

Minutes of the Planning Board Meeting of April 5, 2022

Pursuant to a notice and agenda filed with the Town Clerk, the Planning Board met at 7:00 p.m. on April 5, 2022, in-person and 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 in person were Mr. Flint and Ms. Ferguson and virtually were Mr. Boardman, Ms. Miller, and Ms. McEneaney. Mr. Bosdet and Ms. Orvedal were absent. Town Planner Hughes was present in person.

The Town Planer's agenda memorandum dated April 1, 2022 was part of the Board's packet.

Public Hearing Definitive Subdivision Plan 48Y Fitchburg Turnpike, Parcel 3419

At the request of the Applicant, Mr. Flint moved to continue the public hearing to July 12, 2022 to 7:30 p.m. The motion was seconded by Mr. Boardman with all voting in favor. The roll call vote was Mr. Boardman, yes; Ms. Miller, yes; Ms. Ferguson, yes; Ms. McEneaney, yes; and Mr. Flint, yes.

Public Hearing Definitive Subdivision Plan Sunnyside Lane, Parcels 2088, 2089, 2092, 2092-1, 2093

The Chair reconvened the public hearing. The Applicant Mark White gave an overview of the proposed revisions to the Plans and the drainage swale along Sunnyside Lane. The Board was supportive of this design change.

Mr. Flint questioned whether the CMLP was going to require all the utilities to be put underground from Laws Brook Rd. The Applicant replied that they were not intending to underground the existing overhead. The Board asked the Town Planner to discuss whether they would be interested in doing this work while the Applicant was reconstructing the road.

Ms. Ferguson questioned the extent of the pavement based on the paint markings at the site and how close it was to the abutters. Mr. White noted that with the changes to the swale design, the pavement was being pulled further away from the abutters' front yards.

Ms. Miller asked whether it would be possible to incorporate a couple of parking spaces at the end of the roadway improvements to allow people to park and utilize the paths to the Pond. The Town Planner said she would speak to the Natural Resources Director to see if this is a possibility.

The Chair asked for public comment.

Sue Felshin, 19 Sunnyside Ln., had questions regarding the future plowing of the road and the maintenance of the drainage and her driveway. The Applicant provided clarification on the design of the swale and the existing driveways.

Richard Hollworth, 30 Sunnyside Ln., spoke in support of the narrower pavement and thought the stormwater drainage design was well done. He thought the trail access to the pond was a wonderful opportunity and did not think streetlights on Sunnyside or at the intersection of Laws Brook Rd. were needed.

The Board discussed whether a sidewalk should be incorporated into the design. The Board members had individually visited the site following the Applicant marking out the proposed pavement width. With the revisions to the plans to increase the shoulder width on the east side of the road, the Board agreed that the 18-foot width would encourage slower driving, which would increase safety for pedestrians and cyclists by promoting road sharing at slow speeds and help maintain a more rural character adjacent to Warner's Pond.

Mr. Flint moved to continue the public hearing to May 10, 2022 at 7pm to allow the Engineering Division to review the revisions to the plans and stormwater drainage. Ms. Ferguson seconded the motion with all voting in favor. The roll call vote was Mr. Boardman, yes; Ms. Miller, yes; Ms. Ferguson, yes; Ms. McEneaney, yes; and Mr. Flint, yes.

ZBA Recommendation Special Permit under Sections 2.3.4, 4.2.2.1, and 11.6 at 23-25 Lang Street (Parcel #1284)

The Chair opened the public hearing. The Applicant Kevin Hurley gave an overview of the proposed project.

Mr. Flint asked for further clarification on the reasons for the request to allow the Residence C dimensional requirements to be extended 30 feet into the Residence B District. Mr. Hurley explained that this would allow the use of the new two-family dwelling in Residence C provision of Zoning Bylaw Section 4.2.2.1 and not the previous paragraph under Section 4.2.2.1, which would not allow as much flexibility in the design of the project or changes to the site that would benefit the abutters.

The Board discussed the project and agreed that the Applicant's proposed modifications to the existing two-family dwelling are an improvement for the use of the property and the abutters by removing the detached carport and garage and pulling the driveway pavement further from the side property line. The Board was also in full support of maintaining the structure as a two-family dwelling given its proximity to Concord Center.

