

## **Minutes of the Planning Board Meeting of January 25, 2022**

Pursuant to a notice and agenda filed with the Town Clerk, the Planning Board met at 7:00 p.m. on January 25, 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, Ms. McEneaney, and Mr. Flint.

Town Planner Hughes was present virtually.

### **Site Plan Review, Middlesex School, 1400 Lowell Road**

Application of the Middlesex School, under Section 11.8 of the Zoning Bylaw, for faculty housing at 1400 Lowell Road, Parcel 1533.

Present for the Applicant were Matt Crozier, COO and Steve McKeown, Project Manager, of the Middlesex School; and Sarah Kwatinetz and Steve Ventresca, of Nitsch Engineering, Inc.

Mr. Crozier and Mr. McKeown began by giving an overview of the proposed project. The Applicant proposes to construct 4 units of faculty housing in two duplex buildings on the north end of the campus off Pratt Lane, behind the existing faculty housing. Mr. McKeown explained that the buildings are proposed to be prefab Huntington Homes and that all electric heating and cooling systems are proposed.

Mr. Ventresca presented the site plan. He explained that related site improvements include new parking areas and driveway, pedestrian walkways, stormwater management infrastructure, utilities, and landscaped areas. Each unit will have a small exclusive use area in front of the unit that is enclosed with 8-foot stockade fencing, all outdoor lighting is proposed to be dark-sky compliant, and that proposed side color for the units is white.

Mr. Ventresca presented the plans showing the building elevations and architectural renderings. He noted that the Building Commissioner Matte had a question about the proposed height of the structures. In Mr. Matte's memo to the Town Planner dated 1/14/22, he notes that the maximum allowed height of a building in the Residence AA Zoning District is 35', while the application narrative section 5.1 states that the proposed height of the buildings is 20'8" and architectural plan A300 indicates a ridge height of 32'6". The Commissioner, in the memo, asks that the Applicant clarify the discrepancy between the two proposed ridge heights by providing a plan that shows the existing grade elevations at all corners of the proposed foundations, calculations of the base elevation for each building, and the elevation of the ridge height for each building.

Mr. Ventresca noted that the updated plan sheet (A300) and "Duplex Height diagrams" dated 1/24/22 submitted by the Applicant provides the clarification that the Building Commissioner is seeking. The actual estimated max height above grade based on site grading is 33'-10" and the

building sections are 31' - 8 ¼" from first floor. (See Nitsch Engineering memo dated 1/24/22). Mr. Ventresca explained that it is proposed to maintain the existing grading.

The Board considered the Planner's Report dated 1/25/22 and the Site Plan criteria under Section 11.8.7.1 of the Zoning Bylaw.

Ms. Orvedal wondered why all gravel is not proposed for the unit's parking areas since the water table is high and that typically the Board asks for a reduction in new impervious surfaces. Mr. Ventresca explained that the pavement for the parking spots is proposed to provide a more stable parking area and to delineate resident parking.

Ms. Miller asked the Applicant to elaborate on the comment in their application that this project will have no impact on Town services. Mr. Crozier and Mr. McKeown explained the reasons for that statement in the application narrative. Ms. Miller wondered if there could be potentially additional students for the public elementary and middle schools. Mr. McKeown acknowledged that is a possibility.

Ms. Miller asked about the proposed landscaping and retention of trees. Mr. Ventresca explained that it is proposed to maintain the existing trees in the required setback area and the stone wall along Lowell Road will not be disturbed. He noted that the area around the units will be a residential-type lawn landscaping.

Mr. Flint asked if the project is subject to the Town's Tree Preservation Bylaw. Town Planner Hughes explained that the Bylaw does apply and that prior to the commencement of any site work or issuance of a building permit, the Applicant will be required to apply for Tree Preservation Bylaw application.

Town Planner Hughes asked about the proposed 8-foot fence. She suggested lower fencing would more appropriate. Mr. McKeown explained that 8-foot fencing is proposed because of the proximity of the proposed units to adjacent playing fields. He said that height was chosen to screen the units and resident's parking areas.

Ms. Ferguson thanked the Applicant for proposing all electric utilities and no garages. She asked if the School plans for additional faculty housing in the future. Mr. Crozier explained that the School has a Master Plan for the campus that looks ahead to what may be needed in the future but that, at this point, this is last faculty housing piece that the School will undertake for the time being.

Ms. Miller asked about the proposed parking lot and wondered how residents of the units housing would be directed through the parking lot as the circulation pattern was not obvious from looking at the plan. Mr. Crozier explained the circulation route from the north gate of the campus on Pratt Lane and through the campus and existing gravel parking lot. Mr. McKeown explained the School's methods for coning and striping parking areas with parking details during events. The Board would like the Applicant to submit a sketch plan for how the lot is to be striped.

