

Minutes of the Planning Board Meeting of May 25, 2021

Pursuant to a notice and agenda filed with the Town Clerk, the Planning Board met at 7:00 p.m. on May 25, 2021, and held a virtual online public meeting via <https://zoom.us>. The meeting was recorded and will be available on the Minuteman Media Network.

At 7:00 p.m., Chair Ferguson called the meeting to order, announced that the meeting was being recorded, and asked for a roll call of the Planning Board. Present were Ms. Ferguson, Ms. Miller, Ms. Orvedal, Mr. Flint and Mr. Bosdet. Mr. Sayegh was absent. Ms. McEneaney joined the meeting at 7:15 p.m.

Town Planner Elizabeth Hughes was present.

Ms. Ferguson explained the conduct and format of the meeting.

Green Zoning and Sustainability Discussion

Ms. Orvedal gave a presentation that she prepared on Green Zoning and Sustainability. The Town's Director of Sustainability, Kate Hanley, was present for this discussion. Ms. Hanley gave a summary of Article 51 enacted by the Town in 2017. She explained that, although Article 51 commits the Town to ambitious sustainability goals, the Town failed to meet its 2020 goal and could possibly fail again without dramatic additional action.

The Board discussed ways in which the Board could move forward, in a timely fashion, within the framework currently allowed under State Law.

Town Planner Hughes asked if Ms. Hanley could provide the Board with information on all-electric utility homes versus gas and electric utility homes. Ms. Hanley said that she could provide that fact sheet.

Chair Ferguson asked for public comment.

Gary Kleiman, 57 Central Street, gave the Board information from the Rocky Mountain Institutes (RMI) building electrification accelerator group. Mr. Kleiman reported that one local developer has agreed to do an all-electric utility house in Concord to learn about the process and give feedback.

The Board decided to review the presentation further and assign as homework identifying the top two or three items that could work for Concord. Those items will be discussed at future meetings going forward with a goal of potentially developing zoning articles for consideration at 2022 ATM.

Town Planner Hughes will update the Sustainability and Green Zoning section of the Planning Board's Goals and Projects page on the Town's website with Ms. Orvedal's presentation and the RMI presentation from October 2020. <https://concordma.gov/2193/Planning-Board-Goals-Projects>

ATM Article 31 Discussion

The Town’s Sustainability Director, Kate Hanley, was presented for this discussion. Ms. Hanley summarized the proposed Home Rule Legislation and Bylaw Amendment – Regulation of Fossil Fuel Infrastructure which was put forth by the Select Board for 2021 Annual Town Meeting.

As stated in the Warrant “the purpose of Article 31 (is to protect the health, safety, and welfare of Town residents from the effects of air pollution, including greenhouse gas emissions that are contributing to climate change. It is also the next step in Concord's strategy to meet the goals of its Climate Action and Resiliency Plan. This Article seeks Town Meeting approval to both establish a new Town General Bylaw that would require that all new construction be fossil fuel free and further request Home Rule Legislation for the authority to implement the Bylaw. The Bylaw includes several exemptions: for example, affordable housing and the use of backup generators. It also states that an applicant who is aggrieved by a denial of a building permit, in whole or part, in connection with this Bylaw, may appeal to the board or committee designated by the Town Manager to hear and resolve such appeals.”

The Board had a lengthy discussion on Article 31 and whether the Board should take a formal position on the article.

Ms. Ferguson asked for public comment.

Pamela Dritt, 1304 Concord Greene, asked if the Bylaw, once enacted, could be further amended to exclude the exemptions for affordable housing and generator installations. It was suggested that Ms. Dritt email her question to the Town Moderator.

John Cooley, 80 Highland Street, said that he missed the first 25 minutes of the meeting which included the Green Zoning and Sustainability presentation. He asked if the presentation was currently posted on the Town’s webpage. He was informed that it would be posted soon, and that the presentation given to the Select Board on Article 31 is currently on their webpage.

After discussion, Mr. Flint moved that the Board recommend that Town Meeting take affirmative action on Article 31 because it will provide the Town the ability to move forward with sustainability actions in a measurable way. Ms. Miller seconded. The vote passed (5 yes, 1 abstain). The roll call vote was Mr. Bosdet, yes; Mr. Flint, yes; Ms. Orvedal, yes; Ms. Miller, yes; and Ms. Ferguson, yes. Ms. McEneaney abstained.

2021 ATM Public Hearing Follow-up Discussion

Select Board member and liaison to the Planning Board, Susan Bates, was present. She explained that all the Zoning Bylaw amendment articles submitted by the Board would be on the Town Meeting Consent Calendar, except Article 38, Zoning Bylaw amendment – Two-Family or Additional Dwelling Unit.

