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BEDFORD, MASSACHUSETTS 01730



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Page: 1 of 12 07/16/2014 11:17 AM

Date: July 8, 2013
Petitioner Name: Cerundolo-Larsen Realty Trust and Tambone Investment Group, Inc
Location of Property: 54 Loomis Street
Bedford, MA 01730

This letter certifies that twenty days have elapsed since the Planning Board decision was filed in the office of the Town Clerk and no appeal has been filed.

Attest:

Doreen Tremblay
Town Clerk

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BEDFORD, MASSACHUSETTS 01730



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A TRUE COPY ATTEST

[Signature]
Town Clerk

Planning Board

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

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**Special Permit Decision with Findings:
Bedford Place Mixed Use Development, 54 Loomis Street, Bedford
Bedford Planning Board**

1. Summary

The Bedford Planning Board conducted a public hearing on May 20, 2013 in The Town Center Building, 12 Mudge Way, Bedford, in regard to a special permit under the provisions of Section 18 of the Bedford Zoning Bylaw (ZBL), Depot Area Mixed Use Overlay District. The Planning Board voted 5-0 to grant the special permit on this date. The project consists of 19 residential units and approximately 2860 square feet of commercial space. The public hearing had been continued from March 19, 2013. The Applicants/owners are the Cerundolo/Larsen Realty Trust of Bedford, MA, in conjunction with the developers the Tambone Corporation of Burlington, MA. The members of the Bedford Planning Board included on both occasions: Jeffrey Cohen, Chair; Lisa Mustapich; Sandra Hackman; Shawn Hanegan; Amy Lloyd. The property is recorded in Book 35917, Page 466.

2. General Findings of Fact

23192 - 469

- a) CURRENT REGULATORY ACTION--This is mixed use special permit granted under the Depot Area Mixed Use Overlay District, hereinafter abbreviated as DAMOUD. A four vote plurality is required for the vote by the Board, in accordance with MGL Chapter 40A, Section 9. The proposed development was first heard by the Planning Board in July, 2012 as a 30-unit project with 1060 SF of commercial space, all contained within a single structure. It was subsequently withdrawn and by agreement with the Board resubmitted for a March 19, 2013 public hearing, with a redesigned project containing 23 units of housing, a division of the structure into two buildings, a greater proportion of one bedroom units and lesser proportion of two bedroom units, four townhouse-type units included in the front building, and a stated intent to convert the front

building known as "A" to condominium-type sales housing, rather than rental apartments. However, based on public testimony at the March 19, 2013 hearing and the Board's stated concerns, the hearing was continued to await further design modifications and density adjustments. The continued public hearing on May 20, 2013 considered a third design, with 19 dwelling units, expanded site amenities, architectural changes on the buildings and storefronts, and a stated intent to convert both the front building known as "A" and the rear building known as "B" to condominium-type sales housing, rather than rental apartments. In addition, the rear building's height was reduced by removing the top story.

- b) ADDITIONAL PROJECT DETAILS—3rd Plan Design; Changes from 2nd Plan Design:
- Total unit count now at 19, 7 still in Bldg. A & 12 now in Bldg. B.
Bedrooms reduced from 35 to 29; townhouse units remain a part of Bldg. A.
Mix: 9 one BR; 6 two BR; 4-2BR townhouses.
 - Conversion of Bldg. B to condominium sales units as well as Bldg. A.
 - Removal of the upper half story (the 3rd level) to lower the building height to approximately 24' and 2 stories.
 - Storefront redesign to incorporate white window mullions (columns) as well as a cornice to break up glass expanse. Possible addition of lower paneling along storefronts to reduce amount of glass
 - Paint colors changed to be similar to the newly painted RR station and the freight house museum
 - Bldg. architecture modified to reflect some detailing from RR station, such as overhanging roof sections, as well as awnings and trim.
 - Green expanse to rear of the lot is to be enhanced with more landscaping and a new pedestrian gathering/outdoor seating area, thus implementing the improvements allowed in Easements H and I, granted by the Cerundolo Realty Trust in 2001 to the Town of Bedford for purposes pertaining to pedestrian passage and a walkway, picnic tables and benches, bicycle facilities, utilities and appurtenant structures, and rights of access and maintenance.
 - Additional features incorporated at the front of Building A on Loomis Street, with a new outdoor seating/gathering area and a row of bike racks near the right-hand most driveway.
 - The walkway running through the length of the property is now extended along the green space at the rear with a paver-pathway, all the way to the bikepath.
 - Establishment of bike-walking through route designated and signed at both ends to allow some traversal of site by bikers.
 - Addition of water quality structure to the site plan as per request of Bedford DPW engineers, to reduce sediments to Elm Brook (reduction of suspended solids).
- c) PUBLIC HEARING, SUMMARY OF PROCEEDINGS, MAY 20, 2013
- Note1: the paragraphs to follow in this sub-section are a summary of the proceedings, intended to capture the essentials of the discussion. They should not to be construed to be the official minutes of the hearing, or a complete record.*
- Note2: specific requirements mentioned by Planning Board following the presentation by the applicant team are fully reflected in the special conditions delineated further on in this special permit.*

