Minutes of the Planning Board Meeting of July 13, 2021

Pursuant to a notice and agenda filed with the Town Clerk, the Planning Board met at 7:00 p.m. on July 13, 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 7:01 p.m., Chairman Flint called the meeting to order, announced that the meeting was being recorded, and asked for a roll call of the Planning Board. Present were Mr. Bosdet, Ms. McEneaney, Ms. Orvedal, Ms. Miller, Ms. Ferguson, Mr. Flint, and Mr. Boardman. This was the first official meeting for Mr. Boardman, who was sworn in by the Town Clerk on June 15th.

Town Planner Elizabeth Hughes was present.

Mr. Flint explained the conduct and format of the meeting.

**Floor Area Ratio Discussion**

The Board discussed potential amendments to the Floor Area Ratio Bylaw. Ms. McEneaney shared a chart that she prepared with data from the past five years. The Board is researching potential ways to amend the FAR to slow the continued mansionization in the community. Discussed were a standard and a step approach with options, ways to define and incentivize sustainable building, how to determine the effectiveness of the existing FAR Bylaw, and what other MA towns have enacted (Lexington and Northampton,).

**Site Plan Review, Concord Children’s Center (CCC), 250 Old Bedford Road**

Mr. Boardman stated that he has potential conflict of interest due to his child attending CCC. He recused himself by turning off his computer’s microphone and camera and did not participate in this discussion.

Review of application of Concord’s Children’s Center under Section 11.8.7 of the Zoning Bylaw to convert the existing single-family dwelling to a childcare center with reduced parking, construct a 7,063 s.f. addition and make related site improvements (parking lot, subsurface stormwater drainage and landscaping) at 250 Old Bedford Road, Parcel 4220.

The Applicant recently revised the plans based on previous comments from the Board and Town staff. Prior to the meeting, the Board’s traffic consultant completed their review and provided a comment letter, and the Engineering Division of Concord Public Works provided an updated comment letter.

Present for the Applicant were Pat Nelson, Executive Director of the Concord Children’s Center; Jennifer Brooke, Lemon Brooke Landscape Architects; Molly Obendorf, E.I.T., Stamski and McNary Inc.; Kenneth Cram, P.E., Director of Traffic Engineering, Bayside Engineering Inc.; and John Amaral, Project Manager, Omni Properties LLC.
Ms. Brooke ran the slide presentation, and each member of the Applicant’s team took turns presenting information to the Board.

Ms. Obendorf explained that the plans were revised since the last meeting with the Board on May 4th. She presented the revised stormwater management plan and described the revised site circulation shown on the Civil and Utility Plan dated 7/13/21. She explained that in response to the concerns about the distance from the existing intersection of Virginia Road and Old Bedford Road to the exit drive that the exit drive was moved further west on the site and a set of existing stairs on the porch will be relocated to the side of the building to allow for the exit drive relocation further west.

Ms. Obendorf explained that there is a small portion of sidewalk owned by the Town that falls within the property and that it was requested that the Applicant provide an easement and the revised plan notes that easement.

Ms. Obendorf explained the minor changes to the stormwater management plans that did not include LID measures. She explained that since this will be a child care facility, open drainage structures were a significant safety concern with the children and the reason that all drainage is subsurface.

Additionally, she described the turn analysis which depicts cars exiting a parking space on the proposed northeast spot on the site and explained that revisions that were made to address concerns about cars backing out and garbage truck maneuverings to and from the proposed dumpster pad.

Mr. Cram, the Applicant’s traffic engineer, provided the responses to the comments in Mr. Gregorio’s letter. He stated that he believes all the outstanding issues related to the traffic study have been addressed.

Ms. Brooke, the Applicant’s landscape architect, concluded the presentation by talking about the proposed lighting levels and gave a brief update regarding the Applicant’s status with the Natural Resources Commission. She described the proposed additional plantings for screening and the location of lighting and bicycle parking.

Sam Gregorio, of TEC Inc., the traffic consultant who conducted the third-party review of the Applicant’s Traffic Assessment and Impact Study was present. The Board reviewed the letter from Mr. Gregorio dated July 6, 2021 which contains responses to the Applicant’s traffic engineer’s comments. Mr. Gregorio explained the results of the review conducted on the Town’s behalf, noting there were no significant traffic issues or concerns.

Town Planner Hughes asked if the proposed lowering of the height of the parking lot lights takes into consideration the height of the light fixture’s base. She asked how far back the proposed light poles will be located from the edge of the parking lot. Ms. Brooke commented that the 12-foot height was from the finish grade.
Ms. McEneaney asked Mr. Gregorio to clarify one of his responses related to the intersection grading and level of service for traffic. Mr. Gregorio explained the methodology is to look at the volume to capacity ratios.

Ms. Orvedal asked if the Applicant was able to get quotes for all electric utility installations. Mr. Amaral said that the Applicant would work on gathering information but that they are not at the bidding phase yet. Town Planner Hughes said that she would provide contact information for CMLP staff to the Applicant regarding all electric utilities and a copy of the Rocky Mountain Institute study.

