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**Planning Board**

Jeffrey Cohen, Chair  
Lisa Mustapich, Clerk  
Shawn Hanegan; Amy Lloyd; Sandra Hackman  
*Glenn Garber, Planning Director*  
*Catherine Perry, Assistant Planner*

TOWN HALL  
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BEDFORD, MASSACHUSETTS 01730  
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**CERTIFICATE OF PLANNING BOARD ACTION**

**Definitive Subdivision Plan associated with Planned Residential Development at  
56 Evergreen Avenue, Approved May 24, 2016**

Applicant/Developer: Melanson Development, Woburn, MA, principal Bryan Melanson

Property Owner: 56 Evergreen Avenue Revocable Trust, Chelmsford, MA, trustee Daniel Yauckoes, under agreement to Melanson Development, applicant.

Property Address: 56 Evergreen Avenue

Assessor's Parcel: Map 79, Lot 150

Deed Recorded in Middlesex County South: Book 64031, Page 41

**1. Summary of the Action**

At a duly-noticed public hearing commenced on April 26, 2016 and continued to May 24, 2016 at Bedford Town Hall, 10 Mudge Way in Bedford, MA 01730, the Bedford Planning Board voted to approve the definitive subdivision at 56 Evergreen Avenue. Development of the property as proposed also involves a Planned Residential Development (PRD) special permit required under section 9 of the Bedford Zoning Bylaw (ZBL), which is being issued concurrently. The hearing was a combined session integrating the special permit and definitive subdivision public deliberations. The site being subdivided consists of approximately 13 acres and straddles Wiggins Avenue. The PRD is proposed on the area to the west of Wiggins Avenue which consists of approximately 10.7 acres and exceeds the minimum tract size of 125,000 square feet for a PRD in the Residence C District. The project consists of a seventeen unit cottage-style development (thirteen detached and four attached units) which will be operated as a condominium. Exclusive use areas are defined, and there will be common open space and other

areas managed by a homeowners association. The development will be served by an internal access loop road off the end of Evergreen Avenue, which is a public road. Evergreen Avenue is currently of substandard width and will be widened in connection with the development. The intention is for the internal road to remain a private way for ownership and maintenance purposes. A turning stub will be provided outside the entrance to the developed area. The plan also provides for a gravel or stone dust trail connection from Evergreen Avenue to the Minuteman Bikeway, an easement for public use of an existing informal trail across wetlands at the northwest end of the property, and various easements for access and utilities which shall be required to be recorded as part of the plans.

## **2. Record Documents**

Plans and specifications meeting the requirements for a Definitive Plan in the Subdivision Rules and Regulations, to the extent applicable, are required as part of the submission for a special permit under the town's PRD bylaw in section 9 of the ZBL. The subdivision plan in this case also separates the ownership of the land east of Wiggins Avenue from that west of Wiggins Avenue. The plan was drawn by George Dimakarakos, PE and Joseph March, Land Surveyor, of Stamski and McNary, Inc., Acton, Massachusetts, and dated March 28, 2016, revised May 13, 2016.

Other submission documents with a bearing on subdivision control aspects, reviewed at the public hearing include:

- Application package for Evergreen Meadows PRD , dated March 28, 2016, containing:
  - Cover letter to Town Clerk
  - Special permit application form (for PRD), applicant Melanson Development
  - Form C - application for approval of definitive plan, signed by Bryan Melanson and Daniel Yauckoes
  - Form J – Designer's certificate, signed by George Dimakarakos, PE, Stamski & McNary
  - Form N - Abutters list
  - Development statement, listing the development team and discussing the proposed development in relation to Section 9 of the zoning bylaw
  - Stormwater Narrative, and Attachment – Stormwater Management Report (soil observation logs)
- Further information submitted prior to the second hearing session including:
  - List of responses to points in DPW staff memo of April 20, 2016 and list of changes made in response to Planning Board and Conservation Commission initial hearing sessions
  - Lighting catalog cuts for lights on dwellings and street lights

- Cross section through center of development from Neillian Way to edge of Minuteman Bikeway
- Revised Stormwater Management Report, dated May 13, 2016
- Stormwater Operation and Maintenance Manual, dated May 13, 2016

### **3. Interdepartmental Reviews**

Documentation from Town Staff Technical Review, April 26, 2016 public hearing session:

- Memo dated April 22, 2016 from Catherine Perry, Assistant Planner, sharing: 1) summary of the proposed development; 2) background and property description; 3) information about current PRD proposal; 4) consultations from town staff; 5) type of development and zoning aspects; 5) information on developer's intention to acquire additional land; 6) change to extent of public way; 7) road width, length of dead end and emergency access; 8) access to Minuteman Bikeway; 9) sidewalks and paving surfaces; 10) stormwater management, snow storage, street lights and landscape provisions and 11) conclusion/overall view of the development.
- Memo dated April 20, 2016 from Department of Public Works engineering staff listing comments.
- Letter from Conservation Administrator dated July 24, 2015 (from preliminary discussions), identifying natural resource constraints and open space objectives.
- Memo from Fire Department dated April 14, 2015 expressing concerns/requirements for the development.