Applicants presented their 3rd design iteration, highlighting changes from the 2nd design iteration discussed at the March 19, 2013 hearing. Principal presenters included Mr. Richard

Tambone of Tambone Investment Group of Burlington, MA and Eugene Sullivan, PE, civil engineer of Wilmington, MA. Mr. David Cerundolo, property owner, also spoke briefly in regard to the numerous changes and concessions made over the course of three hearings and nearly a year's time. The presenters explained that the continued public hearing on May 20, 2013 was to consider a third design, with 19 dwelling units, down from 23; enhanced site amenities, architectural changes on the buildings and storefronts, and a stated intent to convert both the front building known as "A" and the rear building known as "B" to condominium-type sales housing, instead of rental apartments; the previous submission had only the front building being changed. In addition, the rear building's height was lowered by removing the top half-story. See sub-section 2. (b) immediately preceding for further detail.

Resident/property owner comments:

Four comments expressed concern that the project was still too big for the site. Two comments stated that the project didn't fit in with the area's character. One stated that the project, while moving significantly in the right direction, somehow still didn't fit their concept of "traditional village scale." Two comments were made in regard to there being too much glass in the storefronts and therefore possibly too much light. Applicants and Board discussed replacing some of the glass with a knee wall-type feature, and imposing limitations on hours of business operations. One comment pertained to there being too much commercial use, while another questioned why there had to be residential at all; industrial and commercial uses were acceptable. Two other comments expressed the thought that the area should stay as is, with the old, small-scale industrial, office and warehousing uses. Staff commented that these buildings in the Depot area were entering the early stage of their decline in useful economic life and that the buildings were more than 50 years old, small in floor area, and obsolete in terms of internal space configuration and lot size, so the town had to think of their long term viability from a land use perspective. A comment was made that the project would lower nearby residential property values. A mention was made of thin landscaping at the edges of the property; the applicants talked about the enhancements made to the landscape plan in this 3rd plan design. Several comments expressed frustration that there was a major traffic problem in the area, especially on side streets used for large cut-through volumes. Staff and Board members expressed empathy for the residents experiencing these impacts, but pointed out that the traffic issues were regional in nature, emanating from many uses, especially employment. In the meantime, residents should not hesitate in the short term to call for more traffic enforcement, and in the long term, to request an area-wide traffic impact study and mitigation plan.

Further resident comments/questions:

A question was asked in regard to what happens if the units do not sell sufficiently to make the project viable. The developer answered that his financing package is firm and that it is based on the determination that sales units are viable in this project and location. A question was asked about sales prices; the reply was: 1 bedroom = \$275,000; 2 BR = \$325,000; townhouses = \$345,000. Another query asked whether or not the number of units could be reduced but their floor areas increased. The developer replied that the economics of that do not work. A Board member asked how many units would be acceptable to neighbors in terms of residential density. Various replies said 6 or 7. Another remark stated that the Board doesn't have to approve this

just because the developer is a nice guy, while two comments stated that their quality of life is at stake and the feelings of neighbors should drive this decision. Another comment stated that the resident would move if this is built. A question was asked if there would be parking problems as soon as the project opened, because there already were cars parking on the lot, even though the building is vacant. The owner stated that these cars are from Patriot Pediatric medical practice, with which they currently have a shared parking arrangement.

Favorable/Neutral resident/property owner comments:

Two comments were made in regard to the project being much more attractive and desirable than the present "ugly" uses on the site and in the Depot industrial/office area in general, and that the project had come a long way from its prior history as a skating rink open every day for long hours and as a bottle redemption center and other uses that were not especially desirable. Other comments expressed the thought that the project had come a long way in its design and lower density and building massing, but they felt that somehow it could be further improved.

