

BEDFORD PLANNING BOARD

Selectmen's Meeting Room

—
Town Hall

Minutes

February 25, 2020

MEMBERS PRESENT: Jacinta Barbehenn, Chair, Mark Siegenthaler, Shawn Hanegan, Amy Lloyd and Jeff Cohen

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

OTHERS PRESENT:

Chair Barbehenn called the meeting to order at 7:30pm.

Evacuation Notice read by Member Cohen

DEVELOPMENT SESSION

18 North Road – Big Red Tree LLC – Site Plan Review

Planning Director Fields notes that the Applicant has asked to continue this matter further without a new date. Applicant does not have the approval of the Fire Chief since the Applicant's plan would have sprinklers only in the new addition while the Fire Chief's position is that sprinklers would also have to be added to the original building. This is causing an issue with respect to his construction loan. Applicant is still considering his options.

Since this is only a site plan review, rather than a public hearing involving statutory notices, the Board agrees to let it continue without a definite date.

BUSINESS SESSION

Public Hearing – Proposed changes to Planning Board's fee schedules for development applications, including applications under the Subdivision Control Law (amending the amounts in the Town's Subdivision Rules and Regulations), applications for Planning Board special permits under the Bedford Zoning Bylaw, and applications for Planning Board Approval under the Scenic Roads Act/Bedford General Bylaw.

Public Hearing Notice read by Member Cohen.

Materials supplied by staff:

- Proposed new fee schedule for Planning Board, dated February 25, 2020

- Note on review of Planning Board fees by Assistant Planner Perry, dated February 20, 2020
- Current Planning Board application fee schedule (dating from 2011)
- Table of estimated average staff costs of reviews for Planning Board
- List of special permit types from Planning Board, with bylaw references

Planning Director Fields introduces the hearing, noting that fees for applications under the Subdivision Control Law do not appear to have been changed since 1990. Fees for special permit applications under the board's jurisdiction were last update in 2011. No fees were ever established for applications under the Scenic Road Act. Fees for Site Plan review currently remain under the Code Enforcement Department, but will/may eventually transfer to the Planning Board with forthcoming Site Plan Regulations. The proposed fee schedules are based on a realistic examination of typical employee-hours of interdepartmental review for each type of application, rather than trying to match fees of neighboring communities.

Assistant Planner Perry reviews the research that she did for this project and explains the method used to come up with the numbers found in the proposed fee schedule. She went back over several years, i.e., from the start of FY15 to January, 2019 and prepared a spreadsheet which included various categories of review, relevant metrics, the number of Planning Board sessions involved and the various Town departments involved, and put together the costs for each type of fee category. Other considerations that have gone into developing the schedule are: using simple metrics where the scale of projects varies widely within a category; grouping special permit types that are similar; avoiding big fee increases; and avoiding disincentivizing preferred forms of development.

Chair Barbehenn opens the discussion to the Board Members.

Member Lloyd begins by thanking Assistant Planner Perry for the substantial time and effort that went into this project.

Member Lloyd refers to the Proposed New Fee Schedule. Asks about the fees for ANR Plans to create new lots and suggests specifying "buildable lot".

Assistant Planner Perry notes that in subdivision law a lot is defined as a site for a building but the word "buildable" can be added for clarity.

Member Lloyd asks about Commercial Subdivisions with the fees listed "per lot" rather than "per acre" as previously done.

Assistant Planner Perry provided the reasoning for this change.

Member Lloyd asked for the reasoning for a PRD being more expensive than a Cluster.

Assistant Planner Perry explains that a Cluster Development involves both a subdivision and a special permit fee which have to be added before comparing the totals.

Member Lloyd asks if there could be a waiver possibility with respect to the fee for a Scenic Road application where the underlying change is very minimal.

Assistant Planner Perry states that she did have some doubts about introducing a Scenic Roads fee since many projects are small and it is an additional hurdle for homeowners. The proposed fee has been set low at \$50.00.

Board members discuss the range of recent projects that have required Scenic Road approval.

Member Hanegan asks if it would be possible to waive the fee at the time of the hearing rather having staff make that decision in advance.

Planning Director Fields states yes, if the check is held, but comments that these applications are usually made as part of a construction project of some sort, and the \$50.00 fee listed is minimal.

Member Cohen asks what fee is charged and when, if there is a request for a minor change to a special permit, since there is always a chance it might be determined to be a major change.

