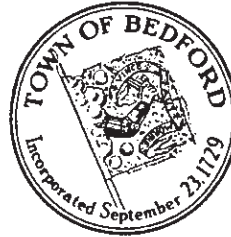


TOWN OF BEDFORD
BEDFORD, MASSACHUSETTS 01730



TTD/TTY: 781-687-6124

Doreen Tremblay, Town Clerk

Town Hall
10 Mudge Way
Bedford, Mass. 01730
781-275-0083
doreent@town.bedford.ma.us

Date: December 8, 2006
Record Owner: Have a Hartwell LLC BK 46432 PG 572
Petitioner Name: Pamela Brown, Esq., for Hartwell Farms
Location of Property: 182-
184 Hartwell Road

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

Attest:

Doreen Tremblay
Town Clerk



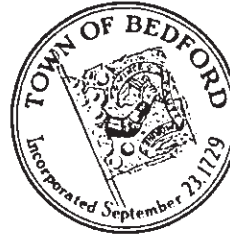
Bk: 49033 Pg: 11 Doc: DECIS
Page: 1 of 6 02/26/2007 11:48 AM

Return to:
Brown & Brown, PC
110 Great Rd
Bedford MA
01730

Attn: PAM

TOWN OF BEDFORD
BEDFORD, MASSACHUSETTS 01730

2006 NOV 16 AM 11:50



TTD/TTY: 781-687-6124

Planning Board

Steven Spector, *Chair*
Robert Fagan Lisa Mustapich, Clerk
Sandra Hackman Janet Powers
Richard Joly, *Planning Director*

TOWN HALL
10 MUDGE WAY
BEDFORD, MASSACHUSETTS 01730
TEL 781-275-1548
FAX 781-271-0537

COMMONWEALTH OF MASSACHUSETTS

TOWN OF BEDFORD

Middlesex, ss

PLANNING BOARD

Application by Have A Hartwell, LLC and VinCo Properties
for a Special Permit in accordance with Section 16.0

Decision and Record
of Proceedings

The property consists of approximately 30 acres of land located at 182 and 184 Hartwell Road, Bedford, MA. The deed for the project site is recorded in Middlesex South District Registry of Deeds in Book 46432 at page 572.

RECORD OF PROCEEDINGS

Have A Hartwell, LLC and VinCo Properties petitioned the Planning Board of the Town of Bedford by an application for approval of a Special Permit under Section 16.0 of the Zoning Bylaw on May 12, 2006.

The Notice of the Petition was published in the Bedford Minuteman, a newspaper of general circulation in the Town of Bedford on May 18 and May 25, 2006 and a hearing in accordance with said Notice was opened at Town Hall, 10 Mudge Way, Bedford, MA on June 6, 2006. Notice of the hearing was given to the applicant, abutters, abutters to abutters within 300 feet of the property line of the subject property, owners of land directly opposite on any public or private street or way, appropriate Town Boards and officials and the Planning Board of each neighboring Town. Notice of hearing was posted in Town Hall.

At the public hearing, Pamela Brown, Esq. representing the applicant, presented testimony on behalf of the application and comments were received from town departments. The Planning Board noted ongoing discussions with DEP regarding

A TRUE COPY ATTEST


Town Clerk

environmental issues at the site. These issues were resolved with a July 12, 2006 memo from DEP concurring with the applicant's consultant's conclusion that site conditions do not represent a significant risk to future residents from hazardous materials associated with a prior release on adjacent property.

Hartwell Farms is proposed as 80 dwelling units to be contained in 44 townhouses and two larger 3-story buildings. Additional amenities will include a clubhouse, swimming pool, ball field and ball field equipment garage/storage shed. Significant environmental improvements will be made to the site, including flood storage, wetland restoration and increased wildlife habitat.

Abutters commenting on the proposal had primary concerns of tree preservation and maintenance of visual buffers to their homes on Sorens Way and Hartwell Road.

FINDINGS

The Planning Board finds that the proposed redevelopment will provide significant improvements to resource areas, and will increase green space on site, especially in close proximity to Elm Brook.

The Planning Board finds that the proposed residential development will provide a transition of land uses between existing single family homes and non-residential uses.

The site currently contains a parking lot for approximately 800 vehicles supporting the commercial buildings at 180 Hartwell Road and covering over six acres of land. The Planning Board finds that retaining 88 of these spaces to support said buildings at 180 Hartwell Road (and shared with the ball field and residential uses) constitutes an acceptable use of the property and an allowable continuation of a potentially non-conforming use.

The Planning Board finds that the applicant proposes certain project elements that satisfy the criteria for LEED credits including reuse of the site and reclamation of degraded environmental areas. A NPDES (National Pollutant Discharge Elimination System) permit will limit construction activity pollution.

The Planning Board finds that this proposed use complies with the requirements of Section 16.0, Residence D, of the Bedford Zoning Bylaws, that it is in harmony with the purpose and intent of the Zoning Bylaws and that it will not be detrimental or injurious to the neighborhood in which it is to take place.

DECISION

The Planning Board hereby grants a special permit to Have a Hartwell, LLC in accordance with Section 16.0 Residence D of the Bedford Zoning Bylaw substantially as shown on plans entitled "Hartwell Farms, 184 Hartwell Road, Bedford, Massachusetts" dated February 10, 2005, revised through October 30, 2006 prepared by Vanasse Hangen Brustlin, Inc. consisting of a title sheet, sheets C-1 to C-11 and sheet SV-1 and substantially as shown on the attached architectural plans.

