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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*

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## Special Permit Decision with Findings

Approved on May 24, 2016

In the matter of: Application for a Special Permit under Section 9 of the Zoning Bylaw, Planned Residential Development (PRD), to construct seventeen (17) cottage type dwelling units consisting of thirteen (13) detached houses and two (2) duplexes dedicated under the Massachusetts Condominium Statute G.L. Chapter 183A in a single phase of construction

Applicant: Melanson Development, 5 Robertson Way, Woburn MA, principal Bryan Melanson

Property Owner: 56 Evergreen Ave. Revocable Trust, John and Daniel Yauckoes, Trustees, under agreement to Melanson Development, applicant

Location: 56 Evergreen Avenue, Bedford, MA; Assessors Map 79, Lot 150

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

### 1. Background

1. The application was preceded by preliminary discussions with the Board in 2015 which examined alternative conceptual approaches to development of the site.
2. The application was filed with the Town Clerk and received by the Planning Board on March 28, 2016. The application package also included materials pertaining to subdivision aspects, which were considered concurrently and for which a separate decision is being issued.
3. A public hearing was advertised in the Bedford Minuteman on April 7 and April 14, 2016, abutters were properly notified, and notice was posted in the Town Hall.

4. The Planning Board commenced the public hearing on April 26, and continued it to May 24, 2016. All Board members were present.
5. At the public hearing the Board received information from various professionals appearing on behalf of the applicant, from town staff and from members of the public. This information, together with materials submitted in connection with the application and familiarity with the site, served as the basis of the Board's findings.
6. On May 24, 2016 the Board voted 5-0 to grant the special permit, subject to conditions.

## **2. Summary of Proceedings at Public Hearing**

### **1. April 26, 2016 Public Hearing session**

The public hearing opened on April 26, 2016 and was well-attended by neighborhood residents, Board liaisons from the Selectmen and Finance Committee, and local press. Attorney Mark Vaughan of Riemer and Braunstein reviewed the history of the proposal, with two alternative concepts originally considered: a conventional subdivision with a through road from Evergreen Avenue to Wiggins Avenue, or a Planned Residential Development with a loop road/driveway on the end of Evergreen Avenue. The latter option was pursued and it has already been through some revisions, including a reduction from 19 units to 17.

Attorney Vaughan described the project as consisting of relatively small houses, with some variety, in a cluster-style layout surrounded by protected open land, and suitable for 'empty nesters' looking to down-size from family houses.

Project engineer George Dimakarakos presented the plans for development of the 10.6 acre tract to the west of Wiggins Avenue as a PRD and also mentioned the small remainder parcel on the east side of Wiggins Avenue. He explained that the developer proposes to widen Evergreen Avenue, which is a public way, to 22 feet, and add a loop road/driveway that will be a private way within the developed area. A turning stub will be provided at the current garage location. Of the seventeen dwelling units, four will be in two duplexes and the rest will be single family houses. Three units will be designated as affordable under state rules. In the common open space which will comprise almost 70% of the tract and be mainly at the two ends of the elongated parcel, meadows will be maintained by mowing. The land slopes down from the rear of houses on Neillian Way toward the Minuteman Bikeway and Wiggins Avenue; houses around the east side of the loop will have walk-out basements while houses on the west side will be tucked into the slope. There will be a handicap-accessible sidewalk around the loop and a common space with potential outdoor amenities within it. The lines of trees on the perimeter of the site will mostly be preserved, and some trees and stone walls will be preserved in the development. The water main will be connected through from Evergreen Avenue to Wiggins Avenue. House floor plans and a perspective view were shown.

Other points elicited by Board questions were:

- Electric and cable services will be underground within the development.
- The fire pit will not be gas fueled.
- The development will be organized as a condominium with a Condominium Association responsible for maintenance of the common areas. Residents will have Exclusive Use Areas functioning as yards, separated by some shrub plantings.

- Trash and recycling collection will be curbside.
- For access to the Minuteman Bikeway, an easement is offered to formalize public use of the trail through wetlands at the west end of the property, and residents will be able to use the old route between stone walls within the development (one wall will be reconstructed on a shifted alignment).
- Some common amenity structures – currently a gazebo and fire pit - are proposed on the central green. Accessory yard structures such as utility sheds for residents are not precluded; the Condominium Association may need to monitor them.
- The likely number of school age children has not been predicted but the house style and ownership structure are seen by the developer as likely to appeal to empty-nesters; the affordable units may be occupied by families with children.
- Some cut and fill will be needed for the houses sited on the upper and lower slopes respectively.
- Pervious paving is proposed for the sidewalk, the path in the central green, individual house driveways and visitor parking area; this will be laid pavers which the applicant prefers to porous asphalt for aesthetic reasons.
- The affordable units will be distributed across the types of houses (one in a duplex and one of each of two single family house sizes).

