

Minutes of the Planning Board Public Hearing of May 13, 2021

On May 13, 2021, at 7:00 p.m., pursuant to a notice and agenda filed with the Town Clerk, the Planning Board, in accordance with the Commonwealth of Massachusetts Executive Order of March 12, 2020 Suspending Certain Provisions of the Open Meeting Law, and pursuant to M.G.L. Chapter 40A, Section 5, held a virtual Public Hearing concerning amendments to the Concord Zoning Bylaw proposed under Articles 36-39, a General Bylaw amendment (Tree Preservation Bylaw) proposed under Article 35, and an amendment to the Historic Districts Map, proposed under Article 32 in the 2021 Town Meeting Warrant. The virtual Public Hearing was held via <https://zoom.us> and the recording will be available on the Minuteman Media Network.

Chair Ferguson began by explaining the conduct and format of the Public Hearing and the methods for public comment.

Chair Ferguson opened the public hearing and asked for a roll call vote of members present. Present were Mr. Flint, Mr. Bosdet, Ms. Orvedal, Ms. Miller, and Ms. Ferguson. Mr. Sayegh and Ms. McEneaney were absent.

Article 32 – Historic Districts Map Amendment

Peter Nobile, Chair of the Historic District Commission and Senior Planner Heather Gill were present for the discussion of this Article. Mr. Nobile gave a presentation on Article 32 - Historic Districts Map Amendment. This Article proposes to extend the Main Street Historic District southward to add two properties and the buildings located upon at 21 Thoreau St. (known as Assessor Parcel #0783) and 29-31 Thoreau Street (known as Assessor Parcel #0782, and to amend the map on file in the office of the Town Clerk entitled “Historic Districts, Town of Concord” accordingly.

Mr. Nobile asked for public comment.

Karlen Reed, 83 Whit’s End, asked why the owners want their properties to be added to the existing Historic District. Mr. Nobile explained that the owners are concerned about the legacy of their historic homes and want the protection from being demolished that inclusion in a historic district brings.

Dennis Fiori, 309 Strawberry Hill Road, and HDC member, further explained that the property owners on Thoreau Street have also expressed concern about creeping commercialism and want protection from dramatic changes.

During the presentation of Article 38, James Trant, 31 Thoreau Street, commented that he missed the first minutes of the Public Hearing and asked if it was still possible to comment on Article 32. He asked about the status. Mr. Nobile explained that the Article would need to pass at Town Meeting to be enacted.

Article 35 – Tree Bylaw Amendment

Ms. Ferguson gave a presentation on Article 35 - Tree Preservation Bylaw Amendment. This Article proposes to amend General Bylaw Sections 5.4(c), 5.5(a) & 5.5(b) regarding plan review and permit issuance, and maintenance of protected and replanted trees.

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

Article 36 – Flood Plain Conservancy District

Mr. Flint gave a presentation on Article 36 – Flood Plain Conservancy District. This Article proposes to amend Zoning Bylaw Section 1.3 Definitions, Section 2.2 Zoning Map Flood Plain Conservancy District and Section 7.2 Flood Plain Conservancy District to formalize compensatory flood storage requirements and comply with the MA Model Floodplain Bylaw, mandatory FEMA and National Floodplain Insurance Program requirements.

Mr. Flint asked for public comment and there was none.

Article 37 – Restaurant Seasonal Outdoor Seating Parking Requirements Amendment

Ms. Ferguson gave a presentation on Article 37 - Table IV Minimum Parking for Restaurant Seasonal Outdoor Seating. This Article proposes to amend Zoning Bylaw Section 7.7.2.1 Table IV Minimum Parking Business Uses – Restaurant, to allow restaurants to provide outdoor seasonal seating without obtaining a waiver from the Zoning Board of Appeals for the required parking.

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

Article 38 – Two-family in Residence C Amendment

Mr. Bosdet gave a presentation on Article 38 - Two-Family or Additional Dwelling Unit. This Article proposes to amend Section 4.2.2.1 to allow a two-family dwelling by Special Permit in the Residence C Zoning District and allow the Zoning Board of Appeals to reduce the requirement for two parking spaces for each dwelling unit.

