

WEST CONCORD TASK FORCE
MINUTES
JANUARY 20, 2011

Pursuant to notice duly filed with the Town Clerk, a meeting of the West Concord Task Force was held at 7:30p.m. at Concord Park.

Present were Phil Adams, Chair; Betsy Stokey, Vice Chair; Nancy Carey, Clerk; Bobbie Brennan, Sue Felshin, Don Hawley, David Holdorf, Gary Kleiman, Chris Sgarzi, and Jimi Two Feathers. Also present were Planning Director Marcia Rasmussen and over a dozen members of the community.

Absent: Gary Clayton

The Meeting was called to order by Phil Adams at 7:30PM.

MINUTES

On a motion duly made and seconded, it was UNANIMOUSLY

VOTED: To approve the minutes of 10 November 2010 and 8 December 2010, as amended.

DEBRIEFING OF JANUARY 11TH PLANNING BOARD MEETING

The Planning Board received a presentation on the 50 Beharrell St. redevelopment proposal from Oak Tree and Boynton Co. representatives and asked a smaller group of Planning Board and Task Force members, the Planning Director, and the Building Inspector to examine possible changes in wording for the grocery store / store size limit article. Regarding the 50 Beharrell St. redevelopment proposal, the Planning Board did not take a position, and is looking for a recommendation from the Task Force.

INDUSTRIAL DISTRICT WARRANT ARTICLES

Chair Phil Adams noted that the Task Force is reconsidering its recommendations for the West Concord Industrial District (WCID) because of concerns expressed by property owners in the district. The Task Force discussed four options for warrant articles for the WCID summarized in a handout [see List of Attachments] plus a fifth option of making no changes to current zoning in the WCID with respect to residential uses. The Task Force discussed the distinction between process and the content of particular proposals. Discussion included: Option 3 would allow overlays throughout the WCID; overlays are already allowed throughout the WCID through the zoning process; we came up with the proposal to eliminate the current combined industrial/business/residential use by Special Permit because information from other towns shows that residential use pushes out industrial use; the 50 Beharrell overlay proposal is to allow residential use in just one part of the WCID and to create a process that requires greater scrutiny, making it harder to create residential use elsewhere in the WCID; the proposal puts residential use in the middle of the WCID where it can push out industrial use all around it; an overlay is really just another zoning change; part of the reason for an overlay process that goes through Town Meeting is public concern that only a committee makes decisions in a Special Permit process and citizens don't know what the make-up of committees will be in the future; Option 3, by extending the overlay district to areas not covered by development agreements, could allow large 48' high buildings throughout the overlay district, only restricted by requirements for parking—that could be underground—and open space—that could be provided on rooftops; there's isn't much time to make decisions and we should consider a "no change" option; we have received feedback that the current zoning doesn't allow residential uses in the WCID in ways we might like; given opposition we have heard to 48' of height, the overlay might fail at Town Meeting.

Planning Director Marcia Rasmussen noted that in Concord's industrial districts, the requirement for affordable housing in combined industrial/business/residential uses was incremented from 10% to 20% on the floor of Town Meeting after the Concord Commons project on Conant Street was built and that Option 3 could be crafted to require both a development agreement and Town Meeting approval for any projects in the larger overlay area. Discussion continued:

Call to Order

Minutes

Planning Board

Warrant Articles

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Requiring Town Meeting approval for each development agreement would defeat the benefit of Option 3; Option 3 might only require a majority vote for development agreements rather than the 2/3 vote required for zoning bylaws. Ms. Rasmussen noted that the Limited Industrial Park district has similar zoning in which development agreement is not voted on at Town Meeting, but zoning components are; she noted that if the overlay district were extended, there would probably be separate development agreements for each proposal. Discussion continued: If the goal of Option 3 is to be more fair, it fails, because it still leaves out some properties; it could be extended to the entire WCID; if we extend it anywhere, it should be to Winthrop St., which is a good location for residential use; if we have residential use anywhere in the WCID, it should be on Winthrop St. and not elsewhere; who among the public wants residential use in the WCID?; we have received favorable feedback regarding SmartGrowth, which involves housing near town centers and transit, but have not received public feedback specifically in favor of residential in the WCID.

