

WEST CONCORD TASK FORCE
MINUTES
MARCH 17, 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; 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 member of the community Ray Hanselman.

Absent: Gary Clayton

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

MINUTES

Gary Kleiman moved to approve the minutes of 3 March 2011, as amended. Jimi Two Feathers seconded. All **VOTED** in favor.

ARTICLE 36, WEST CONCORD CENTER ROADWAY-RELATED IMPROVEMENTS

Chris Sgarzi reported that since the last Task Force meeting, he attended a meeting with Town Manager Chris Whelan, Planning Director Marcia Rasmussen, Mr. Nick Boynton, and Oak Tree and Boynton Co. representatives. Mr. Sgarzi mentioned to Mr. Whelan the Task Force priority for land acquisition over streetscape improvements and suggested a new article in the Special Town Meeting shifting all funds, other than those for the Rte. 62 Phase III reconstruction design, to land acquisition. Since a debt exclusion article must name specific properties, he named the Acadian property and the former Chrysler parking lot (parcel 2184-1-2 at 138 Commonwealth Ave.), which are on the Task Force's priority list for land acquisition as previously sent to the Town Manager. Mr. Sgarzi also reported that the Planning Board has added the former Chrysler parking lot parcel on the north side of Commonwealth Avenue to the area covered by the proposed West Concord Mixed-Use Overlay District (WC-MUOD) because the development agreement will include access through that parcel, and a requirement can't be imposed on a district not covered by the article. He noted that it might make sense to change the parcel's zoning district back to West Concord Village at some later date. Discussion included: would this delay construction for the proposed theater for the former Chrysler parking lot parcel or require it to be built at larger setback than West Concord Village zoning would allow?; the prospective owner wants to develop the theater as soon as possible.

Mr. Two Feathers noted progress in updating the WCTF's list of recommendations to Chris Whelan to add the Master Plan's stairway from the Harvey Wheeler Community Center to the parking lot behind Teacakes and Twin Seafood.

TOWN MEETING / SPECIAL TOWN MEETING ARTICLE RECOMMENDATIONS

The Task Force voted on recommendations for or against affirmative action on warrant articles relating to the West Concord Task Force's charge.

Mr. Kleiman moved that the Task Force recommend affirmative action on Article 36, West Concord Center Roadway-related Improvements, which will provide \$50,000 for roadway & streetscape improvements. Mr. Sgarzi seconded. All **VOTED** in favor.

Mr. Sgarzi noted that Article 45 may appear on the consent calendar.

Sue Felshin moved that the Task Force recommend affirmative action on Article 45, Zoning By-law Amendment – Table of Principal Uses (Corrections). Mr. Feathers seconded. All **VOTED** in favor.

Ms. Rasmussen noted that the definition of two-family housing only applies in residential districts (Section 4.2.2.1 of the Zoning Bylaw), so Article 50 would only restore the ability to create accessory dwelling units (4.2.2.2).

Mr. Sgarzi moved that the Task Force recommend affirmative action on Article 50, Zoning By-law Amendment – Table of Use Regulations (West Concord Business District). Mr. Kleiman seconded. All **VOTED** in favor.

Call to Order

Minutes

Roadway improvements

Article recommendations

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The Task Force discussed Article 51, in particular in relation to the Special Town Meeting citizen's petition article to create a West Concord Village District, which creates the district including the former Chrysler dealership building and parking lot on the south side of Commonwealth Ave. (parcel 2232, 135 Commonwealth Ave.). Discussion included: if the citizen's petition article is sequenced first and passes, then Article 51 shouldn't be moved; now that the proposal for 50 Beharrell St. includes some retail, we should favor Article 51 in order to avoid forcing too much area to be retail; we don't know if the article related to 50 Beharrell St. will pass; the owner of the new antique shop at 135 Commonwealth Ave., in a personal conversation with a Task Force member, stated that he plans to expand within the building and sees his business as a bookend of West Concord; there is street parking (without meters) in front of the Chrysler dealership; when the Dee Bus application was being reviewed by the Planning Board, the Cottage St./Crest St. neighbors noted that car lights were not allowed to shine into residents' windows, which they would in this case if Beharrell St. newly exited opposite 135 Commonwealth Ave. and that property was developed with ground floor housing; Ms. Rasmussen indicated that while regulations disallow lights shining into residences from a parking lot, this is not true of public ways; the market should dictate how 135 Commonwealth Ave. is used; some think market conditions are too ephemeral to use as the basis for a decision here; the Task Force can support both articles. Ms. Rasmussen stated that she will talk with the Town Moderator regarding sequencing.

Mr. Sgarzi moved that the Task Force recommend affirmative action on Article 51, Zoning By-law Amendment – Establish the West Concord Village District. Mr. Kleiman seconded. Mr. Adams, Ms. Felshin, Mr. Hawley, Mr. Holdorf, Mr. Kleiman, and Mr. Sgarzi **VOTED** in favor. Ms. Brennan, Ms. Carey, and Mr. Two Feathers **VOTED** in opposition. The motion PASSED.

