



ZONING BOARD OF APPEALS
TOWN OF CONCORD
MEETING MINUTES
APRIL 13, 2023

Pursuant to notice duly filed with the Town Clerk, a virtual public meeting of the Zoning Board of Appeals was held on Thursday April 13, 2023 at 7:00 p.m. using the Zoom meeting platform.

PRESENT:

Members:

Elizabeth Akehurst-Moore, Chair

Ravi Faiia

James Smith

Theo Kindermans

Thomas Swaim

Paul Creedon, Building Commissioner

Elizabeth Hughes, Town Planner

Hayleigh Walker-Kurland, Admin Assistant

Acting Chair Theo Kindermans called the meeting to order at 7:00 p.m. and took a roll call vote. Chair Akehurst-Moore arrived at 7:05 p.m. and resumed the role of Chair.

Millrun PRD Special Permit Open Space & Conservation Restriction Administrative Amendment

Town Planner Hughes presented the details of the Amendment to the Board, noting that having a community garden for the residents was always part of the project, but this type of use would not be permitted under the state's requirements for a Conservation Restriction. The Applicant is looking to change the area within the Conservation Restriction to exclude the community garden and have it located within the common open space, although the total area of the combined common open space and the Conservation Restriction is not changing. Town Planner Hughes stated that the application had been reviewed by the Natural Resources Commission, the Natural Resources Director and was accepted by the state. Now they are looking to bring the matter to the attention of the Board so that they may acknowledge the change to the open space area.

Mr. Smith asked if this application changes access from the open space to the PRD. Town Planner Hughes stated that it would not alter access and that the public trail would remain the same. The only thing that would change is the division between the common open space area and the area within the formal conservation restriction.

Mr. Smith moved to administratively approve the change in distribution between the common open space area and the area within the formal conservation restriction. Mr. Faiia seconded the motion. The Chair called for a roll call vote; Chair Kindermans, yes, Mr. Smith, yes, and Mr. Faiia, yes. All VOTED in favor.

Approval of Minutes for March 23, 2023

The minutes were not ready to be approved by the Board as they required additional edits and thus no vote was taken.

The Trustees, for the renewal of a Special Permit under Sections 4.3.1, 4.3.4, 5.4.5 and 11.6 of the Zoning Bylaw to hold small outdoor events under 50 people at 269 Monument Street (Parcel# 1267).

Michael Busack appeared for the hearing along with Catherine Shortliffe. Mr. Busack reviewed their request for renewal of the Special Permit to hold small outdoor events under 50 people at The Old Manse. The previous Special Permit was granted for a term of three years.

Mr. Swaim asked the Applicant if they were willing to accept the same conditions that were outlined in the previous Special Permit. Mr. Busack confirmed that the previous conditions were acceptable.

Chair Akehurst-Moore asked Building Commissioner Creedon if there were any issues reported for the prior Special Permit. Building Commissioner Creedon confirmed that his office had not received any complaints.

Mr. Kindermans asked if the rest of the Board was opposed to lengthening the term of the Special Permit to five years. The Board discussed how long of a term to grant and concluded that a period of six years would be appropriate as there have been no complaints and the Applicant is able to accommodate parking for all the activities taking place on site.

Chair Akehurst-Moore opened the hearing for public comment and there was none.

Mr. Smith moved to approve the application of the Trustees, for the renewal of a Special Permit under Sections 4.3.1, 4.3.4, 5.4.5 and 11.6 of the Zoning Bylaw to hold small outdoor events under 50 people at 269 Monument Street (Parcel# 1267) for a period of six years based on the same findings and conditions as the previously issued Special Permit. Mr. Kindermans seconded the motion. The Chair called for a roll call vote; Mr. Kindermans, yes, Mr. Smith, yes, and Chair Akehurst-Moore, yes. All VOTED in favor.

Documents used: None

The Trustees, for the renewal of a Special Permit under Sections 4.3.1, 4.3.4, 5.4.5 and 11.6 of the Zoning Bylaw to hold large outdoor events over 50 people at 269 Monument Street (Parcel# 1267).

Chair Akehurst-Moore noted that the narrative the Board received for this application was dated November 30th 2020. Mr. Busack and Ms. Shortliffe confirmed that the narrative provided was from their previous application and was inaccurate. Mr. Busack stated that they would be happy to submit a new narrative that reflects the events they plan to hold for the next three years as they were hoping to extend the renewal period for the Special Permit to a period of three years instead of one.

