

Minutes of the Planning Board Public Hearing of August 19, 2020

On August 19, 2020 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 32, 34 to 39 and 41 (By Petition) and to the Concord Sign Bylaw proposed under Article 42 (By Petition) in the 2020 Town Meeting Warrant. The virtual Public Hearing was held via <https://zoom.us>.

Chair Ferguson began by explaining the conduct and format of the Public Hearing and the methods for public comment. The meeting was recorded and will be available on the Minuteman Media Network.

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

Article 32

Mr. Flint gave a presentation on Article 32 Additional Dwelling Unit (ADU). This Zoning Bylaw amendment proposes to delete Section 4.2.2.2 entirely and adopt a new Section 4.2.2.2 to allow the development of attached and detached additional dwelling units.

Ms. Ferguson asked for public comment.

Pamela Dritt, 1304 Concord Greene, asked if someone could tear down a house and build a 2-family dwelling. The Board informed her that a 2-family dwelling is a separate section of the Zoning Bylaw, but that yes, a property owner could tear down a dwelling and build a new dwelling that also contained an ADU. However, there is a maximum size for an ADU, which is not so for a 2-family. Additionally, an ADU cannot be sold off from the principal dwelling.

Moira Walsh, 169 Thoreau St., spoke in support of the Article and thanked the Planning Board for their thoughtful work.

Tanya Gailus, 62 Prescott Rd., asked if a current septic system was not adequate to add an ADU, would a property owner have to upgrade the septic system first then they could get a permit for an ADU. Mr. Flint stated that yes; the septic system would need to be upgraded first and then a permit for the ADU could be issued if it met all of the other ADU requirements.

Article 34

Mr. Johnson gave a presentation on Article 34 Planned Residential Development & Table I Principal Use Regulations. This Zoning Bylaw amendment proposes to amend Table I Principal Use Regulations 4.2.7 Planned Residential Development to change Site Plan Approval from NR (Not Required) to R (Required) and Section 10 Planned Residential Development to change the

permit granting authority from the Zoning Board of Appeals to the Planning Board; amend sections pertaining to Basic Density calculation, Height, Common Open Space, Application requirements, Report and Recommendations, and; add sections regarding Density Bonus and Sustainable Design Requirement.

Mr. Johnson asked for public comment.

Gary Kleiman, 57 Central St., asked how setbacks would be applied to a PRD under the Tree Bylaw and the required area with the exclusion of the wetland. Mr. Johnson noted the difference between the minimum area required for a PRD and the Tree Protection Bylaw setback areas.

Christina Scherer, 97 Highland St., thought there was not much difference between a 25% and 35% required common open space and wondered if the Board considered going with a higher percentage. Mr. Johnson commented that the Board kept in mind that a PRD is an alternative form of development instead of a standard subdivision and proposing 35% was a compromise so that developers would continue to use the PRD provision.

Article 35

Ms. McEaney gave a presentation on Article 35 Hammerhead Lot. This Zoning Bylaw Amendment proposes to amend Sections 6.3.2 and 6.3.2.2 to change the permit granting authority for a Hammerhead Lot special permit from the Zoning Board of Appeals to the Planning Board.

Ms. McEaney asked for public comment. No public comment.

Article 36

Mr. Bosdet gave a presentation on Article 36 Relief from Parking Requirements. This Zoning Bylaw Amendment proposes to amend Section 7.7.2.12 to add six criteria to consider when granting relief from parking requirements.

Mr. Bosdet asked for public comment. No public comment.

Article 37

Ms. Ferguson gave a presentation on Article 37 Thoreau Depot Business and Residence C Zoning District Zoning Map Amendment. This Zoning Bylaw Amendment proposes to amend Section 2.2 Zoning Map to expand the Thoreau Business Zoning District boundary and reduce the Residence C Zoning District boundary on Assessors Parcels #0180 (143 Sudbury Rd.), #0368 (159 Sudbury Rd.), and #0366 (148 – 150 Thoreau St.).

Ms. Ferguson asked for public comment.

Lynn Duffy, 225 Thoreau St., had concern with the expansion of the commercial space into the residential zoning and the increase in the traffic. She does not think this solves any problems.

Moira Walsh, 169 Thoreau St., spoke in opposition to the Article and the impact that it will have on the neighborhood and children. She also does not think this will solve the problems with the issues created by Starbucks and believes this is a quick fix to a long-standing problem. Ms. Walsh thinks there needs to be a traffic and pedestrian study.

Ms. Ferguson acknowledged that the Board was in receipt of an email from Ms. Walsh.

Karen Silver, 164 Thoreau St., had concerns with the Article and the heavy pedestrian use in this area. She believes there should be further study regarding adding another driveway at this intersection. Ms. Silver recommended that the Board postpone this Article and incorporate study of this area into the larger Thoreau Depot Redevelopment project.

Ms. Ferguson provided a quick clarification on the timing of the Thoreau Depot Redevelopment project.

Article 38

Ms. Ferguson gave a presentation on Article 38 Fairs & Bazaars, Antique Show, Suppers and Dances. This Zoning Bylaw Amendment proposes to amend Section 5.4.5 to add “philanthropic” to the list of organizations able to receive a special permit for these types of events.

Ms. Ferguson asked for public comment. No public comment.

Article 39

Mr. Sayegh gave a presentation on Article 39 Prohibited Uses. This Zoning Bylaw Amendment proposes to amend Section 4.7.1 to clarify that the prohibited use is for the keeping of an unregistered trailer or using a trailer for habitation on the property.

Mr. Sayegh asked for public comment. No public comment.

Article 41 (Petition Article)

Petitioner Tanya Gailus gave a presentation on Article 41 On-site Community Notice of Planned Residential Development (PRD) Application. This Zoning Bylaw Amendment article proposes to amend Section 10.4 to require that applicants install signage (visible from the nearest public way) intended to inform the public that a Planned Residential Development special permit application has been submitted for the site, and for the signage to remain on site until the permit is granted or denied.

Ms. Gailus asked for public comment. No public comment.

Article 42 (Petition Article)

Petitioner Tanya Gailus gave a presentation on Article 42 Amend Sign Bylaw to Allow On-site Posting of Notice of Planned Residential Development (PRD) Application. This article proposes to amend the Concord Sign Bylaw to allow the placement of a sign where a Planned Residential Development has been proposed, announcing that a special permit application for a Planned Residential Development has been submitted for the site.

Ms. Gailus asked for public comment.

Diane Proctor, 57 Sudbury Rd. thanked the Petitioner for putting forth this Article.

At 8:17 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 are in the 2020 Warrant for Town Meeting, or may be reviewed online at www.concordma.gov

Respectfully submitted,

Nathan Bosdet, Clerk

Minutes approved on: 9/22/20