mr. Fields will work towards that. Member Barbehenn added that is an excellent suggestion.

Member Barbehenn suggested they get a list of town related events that they could go to for a few hours to engage with voters.

Select Board Member Shawn Hanegan stated it would be a good idea to talk at the Fall Town Meeting, however there is no article in this warrant for committee and board updates. He suggested speaking with the Town Managers officer before things go to print this Thursday to see if they can make that happen.

Chair Gittins stated that the Mass Housing Partnership (MHP) has grants available for obtaining consulting services for MBTA Communities.

Chair Gittins shared his screen to show the application. Member Barbehenn explained that MHP has a preapproved list of consultants to work with, and if awarded a grant it would be up to \$25,000 worth of work with one of the consultants to help identify boundaries, figure out densities, develop new zoning and help with community outreach. She added that the consultant work will be completed within 4-6 months of it being assigned.

Ms. Perry stated she has mixed feelings about the program due to the tight timeline the Board has.

Member Lloyd asked if this application can be distributed so they can read over the material.

Mr. Fields stated the unlike other towns, Bedford does have a GIS analyst who can convert the state data into usable analysis. He also added that if the Board were to pursue this consulting option, the application would have to come from the Select Board Chair.

Chair Gittins stated that they need to start creating maps. He stated he would like to see them with some options within the next month or two so they can begin weighing pros and cons.

Member Barbehenn added that this needs to be a continual dialogue going back and forth with the community.

Member Lloyd asked staff if it would be feasible to have a map display at Fall Town Meeting. Ms. Perry stated that it would be a matter of what kinds of maps. Member Lloyd added they do not have to be definitive, just some examples of neighborhoods with bullet points about why these are options to get people thinking about it.

Member Barbehenn stated that Fall Town Meeting is November 6, and that while she would like to have something there, she would like the Board to have already started on engagement and working on second iteration of maps.

Chair Gittins stated he would like three definitive maps to have up for consideration at Fall Town Meeting that they believe are plausible options.

Member Lloyd suggested that they claim a spot for tabling sooner rather than later, in case tabling at Fall Town Meeting is on a first come, first serve basis.

Chair Gittins stated that he would like to see the map created by RKG, minus the Historic District, as one of the three options presented at Fall Town Meeting. He added that a second option could be the Shawsheen and Bedford Market Place district. Member Lloyd stated that folks from Bedford Day inquired about that area of Town.

Member Crowley added that two people asked about the area of Loomis Street at Bedford Day.

Member Barbehenn stated that from the survey results to date, people like the idea of mixed-use, however staff is interpreting that mixed-use will not be allowed as a part of these new districts. Ms. Perry commented that one option they have considered is incentivizing mixed-use buildings.

Chair Gittins stated that when they put up maps, they could highlight the strengths and weaknesses of each, and what would need to be changed in the by-laws.

Member Barbehenn asked if staff could create a first pass at three maps for the next meeting. Mr. Fields and Ms. Perry will have maps ready.

Member Crowley asked if the excluded and sensitive land maps on the Planning Board website are explained anywhere. Ms. Perry stated there is more information on the PowerPoint. Member Barbehenn and Member Crowley both commented that maybe there could be a brief description outside of the PowerPoint to give context. Ms. Perry added that there is not complete freedom on how to format information on the website but she will revisit that page and see what she could do.

Board Liaison Reports

Member Hagan reported that at the last Conservation Committee meeting, BARC presented about public trees. He stated that part of the discussion was what defines a public tree, and that surrounding towns have adopted policies on paying a fee for cutting down a public tree. He stated that BARC would like to speak before Town Meeting to implement a similar policy, and Conservation Committee added that there should not be a fee for cutting down a diseased tree.

Member Lloyd asked if Member Hagan could further explain on how they decide what is a public tree. Member Hagan stated he does not know how many feet into a property from the street would be considered the Town's land or if it is consistent throughout Town, or what other trees throughout Town could be considered public trees.

Ms. Perry commented that there are different categories. She stated the Shade Tree Act covers trees within the right of way, and the Tree Warden has jurisdiction. She stated the Planning Board is involved with trees along scenic roads. She added there are trees on Town Land that are not covered in the Shade Tree Act or on scenic roads, and BARC has a policy on these trees.

Member Barbehenn stated that in terms of the Railroad Ave project, the trees proposed to be cut down are "junk" trees and they have proposed to replace them with better trees in better locations.

Member Barbehenn reported that Housing Partnership met last week but had no quorum, and rescheduled to next week.

Member Lloyd reported she had no meetings.

Member Crowley reported that TAC met but there is no new information relevant to the Planning Board.

Chair Gittins reported that Community Preservation Committee (CPC) met and there is about \$5 million available as a result of the bikeway extension not going through. He stated CPC will be recommending \$1.4 million towards to library HCAV system.

Chair Gittins reported that Energy and Sustainability did not have a quorum at this months meeting, but there will be a Hanscom expansion related community meeting this Thursday.

Chair Gittins reported that he was not able to attend last weeks Chamber of Commerce meeting, however he was able to send them an update on a number of items from the Planning Board. He added that he has struggled to make these meetings due to scheduling and stated next year he may ask somebody else to liaison.

Staff Updates

Mr. Fields reported that he has no further updates than what was included in the Board's preview memo.

Ms. Perry reported that they attended a webinar session today in regards to MBTA compliance.

Chair Gittins asked if there was any update from Code Enforcement Director Chris Laskey on 310 Great Road. Mr. Fields stated he does not yet have that feedback.

Annual Report

The Board discussed edits made by Chair Gittins to the Annual Report.

MOTION: Member Lloyd proposed and Member Hagan seconded, to accept the Annual Report with edits at staff's discretion.

VOTE: By Roll Call:

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

Minutes

The Board received the minutes of its September 12 meeting.

MOTION: Member Hagan proposed and Member Barbehenn seconded, to approve the minutes of its September 12 meeting.

VOTE: By Roll Call:

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

Adjournment

MOTION: Member Lloyd proposed and Member Barbehenn seconded, to adjourn at 9:14 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 22, 2023 from Planning Director D. Anthony Fields, for September 26 Planning Board meeting

Old Billerica Road- 36-page architectural plans that includes elevations and floor plans

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Old Billerica Road- 2-page memo dated September 19, 2023 to the Planning Board from Attorney Pamela Brown

Old Billerica Road- 1-page memo dated August 31, 2023 to the Planning Board from the Select Board

Old Billerica Road- 19-page package dated September 19, 2023 to the Planning Board that includes a landscape and photometric plan set, a site plan set last revised September 13, 2023, and a stormwater management report.

Old Billerica Road- 230-page stormwater management report dated August 4, 2022 and revised September 13, 2023

60 Great Road- 46-page package dated September 18, 2023 and updated September 21, 2023 to the Planning Board that includes a site plan dated September 16, 2023, a stormwater analysis, a landscape plan draft, a snow storage exhibit, an email from Police dated June 21, 2023, an email from Board of Health dated June 22, 2023, DPW comment letter dated June 23, 2023, and response to comments made at the July 25, 2023 Planning Board meeting

Draft FY23 Planning Board Annual Report

Draft minutes from Planning Board meeting September 12, 2023

Various press articles on topics of planning interest