Documentation from Town Staff Technical Review, May 24, 2016 public hearing session:

- Memo dated May 18, 2016 from Catherine Perry, Assistant Planner, including: 1) summary of matters arising from the first session, 2) discussion of updates and remaining issues, and 3) conclusion suggesting that the basic standards for a PRD are met but various details need to be finalized.
- Memo from Fire Department dated May 19, 2016 indicating satisfaction with the plans.
- Memo from DPW engineering staff dated May 23, 2016 giving updated comments indicating that most issues have been addressed, and adding a few final technical and administrative comments.

### **4. Public Comment on Subdivision-related Issues**

Resident Comments and Questions, April 26, 2016 public hearing:

Several residents from Evergreen Avenue and the adjacent neighborhood expressed concern about the following road and traffic issues: the effect of construction traffic on

the newly reconstructed Evergreen Avenue; the impact of road widening on small front yards and utility poles; potential speeding on Evergreen Avenue (which has no sidewalk and has vulnerable residents at a group home); adequacy of parking, as Evergreen Avenue cannot easily accommodate any overflow; and increased vehicle conflicts at the Evergreen Ave/Neillian Street intersection. They pointed out that Neillian Street is used as a cut-through route to avoid a sharp turn at South Road/ Summer Street. They suggested signage at the Evergreen/Neillian intersection and a speed bump on Evergreen. They welcomed provision of a turning stub at the end of Evergreen.

The developer explained that the Town has deferred putting the finish coat on the road pending this development project, which may take three years to complete, and that the road will be widened primarily on the north (open land) side but also by 1-2 feet on part of the south (residential) side, opposite wetlands. The developer will confirm if there is any need to relocate utility poles. Planning Board members raised the possibility of the Condo Association limiting the number of vehicles per household, to contain parking demand. The issue of cut-through traffic on Neillian Street was referred to the Transportation Advisory Committee.

A resident asked about the close spacing of the houses and the Chair explained that a PRD has different rules to a conventional development.

#### Resident Comments and Questions, May 24, 2016 continued public hearing:

An Evergreen Avenue resident asked if the road widening had been changed at all to take account of the utility poles. The engineer confirmed that the alignment has been shifted slightly toward the open land. The paved road width will still be 22 feet. Another neighborhood resident asked if there would be a sidewalk along Evergreen Avenue; the engineer responded that none is proposed and that wetlands are a constraint toward the lower end. A 10 foot easement is proposed, for a potential trail. The Board noted that a resident's suggestion of speed bumps on Evergreen Avenue would be a matter for the Selectmen to consider.

### **5. Applicability of Subdivision Regulations**

The Board reviewed relevant aspects of the PRD in relation to the requirements of the Subdivision Rules and Regulations, but bearing in mind that the intention is for the road within the developed area to remain private and be maintained by the condominium homeowners. Relevant aspects are the adequacy of the Evergreen Avenue access and the interior road for general and emergency/large vehicle access; practical design for snow plowing and storage; sidewalks and pedestrian routes; utility provision, including fire hydrants; shade trees/open space, street lights and street signs. The need for easements and performance guarantees related to the foregoing are also relevant matters.

The Board voted unanimously to grant the following waivers from the standard requirements of the Subdivision Rules and Regulations:

- Right of way width (Evergreen Avenue), to remain less than 40 feet
- Paved road width, to be 22 feet where 24 feet is the standard requirement
- Length of dead end way, to be over 500 feet with provision of fire protection sprinklers in the houses
- Form of turnaround, to allow tee turnaround stub at end of public road and loop road within the development
- Sidewalks, to allow no construction of sidewalk on Evergreen Avenue, but with sidewalks within the development area, and with easement for potential future path or trail along Evergreen Avenue,

and any other waivers needed to allow the development to be constructed as submitted and presented.

Other than as noted above, unless specifically approved, construction of the proposed way and installation of utilities should comply with the Bedford Rules and Regulations Governing the Subdivision of Land.

#### **6. Summary of Proceedings—September 30 and October 27, 2015 Public Hearing Sessions**

Summaries of the hearing proceedings for the two specified dates are provided in the concurrent Special Permit for this development. The hearing process, under Section 9, Planned Residential Development, in the Bedford Zoning Bylaw, combines the Special Permit and Definitive Subdivision Plan reviews into a single, consolidated hearing process.