Planning Director Fields states that currently there is no fee for a minor change. Sometimes it is fairly clear, based on precedents, whether something is likely to be determined to be a minor or a major change, but an option is for the applicant to ask the Board in advance. If there is a preliminary discussion, that is an easy time to ask. This determination also affects the question of advertising.

Member Siegenthaler asks about the fee listed for Cluster Development being a flat \$200.00.

Assistant Planner Perry and Planning Director Fields explain how the fees for subdivisions, cluster development special permits and PRDs are inter-related. Total fees for Clusters and PRDs have been structured to come out similarly.

Chair Barbehenn asks what the next step is and when the new fees can go into effect.

Planning Director Fields and Assistant Planner Perry state that they can go into effect any time after formal approval by the Board. Unless the Board suggests a date, they can go into effect tomorrow.

Chair Barbehenn asks if the Staff plans to put the new version on the website.

Assistant Planner Perry agrees that they will be posted on the website. They will also be provided to the Town Clerk and made available in the office.

Member Cohen suggests that the effective date be a week from today, March 3, 2020.

Motion to close this Public Hearing by Member Cohen.

Second by Member Siegenthaler.

Vote: 5-0-0

Motion carries.

Motion to approve the fee schedule as prepared, to be effective March 3, 2020 by Member Cohen.

Second by Member Lloyd.

Vote: 5-0-0

Motion carries.

REPORTS/DEVELOPMENT UPDATE

Chair Barbehenn notes that her husband went to a candidate forum and the subject of ADUs came up. The room digressed into discussion with a lot of misinformation. It seems that people need a comfort level around how many possible units this could entail. We need to do a really strong mapping effort using GIS to figure out which properties are constrained or not useable for various reasons and give the town a percentage of overall properties that are viable for detached ADUs. Would allow the Town Meeting attendees to get comfortable with the concept.

Member Hanegan states that we should also get across that just because a property may be eligible doesn't mean there will be an ADU built on it. Compare with data from other towns to show how minimal this will probably be.

Assistant Planner Perry states that there are a variety of constraints on lot development, not all of which are amenable to formulaic GIS analysis. An exercise was done previously to identify lots that are non-conforming on either lot area or frontage, and she can re-circulate the summary. The lot area analysis gave results that should be reasonably accurate (having excluded a number of special cases such as cluster developments), but the frontage analysis did not take account of the frontage exception rule and therefore wrongly counted some lots as non-conforming. That rule isn't simple to apply because it involves measuring the lot width at the front of the house. There are other reasons that lots can be non-conforming such as shape or excess wetland area, and there are cases where the positions of existing buildings make a situation non-conforming. In terms of other constraints, there are some conforming lots which do not have enough space in the back yard for a detached ADU meeting the setback requirements, including many corner lots which

have two front yards, and there could be others that are too wet or steep. However most of these things need individual examination.

Chair Barbehenn reports on a combined meeting of the Bicycle Advisory Committee and Transportation Advisory Committee dealing with bike lanes and bike paths. Dealt with potential for marked routes on The Great Road from Mudge Way to South Road; asking if protected or buffered lanes would be possible and where.

Member Siegenthaler reported from the Conservation Commission meeting. On the 209 Burlington Road project, the DPW engineers stated that they questioned whether the project could go forward based upon flood plain issues. They recommended peer review by an outside consultant at the applicant's expense before a Conservation Commission final decision. That approach was agreed to.

Planning Director Fields mentions that Plank Street housing project is before the Conservation Commission at their next meeting. Was originally last phase of the Taylor Pond mixed use project and site was sold off. Trying to get ready to break ground.

Planning Director Fields discusses the time for submission to the newspapers and to be posted on various websites.

Member Siegenthaler asks if anyone knows what the status is of the Prince Street Café project. Just wondering since nothing has occurred for quite some time.

Planning Director Fields states that he has no information on that.

Board packets include: a development update chart; two press articles on the housing shortage and two on business moves and transactions; a briefing memo including a list of upcoming events; and program for CPTC Conference.

OTHER BUSINESS

Member Lloyd brings up the draft of the letter on ADUs by Assistant Planner Perry for the Board to be sent to the press and posted on web site. Previous suggested edits have been shown as mark-up. The members agree on a final version and agree to have the letter published as coming from Chair Barbehenn. Members also ask for it to be sent to other relevant boards.

Planning Director Fields discusses the time for submission to the newspapers and to be posted on various websites.

Motion to adjourn by Member Hanegan.

Second by Member Cohen

Planning Board Minutes FINAL-APPROVED
022520

Vote 5-0-0

Motion carries.

Time: 8:20 pm

John B. Connarton
Recording Secretary