1. This special permit approves 80 dwelling units to be contained in 44 townhouses and two larger 3-story buildings. In addition to residential units, the Board approves accessory uses including a ball field, equipment storage garage/shed for, a club house, swimming pool and a shared parking lot available to ball field users, residential visitors and the non-residential buildings at 180 Hartwell Road, all substantially as shown on the submitted Plans.
2. This permit incorporates by reference the terms and conditions of a Development Agreement entered into by and between the Town of Bedford and Have a Hartwell, LLC and recorded with Middlesex South Registry of Deeds in Book 47266 at page 64.
3. The Planning Board hereby grants a waiver from the maximum building height for the larger multi-unit buildings to allow a maximum of three stories and 42 foot height.
4. The Planning Board hereby grants a waiver from the parking requirements to allow shared parking for use by residents, guests, ball field users and as overflow parking for the non-residential buildings at 180 Hartwell Road. The shared parking area shall include no more than 88 spaces of which 58 will be constructed. A reserve area of 30 spaces may be constructed of gravel or other pervious construction only upon a determination by the Building Inspector that such spaces are necessary to satisfy the zoning requirements for a proposed use(s) of 180 Hartwell Road.
5. If any conditions caused directly or indirectly by the developer or his agents arises during construction which might be detrimental to the development or any adjacent area, the same shall be corrected by the Owner in a time frame determined by the Planning Board and to the satisfaction of the Planning Board.
6. The property owner shall retain title to the ways and drainage system shown on the Plans and shall be responsible for their maintenance.
7. An emergency access road shall be constructed of gravel or paver blocks in the location shown on the Plans and shall be kept free of snow and other obstructions year round, including the removal of tree branches less than 12 feet in height. A Knox box with a key shall be provided to the Bedford Fire Department for each gate.
8. Sidewalk connections shall link buildings and accessory uses within the site, including active and passive open spaces, dwelling units and Hartwell Road.
9. Fire suppression sprinklers shall be installed in the larger multistory buildings as requested by the Bedford Fire Department in accordance with state building and fire codes.

10. Existing trees shall be preserved wherever feasible. Trees designated for preservation shall be protected by installation of bright orange polypropylene fencing and the posting of "Off Limits" at the root zone radius to be protected. The root zone to be protected shall be calculated by measuring in inches the trees diameter 4.5 feet above the ground and for each inch of tree diameter allow for one foot of root radius to be protected.
11. The applicant, its successors and assigns, shall provide reasonable mosquito control in a manner consistent with the East Middlesex Mosquito Control Project and any updates to those recommendations in the future.
12. No private wells shall be constructed on site for any purpose other than as may be necessary and directly related to compliance with the Massachusetts Contingency Plan. Drinking water and irrigation wells are prohibited unless subsequent approval of such wells is deemed appropriate by the Bedford Board of Health and or Massachusetts Department of Environmental Protection.
13. In addition to the site improvements proposed, the developer shall incorporate Energy star appliances, tenant areas for storage and collection of recyclables and low-emission carpeting. Tree preservation in the existing wooded area of the site shall be maximized, reducing light pollution and saving in cooling costs.
14. In order to ensure that future problems with indoor air do not develop, groundwater beneath the 182-184 Hartwell Road property shall be re-evaluated following any dewatering activities, and prior to construction of residential dwellings.
15. The Planning Board may permit a non-residential building of approximately 4,000 square feet to be located adjacent to the project entrance at Hartwell Road for retail, restaurant, or personal services uses; this building may be expanded to 8,000 square feet by addition of a second story compromising office uses. The Planning Board may approve this building without an amended special permit application.
16. When a tenant and/or tenants are found for 180 Hartwell Rd. and it is determined that the reserved parking spaces will be required to satisfy the parking requirements for that tenant(s) then the tenant(s) will be required to go through the site plan approval process set forth in section 7.5 of the Zoning Bylaws.
17. Before the issuance of occupancy permits for any of the final 25 dwelling units the following shall be done unless an alternate form of performance guaranty, satisfactory to the Town, has been provided:
 - a. All of the site improvements shown on the plans approved by the Planning Board shall be completed.

b. All of the requirements of the Planning Board decision shall be satisfied.

- 18. Bicycle parking shall be provided near the club house and shall be provided for the 36 unit buildings in the garages below the buildings, in accordance with sections 16.8 and 7.4.4 of the Zoning Bylaws.
- 19. The reserve parking area shall be limited to a maximum of 30 parking spaces.
- 20. The trail in the southern corner of the site shall be connected to the sidewalk near unit one.
- 21. The LEED program elements in the attached memorandum of November 1, 2006 From Lisa A. Freed shall be complied with.
- 22. The concerns in the attached memorandum of November 9, 2006 from the Public Works Department shall be corrected to the satisfaction of the Public Works Department.
- 23. No alteration, removal of vegetation, soils or grading shall occur beyond the line labeled "Approximate Limit of Existing Trees to Remain".

On Motion, the vote of the Planning Board was as follows:

- Steven Spector -- yes
- Sandra Hackman -- yes
- Robert Fagan -- no
- Lisa Mustapich -- yes
- Janet Powers -- yes

This Decision and the plan referred to in this decision have been filed with the office of the Bedford Planning Board and with the Town Clerk.

Appeals, if any, shall be made pursuant to Section 17, Chapter 40A Massachusetts General Laws and shall be filed within twenty (20) days of the date of filing Notice of this decision with the Town Clerk.

11/16/06
Date

Richard Joly
For the Planning Board
Richard Joly, Planning Director

- cc: Chris Laskey, Code Enforcement Director
- Adrienne St. John, Public Works Engineer
- Pamela Brown, Attorney
- Vince O'Neil, VinCo Properties and Have a Hartwell, LLC
- 434 Massachusetts Avenue, Suite 505, Boston, MA 02118

REGISTRY OF DEEDS
SOUTHERN DISTRICT
ATTEST:
Eugene C. Brune
REGISTER