Mr. Flint moved that the Board recommend that the Zoning Board of Appeals grant the requested special permit under Sections 2.3.4, 4.2.2.1, and 11.6 of the Zoning Bylaw to extend Residence C Zoning District by 30 ft. into Residence B and for a two-family dwelling at 23-25 Lang Street. Ms. Ferguson seconded the motion with all voting in favor. The roll call vote was Mr. Boardman, yes; Ms. Miller, yes; Ms. Ferguson, yes; Ms. McEneaney, yes, and Mr. Flint, yes.

Discuss and vote on position on ATM Articles 30-35 to provide written recommendation to Town Meeting

For Article 30 Scenic Roads Bylaw, since the Board has already voted to co-sponsor the Article, the Board's recommendation was for affirmative action.

For Article 31, the Board reviewed revised language in the draft motion and recommendation. Mr. Flint moved that the Board recommend affirmative action on Article 31. Mr. Boardman seconded the motion with all voting in favor. The roll call vote was Mr. Boardman, yes; Ms. Miller, yes; Ms. Ferguson, yes; Ms. McEneaney, yes; and Mr. Flint, yes.

For Article 32, the Board reviewed revised language in the draft motion and recommendation. Ms. McEneaney asked if the Board wanted to allow a formula business even if the maximum was reached but the proposed formula business would add value to the District.

Mr. Flint gave an overview of the concerns raised at the Select Board meeting on April 4th on restricting the number of formula business in too many of the commercial districts.

Mr. Flint moved that the Board recommend affirmative action on Article 32. Ms. Ferguson seconded the motion. The roll call vote was Mr. Boardman, yes; Ms. Miller, yes; Ms. Ferguson, yes; Mr. Flint, yes, and Ms. McEneaney, no.

For Article 33, the Board did not have any further revisions to the draft motion or the recommendation.

Mr. Flint moved that the Board recommend affirmative action on Article 33. Mr. Boardman seconded the motion. The roll call vote was Mr. Boardman, yes; Ms. Miller, yes; Ms. Ferguson, yes; Mr. Flint, yes, and Ms. McEneaney, no.

For Article 34, the Board discussed the citizen petition and did not have any issues with placing the historic residential structure back into the Residence A Zoning District, which would allow the property owner to make residential improvements on those portions of the property without having to obtain a special permit from the Zoning Board of Appeals.

Mr. Flint moved that the Board recommend affirmative action on Article 34. Ms. Ferguson seconded the motion with all voting in favor. The roll call vote was Mr. Boardman, yes; Ms. Miller, yes; Ms. Ferguson, yes; Ms. McEneaney, yes, and Mr. Flint, yes.

For Article 35, the Board reviewed the draft recommendation, the reasons for the citizens petition, and the Town Planner's Agenda Memo with her recommendation. The Board agreed with the Town Planner's comments and recommendation.

Mr. Flint moved that the Board recommend no action on Article 35. Ms. McEneaney seconded the motion with all voting in favor. The roll call vote was Mr. Boardman, yes; Ms. Miller, yes; Ms. Ferguson, yes; Ms. McEneaney, yes, and Mr. Flint, yes.

Planning Board Draft Meeting Minutes

Mr. Flint moved that the Board accept the meeting minutes of March 8th and March 22nd as written. Ms. McEneaney seconded the motion with all voting in favor. The roll call vote was Mr. Boardman, yes; Ms. Miller, yes; Ms. Ferguson, yes; Ms. McEneaney, yes, and Mr. Flint, yes.

Planning Board Liaison/Town Planner Updates

The Chair gave an overview of the April 4th Select Board meeting, the discussion on the Assabet River Bluffs land acquisition and the use of CPA funding. He also informed the Board that he received an email from the Historic Districts Commission Chair about a discussion regarding a

new Architectural Review Board. Mr. Flint noted that since he was going off the Board, he would find out if Mr. Bosdet would be able to attend this meeting with him.

General Public Comment

Linda Escobedo, Select Board, commented that she had heard there was discussion about an Architectural Review Board and noted this idea should be filtered through the Select Board, Town Manager and Department Heads, but that she had concerns with another committee and ability for staff support.

With no further business, the Chair adjourned the meeting at 8:35 p.m.

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

- Town Planner's Agenda Memo April 1, 2022
- 2022 ATM Draft Planning Board Motions and Recommendations
- Draft Minutes March 8th and March 22, 2022

Approved by the Board: July 26, 2022