The Board discussed whether they could approve the Special Permit. Mr. Kindermans stated that he would not be able to vote without seeing a revised narrative. Mr. Smith stated that the previous decision specified different types of parking plans for different events and so he was hesitant to approve the renewal without the necessary information. Mr. Swaim noted that the Board should consider that some of the larger events taking place might be in honor of Concord's 250th celebration.

Mr. Busack stated that they only have fifteen parking spaces available and that they would not be able to secure additional parking without direct permission from the National Park Service.

Chair Akehurst-Moore opened the hearing for public comment and there was none.

Mr. Kindermans moved to continue the application of the Trustees, for the renewal of a Special Permit under Sections 4.3.1, 4.3.4, 5.4.5 and 11.6 of the Zoning Bylaw to hold large outdoor events over 50 people at 269 Monument Street (Parcel# 1267) to the meeting of May 11th at 7:25 p.m. Mr. Smith seconded the motion. The Chair called for a roll call vote; Mr. Kindermans, yes, Mr. Smith, yes, and Chair Akehurst-Moore, yes. All VOTED in favor.

Documents used: None

Bradford Street LLC, for a Special Permit under Sections 5.3.16 and 11.6 to convert a space into a personal training fitness studio at 40 Beharrell Street (Parcel# 2186).

Samantha McChesney appeared for the hearing and explained that she is looking to open a personal training fitness studio at 40 Beharrell Street and hold classes for groups of no more than eight people. She had already moved her equipment to the space and repainted when she approached Building Commissioner Creedon about the requirements for an Occupancy Permit.

The Board discussed if a Special Permit was required for this application and Building Commissioner Creedon confirmed that it was necessary.

Chair Akehurst-Moore asked Building Commissioner Creedon about the current parking situation, and he confirmed that there was ample parking around the building.

Chair Akehurst-Moore opened the hearing for public comment and there was none.

The Board discussed potential conditions for class times and sizes. Ms. McChesney confirmed that classes run no later than 9 p.m. and hold groups of no more than 8 people.

Mr. Kindermans moved to approve the application of Bradford Street LLC, for a Special Permit under Sections 5.3.16 and 11.6 to convert a space into a personal training fitness studio at 40 Beharrell Street (Parcel# 2186). Mr. Smith seconded the motion. The Chair called for a roll call vote; Mr. Kindermans, yes, Mr. Smith, yes, and Chair Akehurst-Moore, yes. All VOTED in favor.

Documents used: None

First Parish in Concord, for a Special Permit under Sections 5.4.5 and 11.6 to hold a one-day, large event at 20 Lexington Road (Parcel #0009).

Chair Akehurst-Moore recused herself from the hearing due to a conflict. Mr. Kindermans was promoted to the role of Acting Chair.

Fred Van Deusen appeared for the hearing along and reviewed their application to hold a “Democracy Festival” on the grounds of the First Parish Church on May 20th from 11 a.m. to 2 p.m. Set up will take place an hour beforehand with the breakdown occurring an hour afterwards. Mr. Van Duesen stated that parking would be on the street and in Town parking lots, noting that the number of cars would be what they’d expect of a typical Sunday service. They are expecting a crowd of a few hundred people as it is meant to be a community event. The goal is to increase civic engagement and discuss social justice issues.

Mr. Faiia asked if the event included music and Mr. Van Deusen stated that they were planning on hiring a DJ. However, the music would be played at a low volume as they want attendees to be able to converse.

Acting Chair Kindermans opened the hearing for public comment and there was none.

The Board stated that they had no issues with the proposed festival.

Mr. Smith moved to approve the application of First Parish in Concord, for a Special Permit under Sections 5.4.5 and 11.6 to hold a one-day, large event at 20 Lexington Road (Parcel #0009) on May 20th between the hours of 11 a.m. and 4 p.m. Mr. Faiia seconded the motion. The Chair called for a roll call vote; Acting Chair Kindermans, yes, Mr. Smith, yes, and Mr. Faiia, yes. All VOTED in favor.

Documents used: None

There being no further business, the meeting was adjourned at 7:44 p.m.

Approved by the ZBA: 6/8/23