Matters identified by the Board for attention by the developer or for further discussion were:

- Mailboxes: developer will meet with Post Office to ascertain requirements, then if centralized show on plan.
- Snow removal by Condo Association (including sidewalk) should be addressed in Operation and Maintenance document and snow storage locations shown on plan.
- Adequacy of parking: Board wished to check experience at Hartwell Farms for comparison.
- Height of buildings compared to new bylaw rules passed at Annual Town Meeting: applicant will check measurements.
- Explanation/illustration of earth removal and fill, and appearance from houses on Neillian Way.
- Lighting: developer will supply photometric plan and pole detail, with a third LED pole light as recommended by DPW; lights on houses will be considered in conjunction.
- Other DPW technical comments should be addressed.
- Trees near Neillian Way: details needed of trees to be retained or removed.
- Affordable housing units: applicant advised to discuss details of designation and marketing with Housing Partnership.
- Access to bikeway: additional easement across upland to be considered by applicant, since trail through wetlands may not be suitable for bikes.
- Lack of sidewalk along Evergreen Avenue: easement for potential future trail or path to be considered by applicant.
- Question of open access to meadows adjacent to Evergreen Avenue to be considered by applicant.
- Remnant piece of land on east side of Wiggins Avenue: potential addition to common open space and/or Conservation Restriction.
- Stormwater Management (not yet discussed).

Several residents from the adjacent neighborhood attended and offered comments. They 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. Another resident drew attention to pine trees near the rear yards of Neillian Way, saying that they have been damaged by storms and might preferably be removed. In response to a question about the old farmhouse on the property, the developer stated that it will be demolished and the Board noted that it has been determined by the Historic Preservation Commission to not be subject to demolition delay.

## 2. May 24, 2016 Continuation of Public Hearing

The applicant submitted revised plans and other information as listed below. Confirmation was received that the Fire Department was satisfied. The DPW engineers provided an updated memorandum indicating that the majority of their initial comments had been addressed and listing a few remaining points. The Assistant Planner provided a memorandum discussing the changes and some remaining discussion points, and an outline list of potential conditions.

The applicant's engineer explained that the main stormwater management system will now consist of subsurface units, which will allow more usable grass/meadow area. Also a four foot wide gravel trail has been added across the upland outside the development area, connecting from Evergreen Avenue to the bikeway. Approval for the final connection within the rail ROW may still be needed. Utilities have been adjusted in accordance with the DPW's comments, and snow storage areas have been added to the plans. A position for the mailboxes, satisfactory to the Postal Service, has been shown. A stop sign has been shown on Neillian Street at the intersection with Evergreen Ave. but is subject to approval by appropriate Town bodies. Species of trees for planting within the development area have been reconsidered and are now red maples in the inner area and ornamentals (white dogwood and serviceberry) in front of the houses.

The Chair asked about the functionality of the central space when snow is stored there in winter; the applicant responded that the Condo Association could revise the precise locations but there was enough space to handle a snowy winter.

The engineer displayed the cross-section through the development area, pointing to cut and fill areas and concluding that the development will not be out of scale relative to abutting properties. Trees proposed to be kept on the periphery are now shown individually and denser planting of white firs is proposed near the boundary with houses on Neillian Way. A submitted table analyzing building heights in relation to the standards and measurement method in the amended bylaw was discussed. The developer asserted that the new rules were satisfied, while Ms. Perry considered that there were some uncertainties about that but that the application could be considered protected ('grandfathered') under MGL Ch 40A Sec 6.

The Board inquired if there was potential to incorporate universal design features into some of the units, given that they will have first floor master suites. The architect responded that the down-slope units have potential; options can be offered at marketing stage and first floors can be constructed as near to grade as possible.

The Board was satisfied with the types of trees proposed but asked the developer to check if the 20 foot spacing was suitable for the white firs. The Board considered that a site walk would help to finalize details of tree removal, retention and planting near the rear of Neillian Way.