Ms. Miller asked about the lighting. Mr. Crozier explained that the lights in that area are on an automatic timer.

Mr. Flint asked for public comment.

Nancy Nelson, 1695 Lowell Road, suggested that the Applicant consider a paint color other than the proposed bright white color, one that would appear subtler in the landscape.

Michael McAteer, 1615 Lowell Road, appreciated that the Applicant is proposing all-electric utilities. He asked if the Applicant has considered zero net energy rooftop solar. He asked if an electric vehicle charging station is proposed for the new units. He referred to the Town's Climate Action Plan and asked the school to lead by example in their design of this project.

Mr. McKeown explained that the School works closely with the Concord Municipal Light Plant regarding utility service and that at present there is net metering on campus so electric vehicle charging stations are not proposed as part of this project. Mr. Flint suggested that pre-construction is the best time to install conduit for charging station and encouraged the Applicant to do that now to allow electric vehicle charging stations for the units. Mr. McKeown spoke about the lack of 220V charging capability. He offered that that it may be possible to install a 110V outdoor outlet on the units. Mr. Bosdet pointed out that it would be more practical for charging stations to be located closer to where vehicles will be parked rather than running power cords from the units to the parking areas, which are proposed to be over 20 feet from the units.

The Board decided to continue the public hearing to allow the Engineering Division and Building Commissioner time to review the revised plans and information and to allow the Applicant to respond to the questions raised during discussion this evening. The Board asked the Town Planner to draft a decision for approval.

Mr. Flint moved, and Mr. Bosdet seconded, that the Planning Board continue this item to 2/8/22 at 7 p.m. All voted in favor. The roll call vote was Ms. Orvedal, yes; Ms. Ferguson, yes; Mr. Bosdet, yes; Ms. McEneaney, yes; Mr. Boardman, yes; Ms. Miller, yes; and Mr. Flint, yes.

### **2022 ATM Draft Warrant Articles**

Included in the Board's packet were the final draft warrant articles for the Formula Business Bylaw (Section 3.3), the Accessory Dwelling Unit (Section 4.2.2.2), and the Thoreau Depot Business District Zoning Amendment.

The Board reviewed and edited the Thoreau Depot Business District article. Mr. Flint had several suggestions for clarity.

Town Planner Hughes reported that she and the Regional Housing Services Office Director were able to simplify the fractional unit calculation for the affordable housing language in the Section 7.11.4.4 of the TDBD Zoning amendment article.

The Board discussed the formula business cap for the Thoreau Depot Business District considering Town Counsel's opinion that keeping the cap at 12 raises the risk that the formula business bylaw would be ruled to be a "protectionist" measure by the Town to protect its current formula businesses from competition and may create an incentive for someone to challenge the whole formula business bylaw and possibly overturn it.

After discussion, it was the consensus of the Board to set the formula business cap for the Thoreau Depot Business Zoning District at 14 total, which preserves the existing mix, while allowing the potential for existing business to become a formula business or allow for the addition of new formula businesses.

The Board voted to submit the three Zoning Bylaw amendment warrant articles for the 2022 Annual Town Meeting. The submittal deadline is 2/2/22.

Mr. Flint moved that the Board submit the Zoning Bylaw warrant article to for the Thoreau Business District Zoning as written and amended by discussion this evening. Ms. Miller seconded. The roll call vote was Ms. Orvedal, yes; Mr. Bosdet, yes; Ms. Miller, yes; Mr. Boardman, yes; Ms. Ferguson, yes; Ms. McEneaney, no; and Mr. Flint, yes. The motion passed.

Mr. Flint moved that the Board submit the Zoning Bylaw warrant article for Section 4.2.2.2 of the Zoning Bylaw (Additional Dwelling Unit) as written. Mr. Bosdet seconded. All voted in favor. The roll call vote was Ms. Orvedal, yes; Mr. Bosdet, yes; Mr. Boardman, yes; Ms. Ferguson, yes; Ms. Miller, yes; Ms. McEneaney, yes; and Mr. Flint, yes.

Mr. Flint moved that the Board submit the Zoning Bylaw warrant article for Section 3, Formula Business as written and amended by discussion this evening. Mr. Boardman seconded. The roll call vote was Ms. Orvedal, abstain; Mr. Bosdet, yes; Mr. Boardman, yes; Ms. Ferguson, yes; Ms. Miller, yes; Ms. McEneaney, yes; and Mr. Flint, yes. The motion passed.

