

Minutes of the Planning Board Meeting of March 8, 2022

On March 8, 2022, at 7:00 p.m., pursuant to a notice and agenda filed with the Town Clerk, the Planning Board, held a Public Hearing in person at the Hearing Room, 2nd Floor, Town House, 22 Monument Square, Concord, MA and virtually via <https://zoom.us>. The meeting was recorded and will be available on the Minuteman Media Network. See the *2022 Warrant for Town Meeting* for the complete text of the warrant articles, online at www.concordma.gov.

Chairman Flint opened the Public Hearing and began by explaining the conduct and format of the Public Hearing and methods for public comment.

A roll call of Planning Board members was taken. Mr. Flint, Ms. Miller, Mr. Bosdet, Ms. Ferguson, and Ms. McEaney were present in person. Mr. Boardman and Ms. Orvedal were present virtually.

Town Planner Hughes was present in person.

Article 30 - General Bylaw Amendment –Scenic Roads Bylaw

Historical Commission Chair, Melissa Saalfield gave a presentation on Article 30. This article proposes to adopt a Scenic Roads Bylaw and designate certain public roads as scenic in accordance with M.G.L. Ch.40 Section 15C and amend the Non-Criminal Disposition Bylaw Appendix A (Fines) to add a fine for violations of the Bylaw.

Ms. Saalfield asked for public comment.

Andrea Solomon, 75 Ash St., a member of the Public Works Commission (PWC), spoke about the existing Public Works policy and referred to the 1994 Roads Management Advisory Committee memorandum.

Karlen Reed, 83 Whits End Rd, said that it was unclear from Ms. Solomon's comments if the Public Works Commission is in favor or opposed to this Article. Ms. Solomon replied that the PWC has not voted on a position regarding this Article, but she felt that the existing PWC policy in place is sufficient protective for all roads in Concord.

Town Moderator Carmin Reiss suggested edits for the presentation.

Matt Johnson, 21 Winthrop St., Select Board member, speaking on his own behalf, asked what criteria was used to determine which road would be designated as scenic. He asked why, for example, Lexington Road is not one of the proposed roads. Ms. Saalfield explained that Lexington Road is a state numbered route and is not eligible under the State Law to be designated. She explained the Commission's rationale for starting with the proposed nine Town roads, but would amend her presentation for Town Meeting to better address his question.

Nancy Fresella-Lee, 140 Walden St., spoke about the research undertaken to determine the proposed roads.

Nancy Nelson, 1695 Lowell Rd., Historical Commission member, speaking on her own behalf, opined on the benefits of a Scenic Roads Bylaw, and said that the proposed Bylaw reinforces collaboration among disparate committees within Town.

Diane Proctor, 57 Sudbury Rd., praised the work done by the Historical Commission to research the chosen roads.

With no further questions, the Chair moved to the next Article

Article 31 - Zoning Bylaw Amendment – Additional Dwelling Unit

Ms. Ferguson gave a presentation on Article 31. This Article proposes to amend Section 4.2.2.2 to exempt from the requirements in Items (a), (b), (g), and (l), any additional dwelling unit that is subject to a special permit recorded prior to September 2020.

Ms. Ferguson asked for public comment.

Matt Johnson, 21 Winthrop St., Select Board member, speaking on his own behalf, asked for clarification. He noted that if a previously approved additional dwelling unit was now exempt from the size limitation, what was keeping that property owner from expanding the unit above the current 1,000 s.f. limit. Town Planner Hughes explained further the provisions of the proposed amendment.

With no further questions, the Chair moved to the next Article

Article 32 - Zoning Bylaw Amendment – Formula Business

Ms. Miller gave a presentation on Article 32. This Article proposes to amend Section 3.3 to add the Thoreau Depot Business District to the Formula Business Bylaw.

Ms. Miller asked for public comment and there was none.

With no further questions, the Chair moved to the next Article

Article 33 - Zoning Bylaw Amendment – Zoning Map & Thoreau Depot Business District

Mr. Flint gave a presentation on Article 33. This Article proposes to amend (a) Section 2.2 of the Zoning Bylaw, Zoning Map, by expanding the Thoreau Depot Business Zoning District boundary and reducing the Residence C Zoning District boundary on Assessor Parcels #0373 (203 Sudbury Rd.), (b) Sections 4.2, 4.7, 6, 7.7, and 7.11 of the Zoning Bylaw with respect to the Thoreau Depot Business District; and (c) any other Sections of the Zoning Bylaw to make conforming changes consistent with the changes made with respect to the Thoreau Business District.

Mr. Flint pointed out that a FAQ sheet and other related documents can be found online at <https://concordma.gov/2949/Thoreau-Depot-Business-District>.

Mr. Flint asked for public comment.