The Board asked about the suitability of gravel for the connecting trail to the bikeway. The applicant stated that it would be fine and packed to give a firm surface. A Board member suggested using stone dust instead and the applicant agreed.

The Board discussed parking. The applicant agreed to widen the driveways for the single family houses slightly to ensure that two cars can park side by side on them. Since the surface is pervious, this will not affect the stormwater calculations.

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 discussed the mailbox position and wondered if it could be more pedestrian –friendly for residents while allowing loading from a postal truck. The applicant agreed to look into this in consultation with the Postal Service. Similarly they agreed to position the gazebo and other amenity elements in the central area carefully in relation to the old retaining walls.

The Board discussed lighting. Although the proposed three street lights are cutoff designs, the Board was concerned that tall poles might make them more intrusive than necessary to the dwellings, and suggested using shorter post lights as shown in the applicant's illustration of the housing development. The applicant agreed.

The Board noted that a resident's suggestion of speed bumps on Evergreen Avenue would be a matter for the Selectmen to consider. The DPW's suggestion of parking adjacent to Wiggins Avenue for commuters wishing to use the REV bus was briefly discussed; the Board noted that it is not a part of, or directly related to, the proposed development but that there may be potential for some parking on the east side of the road within existing easements, if the Town determines it to be the best location, and subject to Conservation Commission approval. This could be pursued separately from the determination of the PRD application.

The Board voted 5-0 to close the public hearing.

### 3. Submissions

#### April 26, 2016 Public Hearing session

- Special permit application dated March 28, 2016 for PRD (Evergreen Meadows), prepared by Stamski and McNary, Acton, MA
- 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
- Abutters list
- Development statement, listing the development team and discussing the proposed development in relation to Section 9 of the zoning bylaw
- Stormwater narrative
- Representative conceptual building elevations and floor plans, prepared by Reeves Design Associates
- Plan set consisting of 13 sheets including locus, existing conditions, record plan, site development, layout and utilities, plan and profile (road), details, landscape plan and stormwater pollution prevention plan.
- 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.
- Town staff memos from DPW, Conservation and Fire Department.

#### May 24, 2016 Continuation of Public Hearing

- Revised set of plans, dated May 13, 2016
- List of responses to points in the DPW memo of April 20 and list of changes made in response to Planning Board and Conservation Commission initial hearing sessions
- Table of building height measurements (exploring relation to recently revised bylaw)
- Lighting catalog cuts for lights on dwellings and street lights (including light beam pattern for latter);

- 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
- 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.
- Outline list of potential conditions

## 5. Decision Criteria

As specified in Section 9 of the Zoning Bylaw, a special permit shall be issued under Section 9 if the Planning Board finds that the development is in harmony with the purpose and intent of this Section and that that it contains a mix of residential, open space or other uses in a variety of buildings to be sufficiently advantageous to the Town to render it appropriate to depart from the requirements of the Bylaw otherwise applicable to the residential district within which it is located (Residence C).

## 6. Findings

The Planning Board makes the following findings of fact in regard to this special permit application:

- A. The project meets the basic quantitative standards in Section 9 of the Zoning Bylaw, in the following ways:
  - 1) Well exceeds 40% minimum Common Open Space, with almost 70%, and with a sufficient area outside the Flood Plain/Wetland District.
  - 2) Area for Residential Use is less than 30% of total tract area.
  - 2) Meets 20% minimum attached dwelling units, with two duplex structures.
  - 3) Meets affordable housing requirements by providing three affordable units.
  - 4) Exceeds minimum tract size of 125,000 sq. ft. in Residence C with a parcel of approximately 465,000 sq.ft. (west of Wiggins Avenue).
  - 5) Falls within allowable density limits set forth in Section 9.2.2, and subsections 9.2.2.1 through 9.2.2.3.
  - 6) Meets applicable building height limits; the pre-Annual Town Meeting 2016 bylaw rules apply since the definitive subdivision application was submitted, with notice to the Town Clerk, prior to the Town Meeting vote.
  - 7) No buildings (other than potential accessory buildings) will be within 50 feet of a public way or PRD boundary.
  