The Board next decided which members would present which article at the March 8 Public Hearing and at Town Meeting. Mr. Flint will present the Thoreau Depot Business District. Ms. Ferguson will present the Additional Dwelling Unit article. Ms. Miller will present the Formula Business article.

### **Draft Scenic Roads Bylaw Discussion**

Included in the Board's packet was the Historical Commission's final draft of the proposed Scenic Roads Bylaw Warrant Article dated 1/13/22. The Board discussed whether to co-sponsor or support the warrant article and whether to include a statement in the Warrant Article Purpose.

Historical Commission Chair Melissa Saalfield was present. She explained to the Board the process and research done for the Bylaw creation and how the roads listed in the article were designated. She described the outreach to residents that was conducted.

Mr. Boardman brought up his concerns about the intent and potential effectiveness of the Bylaw.

Sue Felshin, 19 Sunnyside Lane, suggested a minor edit to the explanation portion of the article and said that she will email her suggestion to email Town Planner Hughes, who will share the comments with the Historical Commission Chair.

After discussion, Mr. Flint moved that the Planning Board co-sponsor, with the Historical Commission, a Scenic Roads Bylaw warrant article as drafted by the Historical Commission.

Ms. Orvedal seconded. The roll call vote was Mr. Bosdet, yes; Mr. Boardman, no; Ms. Orvedal, yes; Ms. Ferguson, yes; Ms. McEneaney, yes; Ms. Miller, yes; and Mr. Flint, yes. The motion passed.

The Board decided to include a sentence in the explanation of the article that a majority of the Board voted to co-sponsor the submission of the article. A presentation of this article by Historical Commission members will be made at the March 8 Public Hearing.

### **Minutes**

The Board reviewed the revised draft minutes of the January 11, 2022 meeting. Mr. Flint moved to approve the minutes. 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; Mr. Flint, yes, and Ms. McEneaney abstain. The motion passed.

### **Planning Board Liaison/Town Planner Updates**

Town Planner Hughes reported that she, with the assistance of the consulting team working on the Assabet River Bridge and Trail, submitted a Mass Trails grant application for \$300,000 on January 31<sup>st</sup>. If awarded, these funds will be used in combination with \$300,000 in Community Preservation Act funds, which will be voted at the 2022 Annual Town Meeting Warrant. These combined funds, in addition to \$110,000 requested from the town's Capital Improvement program, will complete the final design, engineering, and permitting needed to get the project on the State's Transportation Improvement Program for construction funding.

Town Planner Hughes reported that she recently attended a webinar on the MBTA Communities Act Draft Guidelines dated 12/15/21. The comment period ends in March. Ms. Hughes will send the weblink to the Board and will prepare an informational memo for the Planning Board and Select Board to consider after she receives additional information from DHCD.

Mr. Flint reported that he learned from a recent webinar that MAPC is revisiting the suburban strip mall concept and found it interesting since it reflected many of the issues and discussions that the Board has had. Mr. Flint updated the Board on the finalized CPC project budgets which include land acquisition in West Concord.

Information about Site Plan Rules and Regulations from other area towns are posted to the Board's Goals and Projects page on the Town's website. <https://concordma.gov/2193/Planning-Board-Goals-Projects>

### **General Public Comment**

Carol Savoy, 61 Belknap Street, commented on the appropriateness of the TDBD warrant article explanation. She also reiterated her concerns that fifty-five commuter parking spots could be lost. She referred to an email sent to the Board by resident, Sven Weber, and wondered about loss of leverage to keep commuter parking.

Sue Felshin, 19 Sunnyside Lane, spoke in support of proposed Thoreau Depot Business District Zoning article and expressed thanks to the Board for their efforts.

Ms. Orvedal reminded the Board about the upcoming discussion at the 2/8/22 meeting on developing Site Plan Rules and Regulations and the homework assignments for the members to think about the different elements of site plans and pick a category to research. Town Planner Hughes will prepare a memo to the Board with the categories for consideration.

Meeting adjourned at 9:09 p.m.

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

- Town Planner's Agenda Memorandum dated 1/25/22
- Draft 1/11/22 Meeting Minutes revised
- Draft 2022 ATM Scenic Roads Bylaw 1/13/22
- Draft 2022 ATM Thoreau Depot Zoning Warrant Article 1/25/22
- Revised Draft 2022 Section 3.3 Formula Business Warrant Article 1/25/22
- Final 2022 ATM Section 4.2.2.2 Additional Dwelling Unit Warrant Article 1/25/22

Respectfully submitted,

Kate McEneaney, Clerk

Minutes approved on: 2/8/22