The Task Force discussed a motion to recommend to the Planning Board to let the WCID combined industrial/business/residential use remain "as is" in the current Zoning Bylaw, without change. For the purposes of discussion, it was clarified that this zoning allows 35' tall buildings by right, 40' by Special Permit, and combined industrial/business/residential use by Special Permit, and it was further clarified that overlay districts could still be pursued. Discussion included: this would level the playing field for all WCID property owners; it would remove the opportunity for Town Meeting voters to remove combined industrial/business/residential use in the WCID; the 20% residential affordability requirement would remain and creates a high barrier to combined industrial/business/residential use; that is intentional; we must consider political realities; we can't explain the ramifications of zoning changes in the WCID to ourselves much less Town Meeting, and if we recommend maintaining the status quo, then our committee does no harm; the best hope for implementing the West Concord Master Plan lies with current zoning; we should consider the possible harm of both action and inaction; we should give people the opportunity to vote; we should put our weight behind the right path; if we can't craft an article we can support, we could recommend to the Planning Board to study the issue to find a way to keep residential use from taking over industrial use; that's what Option 4 does; the Task Force has spent 2 1/2 years working on this, and the Planning Board is overworked, so we should resolve this issue ourselves; the Task Force was created because of concern over Bradford and Beharrell Streets and perhaps we should adjust the Special Permit process.

Public comment: Chris Hart, a WCID property owner, noted that he has no current plans to redevelop his Winthrop St. property, but that residential use is encroaching on all sides of his property, affecting what industrial uses he can allow; at some point, pressures will reduce the the options for industrial use tenants, and it will be hard to pursue small projects if they require Town Meeting votes; the Planning Board, with a proper Special Permit process, is in a better position to decide rather than going through Town Meeting; therefore, in his opinion Option 4 is the most preferable. Joe Collins of Boston, who noted that he owns some property in West Concord, said that the Task Force is mixing together the question of process and specific uses, which should be kept separate, and noted that he has not heard the Task Force debate whether residential use in the industrial district is good or bad. Susan Walker of Central St. commented that articles will be voted down at Town Meeting if they are not clear, asked how the articles currently being discussed related to the Task Force charge, and commented that the Task Force seems to be spending a great deal of energy on a small portion of its charge, that the Planning Board wants the Task Force to do the legwork, and that if there is a good process and belief in the recommendations, then the process can work. Ray Hanselmen of Deacon Haynes Rd. recommended that the Task Force consider how its recommendations are presented to the Planning Board and to make sure that the majority opinion is represented. Task Force members noted that the Task Force's charge includes consideration of development proposals.

On a motion duly made and seconded, it was

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VOTED: That the Task Force recommend to the Planning Board that zoning for the West Concord Industrial District revert to pre-IPOD zoning and that no other changes be made to it with the exception of previously recommended “housekeeping changes” of eliminating the vehicular auto dealerships use, changing several uses to Special Permit (lodge and club, personal service shop, funeral home, veterinary and kennel, auto service and repair), and reducing allowed accessory uses. The Motion failed.

The Task Force discussed a motion to recommend Option 4 to the Planning Board, to make revisions to the existing Special Permit process for the combined industrial/business/residential use in the West Concord Industrial District. Discussion included: the option is too vague because it does not state what revisions would be made; if we are to “do no harm”, then we need to be particular about revisions, and there isn’t time to be particular by this spring’s Town Meeting; this option could work using a longer time frame; Options 1a and 4 are not exclusive, since if we give people the option to vote and they vote down Option 1a, then Option 4 could be implemented in a longer time frame as a fallback; the motivation for Option 4 is sympathy for the concerns of majority landowners; there is no big time pressure in the Industrial District for changes to the underlying zoning and it is too soon to make drastic changes when there is no current threat; the time to make changes is when there is no threat; it took years for the Task Force to reach this point and we should act while we have the benefit of our work and the public’s attention; Option 4 doesn’t reflect political reality, whereas Option 5 is simple to explain and best for the Master Plan; the Master Plan is the key thing for the Task Force to accomplish; some people would not like to see Option 1b fail if Option 1a passes; elements of the Master Plan can be accomplished even if Option 1b fails.

On a motion duly made and seconded, it was

VOTED: That the Task Force recommend Option 4 to the Planning Board, to make revisions to the existing Special Permit process for the combined industrial/business/residential use in the West Concord Industrial District. The Motion failed.

The Task Force discussed a motion to recommend Option 1a to the Planning Board, to eliminate combined industrial/business/residential use in the West Concord Industrial District along with “housekeeping changes”. Discussion included: This option doesn’t respond to WCID property owners’ concerns; although we have listened to property owners’ concerns, this option responds to citizen feedback; the intent of this motion is to give citizens an opportunity to vote on the question and it is not yet a recommendation for or against the article that would be moved if Option 1a is followed; Option 1a makes it virtually impossible to create residential uses on small properties in the WCID; there is indeed a place for residential use in the West Concord village, in the West Concord Business District and proposed West Concord Village District; if encroaching residential uses make it desirable to create residential uses in some parts of the Winthrop St. industrial area, it would be preferable to reclassify those areas into different zones rather than to change industrial zoning to allow those residential uses.