Comments of Board members after close of hearing, pursuant to decision:

- Project is significantly improved and developer has been very responsive, but wishes that developer had come in with a more reasonable project in the first place.
- Light and glare from storefronts should be mitigated by a little less glass and limits on hours of operation.
- Cut-through traffic is a big burden on the neighborhood, but this project would not contribute significantly to that problem. Enforcement and perhaps eventual traffic calming improvements would help.
- Project might eventually raise property values, given declining industrial/office buildings there now.
- The project presents a reasonably good transitional design for the Depot Area Mixed Use Overlay District.
- Board listened to residents when they expressed concerns about renters as well as school kids and the current design reflects those concerns.
- The "walking and biking" feel to the project is an important development theme and the proponents have done a good job of improving that.
- Bedroom mix and moderate price of residences will present a broad opportunity for people who are now priced out of the market.

d) EXHIBITS SUBMITTED/RECORD DOCUMENTS

Documentation submitted by the development team of 54 Loomis Street:

- Special Permit Application Form & Check List dated February 12, 2013
- Letter dated, February 11, 2013 from Eugene T. Sullivan, P.E./Consulting Engineer providing a description and details of the project.
- Plan Set dated, February 7, 2013 consisting of sheets: C.1, C.2, C.3, C.4, L.1, A-1, A-2, and A-3.
- Letter dated, April 17, 2013, to the Planning Department, from Eugene T. Sullivan, P.E. stating that they are submitting revised plans C.1 thru C.4 prepared by ETS, Inc., revised

Landscaping plan L.1 prepared by Olmsted Design; revised Floor Plans and Building Elevations prepared by db2 Architecture A-1 thru A-3, and revised Stormwater Management Report. Mr. Sullivan also provided responses to the Department of Public Works memo dated March 12, 2013.

- Letter dated, April 18, 2013, to Jeffrey Cohen, Chair Bedford Planning Board, from Attorney, Mark T. Vaughn of Riemer/Braunstein, stating that they have enclosed a zoning summary supporting the Applicant's assertion that the Project is in compliance with the applicable Special Permit criteria of the Depot Area Mixed-Use Overlay District Bylaw.
- Letter dated, April 16, 2013 to Jeffrey Cohen, Chair, Bedford Planning Board, from Mr. & Mrs. David Cerundolo, property owners of 54 Loomis Street, stating that they have submitted revised plans for the redevelopment of 54 Loomis Street in accordance with the Depot Park overlay district.

Documentation from Town Staff Technical Review:

- Memorandum dated, April 25, 2013, to the Planning Board from Glenn Garber, Planning Director regarding 54 Loomis Street, Hearing Continuance (from March 19, 2013) third design iteration.
- Memorandum dated, April 24, 2013, to Glenn Garber, Planning Director and Catherine Perry, Assistant Planner, from Adrienne St. John, Public Works Engineer and Kristin Dowdy, Civil/Environmental Engineer sharing DPWs latest comments for 54 Loomis Street—Special Permit Application for Bedford Place Apartments.
- Memorandum dated, April 24, 2013, to Glenn Garber, Planning Director, from Christopher Laskey, Code Enforcement Director regarding parking calculations for the latest project submission (April 17, 2013) from Riemer & Braunstein for 54 Loomis Street.
- Email dated April 22, 2012 to Cathy Silvestrone, Planning Administrative Assistant, from Marc Saucier, Traffic Enforcement Officer, stating that the Police Department did not have any issues with the updated proposal for 54 Loomis Street.

3) Decision-making Criteria

- a) M.G.L. Chapter 40A, Section 9....et seq: Special permits may be issued only for uses which are in harmony with the general purpose and intent of the ordinance or by-law, and shall be subject to general or specific provisions set forth therein; and such permits may also impose conditions, safeguards and limitations on time or use.
- b) Bedford Zoning Bylaws, Section 18, Depot Area Mixed Useet seq.