Ms. Orvedal asked if a condition could be added to ensure that only native plant species are used. Town Planner Hughes explained that the Board’s decision could contain that condition and that prior to the issuance of a certificate of occupancy a site visit would be conducted to confirm the conditions were followed.

Ms. Nelson said that the school places a high priority sustainability.

Mr. Flint brought up the concerns about the trash truck, queuing, the possibility of a Verizon pole relocation to allow the relocation of the driveway, and parking lot striping and signage for safety, staff parking and small car spaces. Mr. Gregorio agreed that the revised garbage truck maneuvering sketch shows that it does not back out over the public sidewalk. The Board discussed the possibility of having a painted queuing line. Mr. Gregorio opined this would become an annual maintenance issue and would not be practical in the winter. The Board determined that additional signage would be required for safety reason for the queuing line at the crosswalk, the parking spaces along the eastern property boundary would be designated as staff only with the first parking space for small cars to allow better maneuvering movement backing out of the space.

The Board considered the revised Planner’s Report dated 7/13/21.

Mr. Flint asked for public comment.

David Levin, 33 Kenney Lane, expressed concerns about the safety of the proposed traffic flow pattern through the parking lot and intersections.

Michael Reilly, 93 Kenney Lane, spoke in opposition to the application. He opined that the proposed child care center is not appropriate for the residential neighborhood. He expressed concern about negative impacts to traffic and safety.

Richard Fahlander, 399 Old Bedford Road, urged the Board to reach out to neighbors before traffic is increased at the intersection.

Sam Nagler, 51 Kenney Lane, referred to his email to the Board sent 7/12/21. His concern is that the Applicant has not met the legal requirements for reducing the number of parking spaces per site plan review and Section 7.7.2.1 relief from parking requirements and is ineligible to be granted a waiver.
Thomas Doherty, 238 Peter Spring Road, said that he is a neighbor to the site and that his child attends CCC facility in another Concord location. He said that, in his experience, there have not been more than three other parents dropping off and picking up at the same time as him, so the suggestion that there could be 10 to 15 cars queuing at pick up or drop off does not reflect what he has experienced. He opined that the biggest negative impact to traffic in the area has been from the closure of Cambridge Turnpike for renovation.

Michelle Beck, 26 Philip Farm Road, suggested that crosswalks with pedestrian-activated flashing beacons are necessary at both Virginia Road and Old Bedford Road crossings for safety. She also requested that “no parking” signage be required and installed on Philip Farm Road and Kenney Lane.

Peter Monaghan, 203 Monsen Road, spoke in support of the application.

Mr. Amaral, the Applicant’s Project Manager, and Ms. Brooke spoke about the request for a reduction in the required parking and the historical and anticipated pick up and drop off patterns, and enrollment.

Ms. Brooke, presented on the proposed parking lot diagrams and explained the anticipated afternoon (12:30 p.m.) daily pickup queues. Ms. Nelson described the anticipated staff turnover times during the day and the anticipated impacts to parking in the lot. She elaborated on child pick and drop off patterns.

The Board discussed the meeting schedule going forward.

Mr. Amaral asked if the Town Planner could inform the NRC about the status of the application before the Planning Board before she leaves on vacation. She stated she would inform the NRC.

Town Planner Hughes noted that the Applicant would need to grant a time extension for the Board to make their decision and the Board would have to accept it (by vote).

Town Planner Hughes went through the potential recommended conditions contained in the Planner’s Report and those brought up for discussion this evening. She explained that there was a request from the direct abutter to the east to install a fence of 8’ not 6’. Ms. Miller suggested a condition regarding evening and all-school parent events.

The Board directed the Town Planner to draft a decision with conditions for the August 10th meeting.

Mr. Bosdet moved, and Mr. Flint seconded, that the Board continue the public hearing to August 10, 2021 at 7:30 p.m. Mr. Bosdet amended his motion, and Mr. Flint seconded, to ask that the Applicant grant a time extension to August 13, 2021 for the Board to file its decision with the Town Clerk (The Applicant verbally agreed to grant the extension) and for the Board to accept the extension. All voted in favor. The roll call vote was Ms. Ferguson, yes; Ms. McEneaney, yes; Ms. Orvedal, yes; Ms. Miller, yes; Mr. Bosdet, yes; and Mr. Flint, yes.
Public Hearing, Definitive Subdivision Plan, 48Y Fitchburg Turnpike

At 9:51 p.m., Mr. Boardman returned.

In accordance with provisions of M.G.L. Ch. 41, Sect. 81-T and the Town of Concord Subdivision Rules and Regulations the review the Definitive Subdivision Plan application of Quarry North Road LLC to create a one-lot subdivision with access from the Town of Sudbury for the Concord portion of the tract at 48Y Fitchburg Turnpike, Parcel 3419.

Mr. Flint moved, and Mr. Bosdet seconded, that the Board, without discussion, continue the public hearing on this matter to 7:00 p.m. on October 12, 2021. All voted in favor. The roll call vote was Ms. McEneaney, yes; Mr. Boardman, yes; Ms. Ferguson, yes; Ms. Orvedal, yes; Ms. Miller, yes; Mr. Bosdet, yes; and Mr. Flint, yes.