Mr. Two Feathers moved that the Task Force recommend affirmative action on the Special Town Meeting citizen's petition article to create a West Concord Village District to include the Chrysler dealership parcel. Ms. Felshin seconded. Mr. Adams, Ms. Brennan, Ms. Carey, Ms. Felshin, Mr. Hawley, Mr. Kleiman, and Mr. Two Feathers **VOTED** in favor. Mr. Holdorf and Mr. Sgarzi **VOTED** in opposition. The motion PASSED.

Discussion included: what do we tell people who asked what these votes mean?; we can say there was majority support for both; we can say that everyone on the Task Force voted to support *an* article to create a Village district.

The Task Force discussed Article 52. Discussion included: the article has come a long way but still isn't quite right regarding restaurants because it allows a huge restaurant by SP and the "public benefit" special permit condition has no practical meaning. Ms. Rasmussen noted that that the "public benefit" can encourage outdoor seating and site improvements, and that the article can be revisited in the following year.

Mr. Sgarzi moved that the Task Force recommend affirmative action on Article 52, Zoning By-law Amendment – Grocery Store, Retail Store and Restaurant. Mr. Two Feathers seconded. All **VOTED** in favor.

Mr. Kleiman moved that the Task Force recommend affirmative action on Article 53, Zoning Bylaw Amendment – Table III – Dimensional Regulations. Ms. Felshin seconded. All **VOTED** in favor.

The Task Force discussed Articles 54 and 55. At the Chair's request, short arguments were presented by three Task Force members: 1) not in favor of any formula business bylaw (FBB), 2) in favor of Article 54 (FBB with a cap), and 3) in favor of Article 55 (FBB without a cap). Citizen comment: Mr. Ray Hanselman commented that 63% of the town voted in favor of a formula business bylaw with a cap last year; Even in this poor economy, two West Concord vacancies have been filled. It was noted that there are currently two vacancies: Hamwey's and the little red building, which is for sale, between the two former Chrysler dealership buildings.

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Ms. Felshin moved that the Task Force recommend affirmative action on Article 54, Zoning By-law Amendment – Formula Business With a Cap. Mr. Kleiman seconded. Mr. Adams, Ms. Felshin, Mr. Kleiman, Ms. Brennan, Ms. Carey, and Mr. Two Feathers **VOTED** in favor. Mr. Hawley, Mr. Holdorf and Mr. Sgarzi **VOTED** in opposition. The motion PASSED.

Mr. Hawley moved that the Task Force recommend affirmative action on Article 55, Zoning By-law Amendment – Formula Business Without a Cap, if Article 54 fails. Mr. Two Feathers seconded. Mr. Adams, Ms. Felshin, and Mr. Hawley **VOTED** in favor. Mr. Holdorf, Mr. Kleiman, Ms. Brennan, Ms. Carey, and Mr. Sgarzi **VOTED** in opposition. Mr. Two Feathers abstained. The motion FAILED.

Mr. Sgarzi moved that the Task Force recommend affirmative action on the Special Town Meeting article to change uses in the West Concord Industrial District. Mr. Two Feathers seconded. All **VOTED** in favor.

Mr. Sgarzi moved that the Task Force recommend affirmative action on the Special Town Meeting article to change special permit conditions for the combined industrial/business/residential use in the West Concord Industrial District. Mr. Two Feathers seconded. All **VOTED** in favor.

Mr. Sgarzi moved that the Task Force recommend affirmative action on the Special Town Meeting article regarding land acquisition in West Concord. Mr. Two Feathers seconded. All **VOTED** in favor.

The Task Force discussed the WC-MUOD article on the Special Town Meeting warrant. Mr. Sgarzi reported that there is a memo of understanding for the Town to perform a traffic study using funds donated by the developer and that the developer has made progress toward land acquisition. Mr. Sgarzi was asked whether there will be a development agreement by the Planning Board's hearing on the warrant article on April 12th and whether the article could be moved without a development agreement. He replied that the article could be moved, but it would not be advisable, and that progress is being made. Chair Phil Adams noted that he has mailed the Task Force's meeting schedule to the developer and mentioned the Task Force's request that the 3D animation of the building from Commonwealth Ave. be extended further.

Citizen comment: Mr. Ray Hanselman advised the Task Force to post a short public meeting before each night of Town Meeting in case any last minute changes or votes need to be made.

PUBLIC FORUM / WORKPLAN

Mr. Hawley reported that Kate Carr of the Concord Business Partnership has invited the Task Force to send representatives back to do some follow-up.

The Task Force's position on the Special Town Meeting article for the WC-MUOD (50 Beharrell St. redevelopment) should be listed as "pending" in the Task Force's FAQ.

NEXT MEETING

The next meeting is scheduled for March 31st, at 7:30 p.m., location TBD.

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: 31 March 2011

Workplan

Next meeting

Adjourn

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