4) Specific Findings

The Planning Board makes the following findings specific to Section 18 of the Bedford Zoning Bylaw (ZBL), Depot Area Mixed Use Overlay District; Findings are designated by capital letters A through N:

131-1-199-5

PURPOSE

A. The Bedford Planning Board finds that the proposed Bedford Place project at 54 Loomis Street generally is compatible with and in the spirit of the purposes of Section 18.1 of the Zoning Bylaw, as summarized as follows:

Depot Area Mixed Use Overlay: Purposes

- *(Promote an)* alternative pattern of land development to the pattern normally permitted in the underlying District.
- Encourage revitalization.
- improve design by providing greater flexibility while remaining sensitive to environmental impacts.
- *(Promote a)* mix of retail, restaurants, offices, and multi-family housing.
- Improve the balance among land uses.
- Enhance the Depot area's unique identity and development potential.
- Be a focal point for bicycle- and pedestrian-related uses.
- Reduce auto dependency, roadway congestion, and air pollution by locating multiple destinations and trip purposes in close proximity.
- Promote a greater sense of community.

SPECIAL PERMIT GOALS

B. Increases the range of housing options for people of different income levels and different life stages.

Two affordable units to be supplied. The 4 townhouse units and 2 bedroom flats are intended to appeal to an older market. One BR units will make good starter residences for young professionals who cannot presently live in Bedford.

C. Enhances pedestrian access to buildings and between sites and promotes site features and layouts conducive to walking and bicycling.

Enhanced sidewalk, bike walking through-route to Minuteman Bikeway, bike direction signs, bike storage in building—all add to pedestrian and bicycling environment for site and area.

D. Promotes integrated physical design and interaction among activities.

The front building 'A' genuinely integrates commercial and residential uses within the same structure and does so in a traditional village form with storefronts below residential uses, along the public street.

E. Encourages compatibility with the historic nature of the area and the character of the Town.

Reduction of both buildings to two stories makes height of project more compatible with prevailing building heights in the area. Changing of paint colors and adding of vernacular architectural detailing from the vicinity—especially the old railroad uses—makes development more in keeping with the neighborhood and town.

F. Includes best practice provisions for energy and environmental design for structures and orientation and low impact development (LID) practices for stormwater management.

Buildings will be constructed to comply with the so-called Stretch Code adopted by the Town of Bedford, which the MA Board of Building Regulations and Standards (BBRS) incorporated as an Appendix in 780 CMR to the Massachusetts building energy code, and is based upon standards created by the International Energy Conservation Code (IECC). The site stormwater management will substantially improve the existing conditions by reducing runoff discharged to the municipal system, adding infiltration capacity and removing more suspended solids on-site.

G. Includes a balance of land uses.

The project has evolved to the point where the number of residential units, the bedroom mix, the blend of targeted age markets and the amount of commercial space are judged likely to work reasonably well together.

PERFORMANCE STANDARDS

H. Adequacy of the site in terms of the size of the proposed use(s);

Depot Area Mixed Use Overlay District sets no metric, so initial project must strike a balance between economic viability and visual impact. Adjustments to the project through three iterations in regard to residential density, project floor area, commercial space and the massing of the buildings, as well as factors such as the adequacy of on-site parking and a small increase in green space, have moved the project to a point where the site layout and intensity of use are workable.

I. Adequacy of the provision of open space, its accessibility to the general public, and/or its association with adjacent or proximate open space areas;

The pervious green space has increased slightly from 23.5 to 25.8 %. More importantly, landscaping, amenities and pedestrian and bicycle enhancements have increased as the project has evolved through three iterations, thus increasing the quality and usefulness of the green space.

J. Suitability of the site for the proposed use(s).

The property is slightly more than one acre, which is not unusual for the vicinity, and has a long, narrow dogleg shape. The prevailing lot sizes among the industrial, office and business uses in the Depot area are quite small by today's standards. There are no wetlands constraints and the site is relatively flat. The property has frontage on a public way that is improved to an acceptable standard. Municipal and private utilities are available. Given all of these factors, the site is acceptable with the design and project size that has evolved.

K. Impact on traffic and pedestrian flow and safety.

Traffic impacts have gone steadily downward as the density has gone from 30 to 19 units. Sidewalks exist along Loomis Street. Police have raised no concerns.

L. Impact on the visual character of the Depot Area and surrounding neighborhood;

Depot Area Mixed Use Overlay District sets no density (dwelling units per acre) metric and therefore no particular building massing standard, other than what dimensional restrictions exist, so prototype project must strike a balance between economic viability and visual impact. With the lowering of density and the rear building height, along with enhancements to architectural detailing, the project is not incompatible with area character.

