

Minutes of the Planning Board Meeting of August 9, 2022

Pursuant to a notice and agenda filed with the Town Clerk, the Planning Board met at 7:00 p.m. on August 9, 2022, virtually via Zoom <https://zoom.us>. The meeting was recorded and will be available on the Minuteman Media Network.

Clerk Miller was Acting Chair and at 7:04 p.m. opened the meeting and asked for a roll call of the Board members. Present were Mr. Boardman, Ms. Felshin, Mr. Giddings, and Ms. Miller. Town Planner Hughes was also present.

Public Hearing Definitive Subdivision Plan 48Y Fitchburg Turnpike (Parcel #3419)

Town Planner Hughes explained that the Applicant has been proceeding with an application for a Planned Residential Development and would like to continue the public hearing for the Definitive Subdivision Plan until the PRD application process is complete. Ms. Felshin moved to continue the public hearing to November 22, 2023, at 7:30 pm and to grant the time extension to January 6, 2023. Mr. Boardman seconded the motion. The motion passed (4-0) by roll call vote with all voting in favor.

Approval Not Required Plan, 325 & 31X Pope Road (Parcels #1569-2 & #1569-3)

Town Planner Hughes explained that the two proposed lots have frontage on Pope Road in Acton and meet the zoning requirements in Acton and Concord. Mr. Boardman asked whether this would need approval from the Town of Acton and the Town Planner confirmed that the plan would need to be endorsed by both Towns.

Ms. Felshin moved to endorse the Plan by PLACES Associates, Inc. titled "Plan of Land" for 325 Pope Road LLC dated April 19, 2022 as Approval 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 Acton and Concord Zoning Bylaw on an adequate public way and authorize the Chair, Clerk, or Town Planner to endorse the plan. Mr. Boardman seconded the motion. The motion passed (4-0) by roll call vote with all voting in favor.

Potential 2023 ATM Zoning Bylaw Amendments

Town Planner Hughes commented that the Board had previously discussed combining elements from the warrant article for the Thoreau Depot Business District dealing with the affordable housing and open space components and using them to amend the current Zoning Bylaw under Section 4.2.3 Combined business/residence.

Ms. Felshin suggested adding minimum of 10% affordable units for developments of between one and four units, all allowed to be provided through payment-in-lieu, under Section 4.2.3.2, changing the word "façade" to "frontage" under Section 4.2.3.4, and tweaking the language for off-site parking under Section 4.2.3.6. Town Planner Hughes suggested that they reach out to the local affordable housing entities to get their input.

Ms. Miller suggested giving parking relief for adding solar panels and charging stations. She noted that it is difficult for residents to understand what is considered affordable housing. Town Planner Hughes explained that there is an extensive definition in the Zoning Bylaw but that the housing groups may want to look at it and make edits.

The Chair asked for public comment.

Don Kupka of 39 Devens Street, liaison for the Finance Committee but speaking on his own behalf, questioned what the change to the number of affordable housing units would do to property values and funding for affordable housing.

Carol Savoy of 61 Belknap Street asked whether the Zoning amendments would be applicable to the four villages or just the Thoreau Business District and what was included in Zoning District Limited Business #2 (LB2). Town Planner Hughes confirmed that the proposed amendment would be applicable to all business districts and that Zoning District LB2 included only the property at 59 Walden Street. Ms. Savoy also commented that the Town should be focusing on larger scale affordable housing to keep ahead of the 10% 40B threshold.

Sven Webber of 50 Belknap Street asked whether this would increase or decrease parking and open space requirements. Town Planner Hughes explained that the amount of parking for residential units would decrease and that technically the amount of open space would also decrease but noted that the current provision in the Bylaw for open space is so unattainable as to prevent use of this bylaw section and that the amended language would require more usable and publicly accessible open space.

The Board moved on to discuss amending the prohibition on fast food restaurants. Town Planner Hughes gave a brief overview of the history of how restaurant use is regulated in the Zoning Bylaw and changes that have occurred over time to prohibit fast food. She noted that various Town Departments would need to review and comment on possible changes to permit fast food establishments.

Ms. Miller commented on other Towns having issues with traffic backing up on the roads at fast food restaurants. Town Planner Hughes commented that traffic backing up is an issue when the restaurant has a drive through, which would still not be permitted under the Zoning Bylaw.

The Board discussed the draft of the Warrant Article for Mobile Food Establishments. Town Planner Hughes explained that a determination would need to be made by the Building Commissioner on whether a food truck would fit under the definition of fast food before moving forward with the Warrant Article. The Board discussed where a food truck could be parked, the duration of time it could be located there, permitting, and logistics plans.

Don Kupka of 39 Devens Street, liaison for the Finance Committee but speaking on his own behalf, questioned whether prohibiting more than two trucks on-site was necessary.

Planning Board Draft Meeting Minutes

The Board reviewed the draft minutes from the June 14th and July 26th meetings. Mr. Boardman moved that the Board approve the minutes as amended. Ms. Felshin seconded the motion. The motion passed (4-0) by roll call vote with all voting in favor.

With no further business, the Chair adjourned the meeting at 8:48 p.m.

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

- Town Planner's Agenda Memo August 8, 2022
- 2023 ATM Section 4.2.3 Combined Business Residential 7-22-22 Draft
- 2023 ATM Section 4.7.1 Prohibited Uses 8-3-22 Draft
- 2023 ATM Section 5.4.5 Food Truck 8-3-22 Draft
- ANR Application and Plan for 325-31X Pope Road
- Draft Minutes June 14th and July 26th

Approved by the Board: 9/27/22