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Public comment: John Boynton, a WCID property owner of Bradford Mill, commented that zoning is too complicated to put before voters and there is not enough time for them to gather information to vote; zoning is best left to qualified boards; the threat from 2–3 years ago is largely diminished with Bradford St. retaining its industrial uses, many protections in place, and a rigorous town process for approving changes to Bradford St.; to outside observers, it looks like the Task Force has accomplished a lot with the Master Plan, Design Guidelines, new zoning districts, and Business vs. Village zoning so the Task Force shouldn't worry it hasn't done enough; further work should be left to other boards; a complicated zoning article at Town Meeting could fail badly. Mari Weinberg of Hillside Ave. commented that the charge of the Task Force is not that there should be more apartment buildings; she noted that the Planning Board removed the former Chrysler service property from the proposed West Concord Village District and that the option to build townhouses on that property potentially reduces the commercial inventory in the village and adds to the already increasing housing inventory.

On a motion duly made and seconded, it was

VOTED: That the Task Force recommend Option 1a to the Planning Board, to eliminate combined industrial/business/residential and vehicular auto dealerships uses in the West Concord Industrial District, change several uses to Special Permit (lodge and club, personal service shop, funeral home, veterinary and kennel, auto service and repair), and reduce allowed accessory uses. The Motion failed on a tie vote.

The Task Force, proceeding under an incorrect understanding that the motion had passed on a tie vote with the chair having to abstain, discussed a motion to recommend Option 2 to the Planning Board. Discussion included: voters should know whether the WCMOD (Option 1b) has passed or failed before voting on Option 1a, because if it fails, they might feel that the owner of 50 Beharrell St. should still have some residential option; Option 1b should be voted first because if Option 1a passes, voters may feel that there should be no further residential use in the WCID.

On a motion duly made and seconded, it was UNANIMOUSLY

VOTED: That the Task Force recommend Option 2 to the Planning Board, to implement the Multi-Use Overlay District before eliminating the combined industrial/business/residential use from the West Concord Industrial District.

Task Force members declined to make a motion to recommend Option 3.

BRADFORD MILL

John Boynton, the owner of Bradford Mill, updated the Task Force on renovations of the property: He showed a graphic of planned changes and described renovations including fire safety upgrades and relocation of entranceways from Town property to the sides of the mill buildings, as accessible entranceways. He noted that he has an appointment with the Planning Board the following week for site plan approval and will appear before the Zoning Board of Appeals in February. He will be seeking relief from parking on the grounds that Bradford Mill was built before current parking regulations existed and does not provide enough room on site for parking now required by zoning.

Bradford Mill

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Mr. Boynton was asked if he has consulted the Master Plan's recommendations as he moves forward with renovations. He responded that he is making a connection to Rideout Playground and parking a priority. Mr. Boynton referenced the Town Manager's priorities for the Town budget and noted that a sidewalk is planned on the south side of Bradford Street to the playground. He noted that he has offered an easement to the Town to allow the Town to relocate a transformer, currently located in the proposed sidewalk, to the Bradford Mill property. In response to queries, he stated that the mill buildings are 40' 6" tall, give or take an inch; that new outdoor lighting will be Dark Skies compliant; that parking areas will be paved with impervious pavement (asphalt) with on-site drainage with rainwater storage underneath surface parking; that the brick tower/smoke stack will be retained; and that there are currently 40 parking spaces while 90 are planned.

50 BEHARRELL STREET

Oak Tree and Boynton Co. representative Patrick Cleary gave a presentation on the proposed redevelopment of 50 Beharrell St. In response to queries, he noted that a three-dimensional animated view from the back side of the building and into Beharrell St. is planned, and that the animation along Commonwealth Ave. is from the perspective of a car driving along the south side of Commonwealth Ave.

The chair stated that once the development agreement is in place, the Task Force will take a position on the project, but not now. Mr. Nick Boynton commented that it is difficult to work out a development agreement without knowing whether the WCMOD article will be on the warrant. Discussion included: it is difficult to support the project without seeing a development agreement; we need to support the project more clearly, and if we are comfortable with it pending the development agreement, we should say so; the Task Force has long stated that it would not take a position until there is a development agreement; not every member said that and the article wouldn't be moved without some progress on the development agreement; our expectation was that the article would be on the regular warrant and since it is not, we must have it on the warrant of a Special Town Meeting within Town Meeting. Nick Boynton was asked what he wants from the Task Force. He replied that he is confused about the process of going back and forth between the Task Force and the Planning Board. He stated that his proposal accomplishes almost everything in the Master Plan and asked what his next step is supposed to be. He was answered that the Task Force passed the WCMOD on to the Planning Board to be fleshed out and put on the warrant and a development agreement obtained, after which the Task Force will vote on a recommendation; it is hard to write a blank check now; the Task Force has agreed that the proposal should be passed along to the Planning Board and the Town Manager for preparation of a warrant article and development agreement.

