

Minutes of the Planning Board Meeting of January 11, 2022

Pursuant to a notice and agenda filed with the Town Clerk, the Planning Board met at 7:00 p.m. on January 11, 2022, virtually via <https://zoom.us>. The meeting was recorded and will be available on the Minuteman Media Network.

At 7:00 p.m. Chairman Flint, opened the meeting and asked for a roll call of the Board members. Present virtually were Mr. Bosdet, Ms. Miller, Mr. Boardman, Ms. Ferguson, Ms. Orvedal, and Mr. Flint. Ms. McEaney was absent.

Town Planner Hughes was present virtually.

Release of Restrictive Covenant – 38 McCallar Lane, Lot 2

The Board considered the agenda memorandum dated January 7, 2022 prepared by the Town Planner Hughes.

Ms. Hughes explained that the developer has requested a release of Lot 2 (38 McCallar Lane) from the Restrictive Covenant and has submitted an interim as-built plan and cost estimate for the remaining work. She explained that the Assistant Town Engineer has reviewed the material and does not have any issues with the requested release.

Mr. Flint moved that the Planning Board release Lot 2 (38 McCallar Lane) of the Hosmer Meadows Definitive Subdivision from the Restrictive Covenant and authorize the Chair, Clerk, or Town Planner to sign the release. Mr. Boardman seconded. All voted in favor. The roll call vote was Mr. Boardman, yes; Ms. Ferguson, yes; Ms. Orvedal, yes; Mr. Bosdet, yes; Ms. Miller, yes; and Mr. Flint, yes.

2022 ATM Draft Warrant Articles

Included in the Board's packet were the latest draft warrant article for the Formula Business Bylaw (Section 3.3), and the Accessory Dwelling Unit (Section 4.2.2.2). Town Counsel is still reviewing these two articles.

The Town Planner sent an email to the Board on January 10th explaining that the Building Commissioner does not think that there is sufficient time to understand what the unintended consequences of an amendment to the Floor Area Ratio (FAR) section of the Zoning Bylaw as it relates to gross floor area is measured and the ceiling height of 6'8". The Building Commissioner feels that an amendment to the definition of gross floor area could create other issues with commercial projects. Additionally, he was not sure there was a significant problem since there have only been four cases since 2015 where a developer created a ceiling height of less than 6'8" in a closet or storage area to get under the FAR for a house on a small lot. Following a discussion about the issues raised, the Board decided not to go forward with an amendment to the FAR bylaw for the 2022 Annual Town Meeting.

The Board finalized the draft warrant article for an amendment for Section 4.2.2.2 Additional Dwelling Unit (ADU) to add a "grandfather provision" for the approximate 52 special permits issued for ADUs between 1974 and September 2020 to allow those ADUs to become legally conforming.

The Board discussed the draft warrant article for Section 3.3 Formula Business to add the Thoreau Depot Business District and to determine the appropriate number of formula businesses

to allow. A limit of fourteen was considered but a consensus was not reached. Discussion on this topic will resume at the next meeting.

The Board reviewed the latest draft of the Thoreau Depot Business District Zoning Bylaw amendment warrant article and discussed the provisions for affordable housing in a mixed-use commercial/residential project. The Town Planner will work further with the Regional Housing Services Office Director to refine the language regarding fractional unit in-lieu payments.

Discussion on Development of Site Plan Rules & Regulations

The Board set a timeline for beginning their work on developing Site Plan Rules and Regulations which is one of the Board's goals for the coming year. Time will be allotted on each agenda in 2022 until the task is completed.

The Site Plan Rules & Regulations provide guidance on appropriate methods for various site plan elements such as parking lot layouts, landscaping, lighting, stormwater drainage and sustainability measures.

It was decided to task each Board member with researching other communities who already have regulations in place to create a list of elements in preparation for the more discussion of this topic at the meeting on February 15th.

The Board thanked Ms. Orvedal for keeping them on track to complete this goal and for her preliminary research.

Minutes

The Board reviewed and amended the draft minutes of the December 28, 2021 meeting. Mr. Flint moved approved the minutes as amended to correct the typo pointed out by Ms. Ferguson. Mr. Bosdet seconded. All voted in favor. The roll call vote was Mr. Boardman, yes; Ms. Ferguson, yes; Ms. Orvedal, yes; Mr. Bosdet, yes; Ms. Miller, yes; and Mr. Flint, yes.

Planning Board Liaison/Town Planner Updates

Town Planner Hughes attended the Town Meeting Preview meeting held on Saturday, January 8th, the day that the Town Meeting Warrant opened. She reported that there may be a citizen petition Zoning Map amendment submitted for a property on Virginia Road as well as three articles that the Planning Board may submit.

Ms. Hughes said that a new page with the Scenic Road Bylaw Information, <https://concordma.gov/2971/Scenic-Roads-Bylaw-Information> has been created on the Town's website under the Historical Commission. Ms. Hughes reported that she will give a presentation to the Public Works Commission on January 12th and the Historical Commission meeting on January 13th regarding the draft article. She reported that approximately 450 landowners whose property front the proposed nine scenic roads were mailed a postcard to notify them of the upcoming Historical Commission meeting.

Ms. Hughes explained that, although the Scenic Road Bylaw is a general bylaw, there will be a presentation by the Historical Commission on the article at the Planning Board Public Hearing for warrant articles on March 8th.

At the next Planning Board meeting on January 25th, the Board will discuss whether to support the article and prepare a statement for inclusion in the explanation of the article as it appears in the warrant.

Mr. Flint reported that the Community Preservation Committee continues to refine the proposals received.

General Public Comment

Carol Savoy, 61 Belknap Street, questioned the formula used by the Building Commissioner to calculate the height of structure under the provisions of Section 7.3.11 of the Zoning Bylaw. Town Planner Hughes explained that the method used by the Building Commissioner to calculate height is correct and that both she and the Commissioner have tried to explain it to Ms. Savoy. Ms. Hughes will provide that information to the Board as well so that they will be aware of the conversation.

Ms. Savoy referred to her email to the Board sent January 11th, in which she asks about the fifty-acre requirement in the DRAFT Compliance Guidelines for Multi-family Districts Under Section 3A of the Zoning Act (MBTA Communities bill). She wondered how that could apply to the Thoreau Depot Business District which does not have an area larger than 15 acres for potential redevelopment. She referred to her second question in the email which concerns the multi-family capacity requirement.

Mr. Flint, in response, reiterated his comments made previously at the Thoreau Depot Public Forum on December 14th, that the driving force behind the Planning Board's efforts on the Thoreau Depot Business District was not the MBTA Communities bill, that the Board's efforts began long before that bill was proposed or enacted; and that rather the main driver is the Town's comprehensive long range plan which calls for ways for the Town to encourage mixed-use development in that District.

Ms. Savoy mentioned concerns about adequate landscape buffers for residential property from new development. Town Planner Hughes explained the Site Plan Review criteria contained in the Zoning Bylaw and the review of landscaping plans by the Boards. She also explained a bit about the process and timeline for Zoning Bylaw amendment approval by the Attorney General's Office.

Meeting adjourned at 8:54 p.m.

Documents presented which are on file in the Planning Division Office at 141 Keyes Road, Concord, MA:

- Town Planner's Memorandum dated 1/23/21
- Draft 12/28/21 meeting minutes
- Revised Formula Business and Accessory Dwelling Unit Draft Zoning Bylaw amendments

Respectfully submitted,

Kate McEneaney, Clerk

Minutes approved on 1/25/22.