

Minutes of the Planning Board Meeting of March 10, 2020

Pursuant to a notice filed with the Town Clerk, the Planning Board met at 7:00 p.m. on March 10, 2020 in the First-Floor meeting room at 141 Keyes Road, Concord, MA.

Present:

Matt Johnson
Nathan Bosdet
Kate McEneaney
Haley Orvedal
Allen Sayegh

Absent:

Burton Flint
Kristen Ferguson

Town staff present:

Elizabeth Hughes, Town Planner

The Chair opened the meeting at 7:00 p.m. and stated that the meeting was being audio and video recorded by Minuteman Media Network. He requested that anyone else recording the meeting inform the Board.

Recommendation to the Zoning Board of Appeals Special Permit and Site Plan Review 113-115 Commonwealth Avenue

Andrew Bonzagni appeared before the Board to discuss the application for a Special Permit and Site Plan Review under Sections 4.2.3, 11.6, and 11.8 of the Zoning Bylaw for relief of required open space for the construction of two residential apartments at 113-115 Commonwealth Avenue, Parcel #2218.

Mr. Bonzagni presented the plans and explained the project. The Applicant is proposing to convert the existing second story, which is currently unfinished storage space, into two residential units. Each unit will be approximately 1,400 s.f. with a kitchen, living room, 2 bedrooms, and two bathrooms. Entrance to the residential units will be from the rear of the building which currently has a retail use on the first floor.

Section 4.2.3.3 requires that a combined business residence use provide open space on the lot equal to twice the gross floor area of the residential portion of the building. The existing building and ten outdoor parking spaces cover most of the lot. Mr. Bonzagni explained that he is seeking a special permit to allow less than the required amount of open space. He explained that the location of property is in close proximity to various outdoor recreational spaces such as the Bruce Freeman Rail Trail, Rideout Playground, and the future Town recreation area off Commonwealth Avenue.

The Board reviewed the Planner's Report dated 3/6/20 and the sections of the Concord Zoning Bylaw relevant to this application.

Mr. Johnson felt that this type of building and the business and residential mixed use is something that the community encourages. He believes that in the village it is hard to provide open space.

Ms. McEneaney asked the Applicant if there was anything he could do to support those open spaces areas he referred to as supporting the residential units. Mr. Bonzagni stated it is tough to provide parking, open space and mixed use in the village.

Mr. Bosdet asked if a roof deck for green space was considered. Mr. Bonzagni explained why a roof deck would not be feasible for safety and access reasons.

Mr. Johnson asked for comments from the audience.

Geoffrey Walton, of the West Concord Advisory Committee, was in attendance and explained that the WCAC met on 3/4/20 and that the Committee is in support of the application.

Gary Kleiman, 57 Central Street, spoke in support of the application and how it was consistent with the Long Range Plan and the West Concord Master Plan.

After discussion, Ms. McEneaney moved that the Planning Board recommend that the Zoning Board of Appeals grant to Andrew Bonzagni, a Special Permit and Site Plan Approval under Sections 4.2.3, 11.6, and 11.8 of the Zoning Bylaw for relief of required open space for the construction of two residential apartments at 113-115 Commonwealth Avenue. Mr. Sayegh seconded and all voted in favor.

Site Plan Review

152 Commonwealth Avenue

John Gates appeared before the Board to discuss the application of 152 Commonwealth Avenue LLC under Sections 7.7.3.4 and 11.8 of the Zoning Bylaw to allow eleven double-depth parking spaces at 152 Commonwealth Avenue, Parcel 2184-1-1.

Mr. Johnson declared that his wife is a tenant of 152 Commonwealth Avenue and presumably would be a user of the parking spaces, although no arrangements have been made, so while there would be a potential conflict of interest, he does not think that it would affect his voting in this particular matter. The Board agreed.

Mr. Gates presented the plans and explained the reason for the application. He explained the signage that will be installed and that tenants will be assigned spaces and will act as the full-time attendant of their spaces.

The Board reviewed the Planner's Report dated 3/9/20 and the sections of the Concord Zoning Bylaw relevant to this application. The Board discussed with the Applicant the proposed signage

and providing additional signage to promote the additional parking off Winthrop Street. The Applicant agreed.

Mr. Johnson asked for comments from the audience and there was none.