Public comment: Joe Collins of Boston suggested that Mr. Boynton ask the Task Force to vote that it "sees no reason to oppose". Ray Hanselman of Deacon Haynes Rd. commented that the 48' height of the building is the elephant in the room and that Mr. Boynton was told informally, not by the Task Force, not to redesign his proposal down to 40', so no wonder he's confused; if the 50 Beharrell proposal is built at 48', then this would set a precedent for future developments in the WCID. Betsy Higgins of Central St. commented that it is not just the height but the mass and scale of the proposed development that is a problem, and that the proposal is inconsistent with the Master Plan. She stated that a proposal such as this should not be voted up or down until questions relating to wastewater and traffic impact are answered by the developer. Susan Walker of Central St. commented that Commonwealth Ave. is not the only relevant perspective, that the project will be large and looming from the Church St. hill, and that the view from the proposed park between the building and the Nashoba Brook will be beautiful on one side but a canyon wall on the other. She asked what changes have been made to the proposal in response to public comment.

50 Beharrell

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Discussion continued: the property is a good location for height; height reduces sprawl; if the site was redeveloped under current zoning, it could have a bigger footprint; the height should be measured from existing conditions as proposed in this coming spring's Town Meeting article regarding the Residence C zoning district. Mr. Cleary of Oak Tree and Boynton noted that he has no objection to measuring building height from existing conditions.

On a motion duly made and seconded, it was UNANIMOUSLY

VOTED: That the Task Force recommend Option 1b to the Planning Board, to put the Multi-Use Overlay District on the warrant for a Special Town Meeting within Town Meeting, with the addition of height being measured from existing conditions, using the definition of base elevation specified in the article "ZONING BYLAW AMENDMENT – DEFINITION OF HEIGHT" on the warrant for the 2011 Annual Town Meeting.

ADJOURNMENT

On a motion duly made and seconded, it was UNANIMOUSLY

VOTED: To adjourn the Open Session and to conclude business for the evening.

Respectfully submitted,

Sue Felshin

Approved: 3 February 2011

LIST OF ATTACHMENTS

1. "Options for the West Concord Industrial District Zoning", Options4IndDistrict01.11.11.doc

Adjourn

Options for the West Concord Industrial District Zoning
January 11, 2011/prepared by M. Rasmussen

The West Concord Task Force has recommended several changes or revisions to the Table of Principal Uses for the West Concord Industrial District (including removal of the combined industrial-business-residential use by special permit) and has suggested establishing a new overlay district for 50 Beharrell Street to allow residential use to be added to the mix of uses. The West Concord Industrial District includes property on Bradford Street, Beharrell Street, Winthrop Street and Commonwealth Ave. (the former Leather Shop, now site of Nashoba Bakery and other uses). There are several options for implementing these recommendations, which I've outlined below:

1. Follow the recommendations as provided by the WCTF (see a) and b) below – taken from the December 9th WCTF handout), which first eliminates the combined industrial-business-residential use and then establishes the Mixed-Use Overlay District. Two of the West Concord Industrial property owners have expressed concern with this approach because one would like the opportunity to seek a special permit to allow residential with other mixed uses and the other feels there is no assurance that the overlay district will be approved by Town Meeting.
 - a) West Concord Industrial District changes
 - Eliminate “Combined industrial/business/residence” and vehicular auto dealerships
 - Change several uses to Special Permit (lodge and club, personal service shop, funeral home, veterinary and kennel, auto service and repair)
 - Reduce allowed accessory uses
 - b) West Concord Multi-Use Overlay District (WCMOD)
 - Proposed new overlay district for 50 Beharrell Street redevelopment. Includes negotiated public review process. Article would be moved at Town Meeting only if development agreement has been negotiated with Board of Selectmen
 - Combined Residential/Industrial use
 - Maximum height: 48 feet (vs. 40 feet currently allowed by Special Permit or 35 feet by right) with building setbacks at upper floor(s)
2. Another option would be to implement the Multi-Use Overlay District first before eliminating the combined industrial-business-residential use from the Table of Principal Uses for the West Concord Industrial District.
3. A third option would be to consider extending the Multi-Use Overlay District to the two Winthrop Street parcels (currently owned by Chris Hart). With three properties included in the new overlay district, the Board begins to address concerns that zoning is being created to the benefit of only one property owner. Eliminating the residential component from the WCI district responds to the concerns raised during the West Concord Master Plan outreach that residential use may conflict with light industrial uses (which are desired to remain). Again, the Table of Principal Uses would be heard after the M-UOD.
4. Another option would be to consider only revisions to the existing special permit combined industrial-business-residential use that would allow the property owners to seek a special permit and address recommendations found in the West Concord Master Plan. Some of these revisions might be a reduction in the amount of affordable housing required from 20% to 10%; provide public access to significant open space(s) (such as waterfront or rail trail access); require building setbacks to reduce the visual massing of the building, etc. This would allow all West Concord Industrial District property owners to be able to seek a special permit for combined industrial-business-residential use.