- M. Adequacy of utilities, including sewage disposal, water supply and storm water drainage.
All municipal and private utilities available and of sufficient capacity. Stormwater discharge to town system is reduced in favor of on-site treatment and recharge.
- N. Impact of the proposal on the existing mix of structures and businesses in the Depot Area.
The abutting mix of structures and uses is mostly (with some residential exceptions) small scale light industrial, office and warehousing. Proposed use represents a fundamental change to the vicinity, but one that is permitted by the DAMOUD bylaw.

5) Special Conditions

The proponents of the project shall be obligated to comply with the following conditions, which are designated by capital letters A through D. 4. (b):

- A. Storefront Modification: The proponents shall submit to the Planning Department and Code Enforcement Director a modified elevation drawing or rendered architectural drawing of the store fronts, in which a lower panel or knee wall is added to the façade to reduce the amount of glass, and, upon acceptance, shall modify the building plans accordingly.
- B. Affordable Housing: Proponents shall be obligated to create two perpetually affordable units as per Section 18.5.16, in which the occupant households are at or below the 80% of HUD area median income threshold, and for which an affirmative marketing program and lottery shall be conducted, in consultation with the Bedford Housing Partnership. The units shall meet the state guidelines for inclusion in the Subsidized Housing Inventory by means of the Local Initiative Program or other options offered by MGL Chapter 40B.
- C. Hours of Operation: Commercial/retail operations that occupy space at Bedford Place shall not be open for business outside of a 7:00 am to 10:00 pm time frame, unless authorized by the Planning Board by means of a minor special permit amendment.
- D. Further Design Modifications and Clarifications: the following items shall be addressed as indicated:
1. Additional Data on Lighting:
From Planning Board: Specifications of parking lot and outdoor light fixtures and luminaires, to be provided to Planning Department for review and inclusion in the record. Board may publicly discuss and provide guidance, if necessary.
 2. From Planning Board: Front Landscaping Refinements and Tree Replacement:
An amended landscape detail or sketch submitted to the Planning Department, in which additional replacement trees and any other changes or enhancements to the front landscaping are provided for review and inclusion in the record. Board may publicly discuss and provide guidance, if necessary. Board may choose to consult with Arbor Resources committee or other pertinent municipal entities. Also see 4. (d) below.
 3. From Planning Board: Installation of the bicycle racks, directional signage and through walking route, as shown on the modified plans, no later than the opening of the project for commercial and residential occupancy.
 4. Comments from Fire Department:

Further dialogue with the Fire Department, if needed, in terms of optimizing vehicular circulation patterns for public safety purposes.

5. Comments from DPW Engineering:

- a) On the portion of land located on the adjacent town-owned parcel that is currently pavement, whereupon the paving will be converted to landscaped area with the addition of new curbing, the following adjustments shall occur, to the satisfaction of DPW Engineering and the Planning Department: loam and seed to new curb line, and reset existing granite curb to tie into proposed bituminous berm. See plan graphic incorporated into DPW memorandum of April 24, 2013.
- b) Coordinate the proposed outdoor seating area behind the Depot Building with the existing walkways in that area and assure that the proposed amenities conform to applicable Town of Bedford standards, as determined by DPW Engineering.

6) Decision and Vote

On motion of Lisa Mustapich and the second by Sandra Hackman, the Board voted on May 20, 2013 by a vote of 5-0 to grant the special permit with the special conditions described in section 5.

The members of the Planning Board:

Jeffrey Cohen
Shawn Hanegan
Sandra Hackman
Lisa Mustapich
Amy Lloyd

The Planning Director, by means of the above vote, is authorized to sign the recording copy of this special permit minor amendment, acting for the Planning Board.

5/30/13
Date

For the Planning Board:

Glenn H. Garber
Glenn H. Garber, Planning Director

CC:

Adrienne St. John, Public Works Engineer
Kristin Dowdy, Civil/Environmental Engineer
Christopher Laskey, Code Enforcement Director
Chief David Grunes, Fire Department
Capt. Mark Sullivan, Safety Officer, Fire Dept.
Chief Robert Bongiorno, Police Dept.
Attorney Mark Vaughan, Riemer & Braunstein

7. Date of Filing with Town Clerk: May 30, 2013

8. Appeal

Any person aggrieved by a decision of the special permit granting authority may appeal to the land court department, the superior court department in which the land concerned is situated or, 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 M.G.L. Chapter 40A, Section 17, *et seq.*

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