Town Planner Hughes explained that the West Concord Advisory Committee had reviewed this application at a recent meeting and was in support of the application.

After discussion, Ms. Orvedal moved that the Planning Board grant to John Gates, of 152 Commonwealth Avenue LLC, Site Plan Approval under Sections 7.7.3.4 and 11.8 of the Zoning Bylaw to allow eleven double-depth parking spaces at 152 Commonwealth Avenue, Parcel 2184-1-1. Ms. McEneaney seconded and all voted in favor.

NMI/Starmet Reuse Planning Committee Update

Gary Kleiman, Chair of the NMI-Starmet Reuse Planning Committee, provided the Board an update on the Committee's progress via a presentation. He described the potential Master Re-use Plan concepts, scenarios, and timelines.

The Board discussed with Mr. Kleiman the process if the Town decides to take control of the property, whether there were examples of other superfund site clean-ups, the costs to the Town if an incremental approach was taken, the reasons for each scenario other than a financial benefit and providing this information in the future.

2020 Annual Town Meeting Public Hearing Follow-up Discussion & Warrant Article Board Recommendation

The Board discussed the questions and issues raised at the 2/25/20 Public Hearing on the Zoning Bylaw amendment Warrant Articles. The Board began their discussions in order to prepare the required recommendation report to Town Meeting. Included in the Board's packet was a revised Article 40.

Article 32 – Additional Dwelling Unit

Mr. Johnson did not think there were any changes needed to the presentation or the Warrant Article and moved that the Planning Board recommend affirmative action on Article 32 as written in the Warrant. Ms. McEneaney seconded and all voted in favor.

Article 33 – Two-Family Dwelling Unit

Mr. Bosdet did not think there were any changes to the Warrant Article language based on the public hearing, but that he would be clarifying the presentation regarding driveway and parking. The Board agreed. Mr. Bosdet moved that the Planning Board recommend affirmative action on Article 33 as written in the Warrant. Ms. Orvedal seconded and all voted in favor.

Article 34 – Planned Residential Development

Mr. Johnson thought the Board heard significant feedback at the public hearing on the size of the dwelling for a bonus density that he will need to be prepared to address and the Planning Board being the Special Permit Granting Authority. Ms. McEneaney also thought that there were a few comments regarding the percentage of required open space.

The Board discussed how to present the answers and defend the proposed percentage. Mr. Johnson will be making edits to the presentation, but did not think there were any required changes to the Warrant Article. The Board agreed.

Mr. Johnson moved that the Planning Board recommend affirmative action on Article 34 as written in the Warrant. Ms. McEneaney seconded and all voted in favor.

Article 35 – Hammerhead Lot

Mr. Johnson noted that there were no questions regarding this Article. Ms. McEneaney moved that the Planning Board recommend affirmative action on Article 35 as written in the Warrant. Mr. Bosdet seconded and all voted in favor.

Article 36 – Relief from Parking Requirements

Mr. Johnson noted there were a lot of clarifying questions on the wording of the criteria and suggested amending the Article to add the words “if applicable” at the end of criteria (a). The Board agreed.

Mr. Johnson moved that the Planning Board recommend affirmative action on Article 36 as amended. Mr. Bosdet seconded and all voted in favor.

Article 37 – Thoreau Depot Business & Residence C Boundary

Mr. Johnson thought the presentation needed to clarify the focus on the boundary change and the review process to follow regarding changes to the site. Ms. Hughes added that there should also be clarification that the property owner would also submit an ANR plan to change the property boundary between the two lots. The Board agreed, but did not think there were any needed changes to the Warrant Article.

Mr. Johnson moved that the Planning Board recommend affirmative action on Article 37 as written in the Warrant. Ms. McEneaney seconded and all voted in favor.

Article 38 – Fairs, Bazaars, Antique Shows, Suppers and Dances

Mr. Johnson believes that the presentation needs to clarify the difference between philanthropic and education organizations. The Board agreed. Ms. Hughes will work with Ms. Orvedal on those revisions.

Mr. Johnson moved that the Planning Board recommend affirmative action on Article 38 as written in the Warrant. Ms. McEneaney seconded and all voted in favor.

Article 39 – Prohibited Uses

Mr. Johnson commented that the presentation should be revised to address the question regarding registered vehicles, but he did not think that changes to the Warrant Article were required. The Board agreed.