Karlen Reed, 83 Whits End, asked if Article 33 is related to Article 35 regarding open space. Mr. Flint replied that the Articles are not related.

C. William Kaiser, 8 Middle St., opined that this is an ambitious project that will entail 97 housing units. He spoke about negative side effects and traffic concerns, particularly at the intersection of Sudbury Rd. and Thoreau St. Mr. Flint said that the Board has given a great deal of consideration to those issues. He clarified that there is no proposed project, that what was shown in previous presentations was hypothetical development to illustrate maximum build out.

Matt Johnson, 21 Winthrop St., Select Board member, speaking on his own behalf, referred to the draft guidelines for MBTA communities and wondered if the proposed Zoning is sufficient for Concord to meet those requirements, and if not, why is it being proposed. Mr. Flint explained that the work done by the Board regarding this District was started well before the MBTA communities guidelines and was a direct result of Concord's Long-Range Plan.

Diane Proctor, 57 Sudbury Rd., opined that, by its nature, this Article seems to ensure that development will happen in that Business District.

Mary Hartman, 16 Concord Greene, #6, Finance Committee member, speaking on her own behalf, made a follow-up comment to Mr. Flint's answer to Mr. Johnson's question. She opined that it was important that Concord comply with the spirit of the MBTA Communities requirement.

Frank Feeley, 347 Lexington Rd., identified himself as President of the Concord Housing Foundation, who was speaking on his own behalf. He suggested that the presentation would be clearer if there was a slide that shows what could be done under the existing Zoning Bylaw.

Dee Ortner, 169 Thoreau St., 169 Thoreau St. #4, suggested that it would be helpful, in the presentation of this Article at Town Meeting to have a display of what could happen on Thoreau St.

Carmin Reiss, 52 Devens St., Town Moderator, suggested having follow-up slides prepared to answer potential questions that may arise at Town Meeting. She also explained that under M.G.L. Ch. 40A, this Article requires a simple majority vote (not a 2/3 majority vote) to pass.

Stephen Neumeier, 61 Belknap St., said that he was not aware of the required vote change. The Town Moderator explained further.

Pamela Dritt, 13 Concord Greene, #4, expressed displeasure that nothing in this Article encourages green development.

With no further questions, the Chair moved to the next Article

Article 34 - Zoning Bylaw Amendment – By Citizen Petition – Residence A & Industrial Park B Zoning District Boundary

The citizen petitioner, Ronald Lamothe, 477 Virginia Rd, gave a presentation on Article 34. This Article proposes to amend Section 2.2 Zoning Map by expanding the Residence A Zoning District boundary and reducing the Industrial Park B Zoning District boundary on Assessor Parcels #4287-1 (477 Virginia Rd.) and #4287-1-2 (50A Virginia Rd.)

Mr. Lamothe asked for public comment.

Karlen Reed, 83 Whits End Rd, asked if the proposed Article is an attempt to circumvent the existing Conservation Restrictions. Mr. Lamothe replied that it is not and that the existing Conservation Restrictions will remain in effect.

Sue Felshin, 19 Sunnyside Lane, asked if the proposed Article could be considered spot zoning. Town Planner Hughes explained that the Article could not be considered spot zoning, rather it is an adjustment of an existing zoning boundary.

Article 35 - Zoning Bylaw Amendment – By Citizen Petition – Planned Residential Development

The citizen petitioner, Karen Jourdenais, 66 Upland Rd., gave a presentation on Article 35. This Article proposes to amend Section 10.2.9 to increase the minimum amount of upland common space from 50% to 75%.

Ms. Jourdenais asked for public comment.

Sue Felshin, 19 Sunnyside Lane, offered suggested edits for the presentation for clarity.

Dee Ortner, 169 Thoreau St., #4, wondered if this Article, if passed, would impact the number of affordable housing units that could be constructed. Ms. Jourdenais replied that it would depend on the specific parcel so she could not answer.

Matt Johnson, 21 Winthrop St., Select Board member, speaking on his own behalf, asked for specific case examples that drove the creation of this Article. He wondered if the Millrun development could have been constructed under the provisions of this Article.

Ms. Miller asked if the petitioner looked at Planned Residential Development bylaws in effect in other towns. Ms. Jourdenais said she had not.

Frank Feeley, 347 Lexington Rd., suggested that if this Article is passed, it could result in more single-family homes, and fewer PRD units.

At 8:49 p.m., with no further Article presentations or public comment, the Chair closed the public hearing.

Ms. Hughes polled the Board as to their preference for the format of the upcoming Planning Board meeting on March 22nd. The Board decided to have a hybrid (in person at 141 Keyes Road meeting and virtually via Zoom).

The meeting adjourned at 8:51 p.m.

Respectfully submitted,

Kate McEneaney, Clerk