Mr. Bosdet asked for public comment.

Mary Hartman, 16 Concord Greene, Chair of the Finance Committee, spoke on her own behalf. She asked about potential deed restrictions, affordability requirements, and wondered how many units could be produced if this amendment were to pass. Town Planner Hughes replied that there is no affordable requirement or restriction as part of the proposed Zoning Bylaw amendment and that it is unknown exactly how many units could be produced.

Brooks Ware, 277 Deacon Haynes Road, said that he was in support of the amendment. He asked about the moderate-price range. Town Planner Hughes reiterated that there is no affordable requirement or restriction as part of the proposed Zoning Bylaw amendment.

Dorrie Kehoe, 51 Macarthur Road, ask if there was any consideration for other Zoning Districts; the ability to convert existing homes into two smaller units. Mr. Bosdet replied that the Board's consensus is to start initially with Residence C due to the scale and proximity to transportation and then, depending on the success and outcome, potentially to propose it for other Zoning Districts in Town.

Stephan Bader, 7 River Street, said he was in support of this article. He suggested that the Board revise the presentation to use the full name Envision 2030 Long Range Plan so that new residents will know what is being referred to and asked if this Article would require a 2/3 majority vote at Town Meeting or a simple majority as permitted under the new State Law. The Board will incorporate that suggestion. Mr. Bader was informed that the Zoning Bylaw amendment does require a 2/3 majority vote at Town Meeting; that the new simple majority provisions apply only to new units of three or more.

Matt Johnson, 21 Winthrop Street, former member of Planning Board and current member of the Select Board, spoke on his own behalf. He said that while it is unknown how many units could be produced if this passes, it would be good to know how many accessory dwelling units were created by the Zoning Bylaw amendment that passed last year at Town Meeting. He asked for clarity on the moderately affordable requirement and ranges. Town Planner Hughes will research the question and have the Board include the information in their written report for Town Meeting.

Barbara Powell, 316 Heath's Bridge Road, member of Concord Housing Foundation, asked if the Residence Zone C choice assumed that people who need affordable housing are limited to the need for public transportation. Mr. Bosdet explained the rationale in the creation of the Article and allowing it in the Residence C Zoning District.

Charles Phillips, 65 Fairhaven Road, asked if the Article requires a two-thirds vote or simple majority vote. Town Planner Hughes reiterated her response that the provisions of the new changes to the Zoning Act only apply to the creation of new multi-family housing, defined by the State as three or more units.

Article 39 – Earth Removal Bylaw Amendment

Ms. Orvedal gave a presentation on Article 39 - Earth Removal Bylaw. This Article proposed to amend Zoning Bylaw Section 7.5 to include projects for earth filling, strengthen the Special Permit criteria, clarify the existing language, and tie the issuance of a Special Permit to measurable sustainable objectives.

Ms. Orvedal asked for public comment.

Pamela Dritt, 13 Concord Greene, Unit 4, wondered if this Article passed, if it could be further amended to add language about maintaining soil integrity. She asked if the meeting was being recorded and was informed that it was being recorded.

Town Moderator, Carmin Reiss, said that it was encouraging to learn that several residents are already aware of the changes to the Zoning Act. She confirmed, however, that those changes do not impact Articles on this year's Town Meeting warrant. She reminded attendees that there would not be audio or visual presentations at Town Meeting this year but, there would be a booklet available. She encouraged residents to visit the Town's website to review documents there.

Roger Rush, 67 Conant Street, mentioned the concern of local pollutants from the railway line (that runs through Concord). Ms. Orvedal explained the purview of the Planning Board regarding Zoning Bylaw enactment; that there are certain things that the Board cannot regulate through Zoning Bylaws. Town Planner Hughes explained that Towns cannot override State and Federal regulations (such as DEP regulations regarding air quality).

At 8:04 p.m., with no further Article presentations or public comment, the Chair closed the public hearing and adjourned the meeting.

The complete text of the amendments is in the 2021 Warrant for Town Meeting, or may be reviewed online at www.concordma.gov

Respectfully submitted,

Nathan Bosdet, Clerk

Minutes approved on: 6/8/21