Mr. Johnson moved that the Planning Board recommend affirmative action on Article 39 as written in the Warrant. Ms. McEneaney seconded and all voted in favor.

Article 40 – Fossil Fuel Infrastructure

Mr. Johnson noted that Gary Kleiman would like to give an overview presentation on Article 40, but that the Board was not required to give a recommendation on this General Bylaw Article. The Board agreed to allow the presentation. Mr. Kleiman proceeded to give a PowerPoint presentation.

Ms. McEneaney questioned whether CMLP was on track for reducing greenhouse gas emissions and that maybe the Town should focus on “greening up” CMLP electric supply before passing a General Bylaw that could cost the Town in litigation. Since there are already some communities who are dealing with this issue, she thought the Town should wait a year to see how the issues with similar General Bylaws in those communities were resolved.

Ms. McEneaney questioned what would be the impact of this Article on the Planning Board. Mr. Kleiman remembered from his time serving on the Planning Board that, often when reviewing applications for new developments, he felt that the Board often lacked adequate tools to require applicants to address the topics covered under Article 40. This is an opportunity, he explained, for the Planning Board to support a General Bylaw that could make the Board’s job easier because, if it passes, new applications would already include some green building designs and components without the Board having to ask for them during the review process.

Mr. Bosdet recalled that during a recent review of an application by the Board, the Board tried to find ways to suggest to the applicant that there should be only electrical appliances installed. Mr. Bosdet felt that this General Bylaw could be one step for the Town to take now that could allow for adaptability for future electrical supply changes.

The Board discussed whether or not to take a position on this Article. Ms. McEneaney was not in support of the Board taking a position. Mr. Johnson commented on the difference between a recommendation on an alternative form of development under a Special Permit and the Board saying there shall be no further gas utilities. He thought this initiative was beyond the scope and responsibility of the Planning Board.

The Board decided to table the discussion of this Article and the petition Articles until the next meeting when all of the Board members were present.

Keuka Road Definitive Subdivision Performance Guarantee Acceptance

Town Planner Hughes explained that prior to the endorsement of the Keuka Road Definitive Subdivision Plan, the developer is required to submit a performance guarantee (restrictive covenant) for the construction of the road and utilities.

Mr. Sayegh moved that Board accept the performance guarantee for the Hosmer Meadow Definitive Subdivision Plan dated 3/10/20 from Craig and Hope Beckman, Keuka Road LLC to authorize the Chair, Clerk, or Town Planner to endorse the document on behalf of the Planning Board. Mr. Johnson seconded and all voted in favor.

Planning Board Meeting Minutes

The Board reviewed the draft minutes for the meetings of 11/12/19, 12/26/19, 1/7/20, 1/21/20, and 2/25/20.

Mr. Johnson moved that the Board approve the minutes of the 11/12/19 meeting as amended. Mr. Bosdet seconded and all voted in favor.

Mr. Bosdet moved that the Board approve the minutes of the 12/26/19 meeting as written. Mr. Sayegh seconded and all voted in favor.

Mr. Johnson moved that the Board approve the minutes of the 1/7/20 meeting as amended. Mr. Sayegh seconded and all voted in favor.

Mr. Johnson moved that the Board approve the minutes of the 1/21/20 meeting as written. Ms. McEneaney seconded and all voted in favor.

Mr. Johnson moved that the Board approve the minutes of the 2/25/20 meeting as written. Ms. McEneaney seconded and all voted in favor.

Committee Liaison Reports and staff updates

Mr. Johnson reported that he attended a recent meeting of the Mother's Out Front group where there was a discussion of Warrant Article 40.

Public Comment

There was no public comment.

The meeting adjourned at 9:19 p.m.

List of documents presented which are on file in the Planning Division Office at 141 Keyes

Road, Concord, MA:

- Town Planner's agenda memorandum dated 3/6/20
- Planner's Report dated 3/6/20 for 113-115 Commonwealth Avenue
- Planner's Report dated 3/9/20 for 152 Commonwealth Avenue
- Draft meeting minutes 11/12/19,12/26/19, 1/7/20, 1/21/20, 2/25/20

Respectfully submitted,

Nathan Bosdet, Clerk pro tem

Minutes approved on: 4/28/20