- B. The project meets or exceeds the basic Purposes of Section 9.1 of the Zoning Bylaw, Planned Residential Development, in the following ways:

- 1) The site layout preserves attractive meadows that are a remnant of one of Bedford's original farms, as well as areas of wooded wetlands.
- 2) The detailed site design incorporates and preserves some of the old stone walls and mature trees that are significant features of the property.
- 3) The types of houses, being a mixture of single and duplex, moderate-sized cottage style units with first floor master bedroom suites and one car garages, and operated as a condominium but with exclusive use areas, will add to the variety of the town's housing stock and potentially meet the needs of the growing group of 'empty-nesters' as well as people seeking a new house at a lower price point than large single family houses and people interested in commuting by bike.
- 4) The inclusion of three affordable (low and moderate income) housing units further adds to the needs that will be served.
- 5) The tight grouping of the units around a loop road with a small central amenity space enables a degree of density to be absorbed and the opportunity for a neighborly community created, while minimizing impervious area and controlling impacts on other properties.

C. The proposed arrangements for the ownership and management of the Common Open Space are satisfactory, with the Condominium Association having ownership and responsibility for maintenance, and a Conservation Restriction being created. The Common Open Space will be accessible to at least the PRD unit residents, the Conservation Restriction will provide for open land protection with periodic mowing to maintain the meadows, and the general public will benefit from the views, natural resource protection and access to easement areas.

D. The positioning of the buildings on the land, with limited amounts of cut and fill, their height and massing and perimeter landscape buffering (subject to any adjustment arising from conditions below) will ensure that the development has a suitably moderate impact on adjoining land, including existing residential development on Neillian Way and Evergreen Avenue.

## **7. Conditions**

1. The individual driveways for the single family units shall be widened by approximately one foot (to be approximately 17 feet wide), to allow two cars to be parked side by side.
2. Final details of trees to be cut, retained and planted near the rear of Neillian Way shall be determined by means of a site walk conducted by a Planning Board member and Town professional staff with further input from neighbors. The result may be memorialized as needed by means of a written and/or graphic document attached to the permitting record.
3. The limits of tree protection for grouped trees that are to remain shall be shown on the plan.
4. Traditional post lights with cutoff fixtures shall be used in place of tall street lights to illuminate the interior road/driveway and visitor parking; details shall be submitted for final approval by Planning staff.
5. The applicant will make good faith efforts to identify a more pedestrian-friendly location for the mailboxes, subject to approval by the US Postal Service.



- 6. Any minor changes to the stormwater system and associated grading that result from the Conservation Commission’s review may be incorporated in final plans, whereas major changes or any changes to building footprints or exclusive use areas will require approval by the Planning Board as an amendment to this special permit.
- 7. Where feasible, first floors of the housing units on the east/downhill side of the development will be constructed at elevations close to grade, and the developer will offer accessible/universal design options when marketing the units.
- 8. The Common Open Space shall be owned and maintained by the Condominium Association, subject to the easements as offered and presented.
- 9. A perpetual Conservation Restriction meeting state standards shall be placed on the Common Open Space, with the applicant responsible for preparation of documentation, including reference to the intent to maintain the open meadows with periodic mowing and to the easements.
- 10. The developer shall construct the four foot wide trail across upland between Evergreen Avenue and the Minuteman Bikeway prior to issuance of any occupancy permits for the dwellings. The Board’s preference is for a stone dust surface but final choice of material shall be subject to consultation between the applicant and the Conservation Commission.

**8. Decision and Vote**

A motion was proposed by Shawn Hanegan and seconded by Lisa Mustapich to grant the special permit subject to conditions as set out above.

The Motion passed 5-0.

Voting in favor: Jeffrey Cohen, Sandra Hackman, Lisa Mustapich, Amy Lloyd, Shawn Hanegan.

Voting against: None.

**BEDFORD PLANNING BOARD**

Signatures of the Bedford Planning Board, signed June 7, 2016 unless otherwise indicated:




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

(absent on June 7)

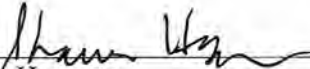
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Lisa Mustapich, Clerk



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Sandra Hackman



Amy Lloyd



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 Department  
 Elizabeth Bagdonas, Conservation Administrator  
 Bryan Melanson, Melanson Development (Applicant)  
 56 Evergreen Avenue Revocable Trust (Owner)

**9. Date of filing with Town Clerk:** \_\_\_\_\_

**10. Appeal**

Any person aggrieved by a decision of the special permit granting authority may appeal in accordance with the provisions of M.G.L. Chapter 40A, Section 17, by bringing an action within 20 days after the filing of the decision in the office of the Town Clerk.