#### **7. Conditions to be Met Prior to Plan Endorsement**

Prior to endorsement, the Applicant shall provide the Planning Board with the following:

1. An executed Covenant to secure the proper construction of the widened access road, interior way and related infrastructure prior to sale of any of the dwelling units. The Covenant shall be noted on the record plan.
2. Easements for utilities and municipal services, grading and access, including water line between the development and Wiggins Avenue, and potential future path or trail alongside Evergreen Avenue, as shown on the submitted, revised plans.
3. Easement for public use of existing trail across northwest end of property between Evergreen Avenue and Minuteman Bikeway as shown on submitted, revised plans.
4. Easement for public trail, including bicycle use, across upland area of property near proposed road turnaround stub, between Evergreen Avenue and Minuteman Bikeway, as shown on submitted, revised plans.
5. Final Operation and Maintenance Manual covering all elements of stormwater system, roadside trench, interior road and pervious paved areas.

6. Plan set revised to incorporate the following remaining technical points from DPW engineers' memorandum of May 23, 2016:
  - Sheet 9 should note DMH-1 and DMH-3 as the proposed water quality unit (CDS 2015-4)
  - Add new water gate on cross-country section of main between units #8 and 9, in the event the line needs to be taken out of service. Additionally, units #8 and 9 shall be connected to the water main in the street and not on the cross-country line.
  - Note on plan stating that existing sections of stone wall affected by widening of Evergreen Avenue shall be set back (loosely) behind the new stone infiltration trench.

## **8. General Conditions**

1. The applicant/developer shall record the signed plans, executed Easements, and the Covenant and return evidence of recording to the Planning Office within 30 days.
2. The construction of the way (access road and interior road) and installation of the public and private services and utilities shall be completed on or before five (5) years from date of endorsement of the definitive subdivision plan.
3. The construction of the way and installation of municipal services shall be in compliance with the Rules and Regulations Governing the Subdivision of Land, dated, September 10, 1990, except as otherwise authorized by the Planning Board in this decision, after duly-noticed public hearings on April 26, 2016 and May 24, 2016. In the event of any significant variations in site conditions during construction of the roadway and related infrastructure that might be detrimental to the PRD or any adjacent area, the Owner shall notify the Planning Board and Department of Public Works to mutually agree on a revised plan.

## **9. Specific Conditions**

The following specific conditions shall apply to the project:

1. The Condominium Association, in succession to the applicant/developer, shall be fully responsible for maintenance of the roadside trench, interior roadway, pervious paving and stormwater management system and shall adhere to the O&M Manual and materials specifications.
2. The proposed stop sign on Neillian Street shall be subject to review by the Town's staff traffic group and Transportation Advisory Committee.

- 3. Any existing trees affected by the widening of Evergreen Avenue will require a public tree hearing through the Department of Public Works.
- 4. The remnant parcel of land on the east side of Wiggins Avenue shall be gifted to the Town as offered, for conservation purposes, with existing easements, subject to approval by the Conservation Commission and Selectmen; otherwise the developer shall cooperate with the Town to arrange for suitable ownership and use in the public interest.

**10. Performance Guarantee**

In addition to placement and recording of a Covenant on the property, the construction of the ways and installation of the municipal services and all infrastructural elements shall be secured prior to construction with a form of asset acceptable to the Planning Board, in accordance with the Subdivision Rules and Regulations, Section 4.1 and MGL Chapter 41, Section 81U.


**11. Decision and Vote**

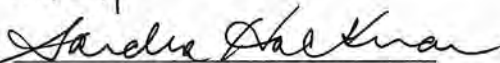
On motion of Shawn Hanegan and the second by Lisa Mustapich, the Board voted on May 24, 2016 by a vote of 5-0 to approve the subdivision including aspects related to the Planned Residential Development.

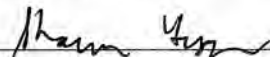
The members of the Planning Board: (signed June 7, 2016 unless otherwise noted)

  
 \_\_\_\_\_  
 Jeffrey Cohen, Chair

\_\_\_\_\_ (absent on June 7)  
 Lisa Mustapich, Clerk

  
 \_\_\_\_\_  
 Amy Lloyd

  
 \_\_\_\_\_  
 Sandra Hackman

  
 \_\_\_\_\_  
 Shawn Hanegan

CC:

- Adrienne St. John, Public Works Engineer
- Kristin Dowdy, Civil/Environmental Engineer
- Christopher Laskey, Code Enforcement Director

Chief David Grunes, Fire Department  
Chief Robert Bongiorno, Police Dept.  
Elizabeth Bagdonas, Conservation Administrator  
Bryan Melanson, Melanson Development (Applicant)  
56 Evergreen Avenue Revocable Trust (Owner)

**12. Date of Filing with Town Clerk:** \_\_\_\_\_

Any person aggrieved by a decision of the Planning Board expressed in a Certificate of Action under subdivision law may appeal to the superior court department in which the land concerned is situated or to the land court, by bringing an action within twenty days after the decision has been filed in the office of the city or town clerk, in accordance with the provisions of MGL Chapter 41 Section 81BB.

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A copy of this Certificate of Action is being mailed, certified mail, return receipt to the applicant.