Relocate driveway for 680 Main Street to McCaller Lane (formerly Keuka Road)

The Town Planner’s memorandum dated July 12, 2021 to the Board contained information regarding this item. Town Planner Hughes explained that it was Town Counsel’s opinion that if anyone can exclude the Shulmans from accessing Mc Caller Lane, it is the other landowners with rights in the way, not the Town. She informed the Board that they do not need to enforce or protect private property rights and did not need to discuss the matter any further.

Approval Not Required Plan #21-3, 43 Pond Street

Town Planner Hughes presented the plan to the Board. The plan shows property is located at the end of Pond Street (a public way) in the Residence C Zoning District, which requires 10,000 s.f. of area and 80 feet of frontage for a buildable lot.

Ms. Hughes explained that the plan shows the division of 43 Pond Street to create one additional building lot with 10,957 s.f. and 112.30 feet of frontage on Pond Street with 64 feet of the proposed lot frontage paved, which is adequate to gain access to the buildable portion of the lot and that Town water, sewer and electric is available in Pond Street.

Ms. Ferguson moved that the Board authorize the Chair, Clerk, or Town Planner to endorse the Plan by Stamski & McNary, Inc. titled “Plan of Land Concord Massachusetts for Bentley Builders” dated June 16, 2021 and owned by DIGI, LLC. as “Approval under Subdivision Control Law Not Required” because the plan is not a “subdivision” because it shows the division of land so that every lot shown has the required frontage as required by the Concord Zoning Bylaw. Ms. McEneaney seconded. All voted in favor. The roll call vote was Mr. Bosdet, yes; Ms. McEneaney, yes; Mr. Boardman, yes; Ms. Ferguson, yes; Ms. Orvedal, yes; Ms. Miller, yes; and Mr. Flint, yes.
Thoreau Depot Public Forum Follow-up Discussion

The Board discussed the public forum to determine if there were any items that they would like to convey to the MAPC Planner or items that they suggest that he follow-up on.

Ms. McEneaney wondered if the Board was putting the “cart before the horse” by creating design guidelines before Zoning Bylaw amendments are enacted. Town Planner Hughes explained that the Board would have to develop design guidelines at the same time as the draft zoning bylaw amendments because the amendments would specifically reference design guidelines. Ms. McEneaney questions the compatibility of the Thoreau Depot re-zoning with the existing commuter parking on Sudbury Road for the train station.

Mr. Bosdet noted that it seems that people attending the Forum got locked into the one design set and reacted as if that design was what would be developed, rather than looking at it as an example of what “could” be done; they looked at it as what “would” be done.

Mr. Flint clarified that the example illustrations that MAPC could prepare would be helpful for the future discussions.

The other items that came out of the public forum that the Board wants to look at further are commuter rail parking, changes to allowable height of structures (above the existing allowed height of 35’), whether to allow a three-story building that has commercial space on the first-floor and residential above (mixed-use), density near transit areas, and pedestrian-friendly components.

2021 - 2022 Planning Board Goals & Projects Discussion

The Board reviewed the draft memo dated July 13, 2021 prepared by the Town Planner. The Town Planner will update the draft memo based on the discussion at this meeting. A review of the final draft will occur at the next meeting.

Registry of Deeds and Land Court Signature Authorization

Mr. Flint moved that the Board authorize the Chair, Vice-Chair, Clerk, DPLM Director, and Town Planner to execute, certify, and endorse approval of plans presented to the Board pursuant to Chapter 41 and related certificates, releases, and other instruments, and any of said persons are authorized to act alone under this authority. Ms. McEneaney seconded. All voted in favor. The roll call vote was Mr. Bosdet, yes; Ms. McEneaney, yes; Mr. Boardman, yes; Ms. Ferguson, yes; Ms. Orvedal, yes; Ms. Miller, yes; and Mr. Flint, yes.

Town Planner Hughes asked that Board members stop in the Planning Office to sign the signature pages that will be sent to Land Court and the Middlesex South Registry of Deeds.
Minutes

The draft minutes for the June 8 meeting will be reviewed at the next meeting.

Planning Board Liaison/Town Planner Updates

None given due to the lateness of the hour.

General Public Comment

Select Board member Linda Escobedo informed the Board that she will be the Select Board’s liaison to the Planning Board for the upcoming year. She looks forward to attending Planning Board meetings in that role.

Pamela Dritt, 13 Concord Greene, Unit 4, asked about the requirements for obtaining a special permit. Mr. Flint explained that there are certain requirements with regard to the issuance of special permits by either the Planning Board or Zoning Board of Appeals and that waivers may be granted based on certain conditions.

The meeting adjourned at 11:14 p.m.

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

- Town Planner’s memorandum dated 7/12/21
- Site plan application and plans Concord Children’s Center
- Draft Planning Board Goals and Projects memo dated 7/13/21

Respectfully submitted,

Kate McEneaney, Clerk

Minutes approved on: 8/10/21