Ms. Hughes explained that the Board received a comment from a resident regarding Article 25, Tree Bylaw, Section 5.5(a) that the end of the sentence did not make sense (“...and to avoid

further infestation of the invasive species”) and should be deleted. The Town Planner agreed that the sentence seems out of place since protecting an invasive tree does not avoid further infestation and included its deletion in the draft motion in the Board’s Report to Town Meeting. The Board agreed and did not have any other revisions to the Draft Planning Board Report-Recommendations-Motions to be included in the Town Meeting Materials Booklet. Town Planner Hughes will ask the Town Manager whether to also include the Board’s recommendation on Article 31 in their report.

Ms. Miller wondered if there would be impacts to the presentation of Article 37 – Table IV Minimum Parking due to the potential extension of current outdoor dining regulations to the end of December 2021 by the State. The Board will be prepared to address that if the Article comes off the Consent Calendar and if that question comes up.

Town Planner Hughes reminded the Board that they should vote to accept the Planning Board Report – Recommendations – Motions and affirmative actions.

Ms. Miller moved that the Board accept the Report – Recommendations – Motions and affirmative actions on Articles 31, 32, 35, 36, 37, 38, and 39. Mr. Flint seconded. All voted in favor. The roll call vote was Mr. Bosdet, yes; Mr. Flint, yes; Ms. Orvedal, yes; Ms. McEneaney, yes; Ms. Miller, yes; and Ms. Ferguson, yes.

Approval Not Required Plan #21-2, 1094, 1100, 1106, & 11B Monument Street

Town Planner Hughes presented the plan to the Board. She explained that the plan shows three properties located in the Residence AA Zoning District on the east side of Monument Street and Buttricks Hill Road. The Residence AA Zoning District requires 80,000 s.f. of area and 200 ft. of frontage for a buildable lot.

She explained that the plan shows the re-division of the existing three lots into six lots, all of which have over 80,000 s.f. of area. Five of the lots have over 200 ft. of frontage. Lot 20-4, shown on the plan, is a frontage exception lot pursuant to Zoning Bylaw Section 6.2.4 which allows 160 ft. of frontage if the lot width at the front wall of the dwelling is 200 ft. Lot 20-4 widens out to over 400 feet and the plan contains a note stating that Lot 20-4 is a frontage exception lot.

Mr. Flint asked if there is an easement for access to one of the lots shown on the plan. Ms. Hughes explained that the plan shows an easement giving access to the buildable portion of that lot.

Mr. Flint moved that the Board authorize the Chair, Clerk, Town Planner, or DPLM Director to endorse the Plan dated 4/27/21 prepared by Stamski & McNary, Inc. and owned by Kingston Land Nominee Trust and Queenston Farm Nominee Trust as Approval under Subdivision Control Not Required because it shows the division of land so that every lot shown has the frontage as required by the Concord Zoning Bylaw on an adequate public or private way. Mr. Bosdet seconded. All voted in favor. The roll call vote was Ms. Miller, yes; Ms. Orvedal, yes; Ms. McEneaney, yes; Mr. Bosdet, yes; Mr. Flint, yes; and Ms. Ferguson, yes.

Minutes

The Board reviewed the draft minutes of the April 13 and May 4 meetings. (The May 13 draft minutes will be reviewed at a future meeting.) Mr. Bosdet moved that the Board approve both sets of minutes as written. Mr. Flint seconded. All voted in favor. The vote was Ms. Orvedal, yes; Ms. McEaney, yes; Ms. Miller, yes; Mr. Flint, yes; Mr. Bosdet, yes; and Ms. Ferguson, yes.

Planning Board Liaison/Town Planner Updates

Town Planner Hughes reported that the third-party review of the traffic study submitted for the Concord Children's Center Site Plan Review application was received and will be sent to the Board and posted to the website.

Mr. Flint reported that his term as the Planning Board member to the Community Preservation Committee was ending and that he would be happy to continue for the upcoming term.

Ms. Ferguson noted that Mr. Sayegh's five-year term ends in June after Town Meeting and his last meeting will be June 8th. She welcomed Andrew Boardman, of 110 Hillcrest Road, as a new member of the Planning Board. Mr. Boardman's nomination and appointment are scheduled on the May 24 and June 1 Select Board meeting agendas. After appointment, Mr. Boardman's term would begin after Town Meeting. Mr. Boardman introduced himself, and explained his background, experience, and interest in the Board.

The Board will elect officers and liaisons at the June 8 meeting.

General Public Comment

None given.

The meeting adjourned at 8:55 p.m.

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

- Town Planner's agenda memorandum for 5/25/21 meeting
- Green Zoning and Sustainability presentation by Ms. Orvedal
- Form A and ANR plan #21-2, Monument Street
- Draft Planning Board Report – Recommendations – Motions for Town Meeting

Respectfully submitted,

Nathan Bosdet, Clerk

Minutes approved on: 6/8/21