



**Town of Concord, Massachusetts**  
**22 Monument Square, Concord, MA 01742**

## **Planning Board Meeting Minutes 01-26-16**

### **Minutes of the Planning Board Meeting of January 26, 2016**

Pursuant to a notice filed with the Town Clerk, the Planning Board met at 7:00 p.m. on January 26, 2016 in the First Floor Meeting Room, 141 Keyes Road, Concord, MA.

**Present:**

John Canally  
Brooke Whiting Cash  
John Cratsley  
Scott Bates  
Gary Kleiman  
Rob Easton

Elizabeth Hughes, Town Planner  
Nancy Hausherr, Administrative Assistant

**Absent:**

Matt Johnson

The meeting commenced at 7:00 p.m. and was audio-recorded. Mr. Canally reminded the audience that anyone recording the meeting should inform him.

#### **Recommendation to the Board of Appeals**

#### **Amendment to Special Permit**

#### **310 Lexington Road**

Mark Brennan appeared before the Board to discuss the application of Mark Brennan General Contractor, Inc. for an Amendment to an existing Special Permit, under Sections 7.1.2, 7.1.5, 7.2, 7.2.4.1, and 11.6, to reconstruct, extend, alter, or change a nonconforming use and structure within the Flood Plain Conservancy District at 310 Lexington Road.

Mr. Brennan gave a brief overview of the nature of the amendment request.

Mr. Kleiman asked about the process for achieving the required compensatory storage in the floodplain. Mr. Brennan explained the process.

Town Planner Hughes explained that the Applicant received a Special Permit in March 2014 to demolish and reconstruct a new dwelling within the Flood Plain Conservancy District and since then the 100-year floodplain has been modified by a Letter of May Revision for the Mill Brook, which significantly lowers the regulatory elevation at this site by 2.9 feet. The Applicant received an Amended Order of Conditions from the Natural Resources Commission on 1/20/16.

The Board considered the Town Planner's agenda memo dated 1/22/16, item #1, which notes that the Engineering Division has no issues or concerns with the amendment and recommends a condition that, prior to occupancy, an as-built plan and engineer certification is provided regarding the flood storage volumes (a condition that is included in the existing Special Permit).

Mr. Canally noted that the date of the original Special Permit listed on page one of the application should be corrected to read 3/26/14.

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

After discussion, Mr. Kleiman moved that that the Board recommend that the Board of Appeals grant to Mark Brennan General

Contractor Inc. an amendment to the existing Special Permit, under 7.1.2, 7.1.5, 7.2, 7.2.4.1, and 11.6, to reconstruct, extend, alter, or change a nonconforming use and structure within the Flood Plain Conservancy District at 310 Lexington Road subject to all previous conditions because the increase in the amount of fill allows the entire structure to be removed from the 100-year flood plain and the plan provides for 1.7 times the compensatory flood storage. Ms. Whiting Cash seconded. All **VOTED** in favor.

### **Meeting Minutes**

The Board reviewed the draft minutes of the 1/12/16 meeting. Ms. Whiting Cash moved that the Board approve the minutes as written. Mr. Cratsley seconded. All, except Mr. Canally who abstained, **VOTED** in favor.

### **Tree Preservation Subcommittee**

Chair Canally thanked those who filled out green cards expressing interest in serving on the subcommittee.

Town Planner Hughes read the Charge adopted by the Planning Board on 10/31/15 and described the potential schedule, activities, and timeline for the subcommittee. Ms. Whiting Cash will serve as Board's non-voting liaison.

Mr. Kleiman spoke in favor of Ms. Collins and Mr. Cratsley spoke in favor of Mr. Funkhouser. Mr. Meltzer was in the audience. He described his professional background and interest in the subcommittee.

After discussion, Ms. Whiting Cash moved that the Planning Board appoint the Elissa Brown, Gail Magenau Hire, Tanya B. Gailus, Elmer Funkhouser, Christa Collins, Robert Meltzer, and Thandi Muno as the seven voting members of the Planning Board's Tree Preservation Subcommittee for 18-month terms that will end on 7/31/17. Mr. Kleiman seconded. All **VOTED** in favor. Non-voting members will be appointed at a future meeting.

### **Meeting with West Concord Advisory Committee**

The Board decided to schedule time on the 3/8 agenda to meet with the West Concord Advisory Committee to discuss their role and expectation as a subcommittee to the Planning Board. Discussion will start at 7 p.m. and will last 45 minutes.

### **Recommendation to the Board of Appeals**

#### **Special Permit and Site Plan Review**

##### **Millbrook Tarry Market**

##### **91-97 Lowell Road & 105 Keyes Road**

Joel Kahn, Equity Alliance LLC; Sean Malone, Oak Consulting Group LLC; and Tom Hughes, Hughes Environmental appeared before the Board to discuss the application of Milltarry Offices Registered, LLP for a Special Permit and Site Plan Approval, under Sections 7.2, 7.3, 7.7.2.4, 7.7.2.7, 7.7.2.8, 7.7.2.12, 7.7.3.6, 11.6, and 11.8, for additional relief from the parking requirements, to allow joint parking facilities to be located on three parcels, for work within the Floodplain Conservancy District and Wetlands Conservancy District, for the construction of a 15,062 sq. ft. market, parking deck, and other related site improvements at 91-97 Lowell Road & 105 Keyes Road.

Mr. Canally acknowledged that the Applicant submitted additional information in response to concerns raised by the Health Division and the peer review of the Applicant's stormwater report but that Town staff and the outside consultant have not had time to review this information. In light of that, he asked that the Applicant's representatives give only a brief overview.

Mr. Kahn provided the following responses to some of the concerns:

**Dumpsters:** Plans will be revised to show that water and electrical power will be brought to the proposed dumpster pad locations, and that the number of proposed dumpsters is reduced from three to two. Mr. Kahn said that he intends to discuss this topic further at next meeting.

**Truck traffic and deliveries, concerns raised by Health Division:** Mr. Kahn thought the review letter provided by the Health Division was very thorough, but stated that the business model for the proposed market is not the same at the two examples provided by the Health Division. He said that the Applicant provided a delivery schedule to show the number of anticipated deliveries and that deliveries would be only be made during the 8 hours a day, 5 days a week with none on the weekend. He acknowledged concerns about traffic and truck deliveries and intends to respond fully to those concerns later when the Applicant's traffic consultant can be present.

**Traffic:** Mr. Kahn acknowledged that the Board sees traffic as a major concern. He reported that additional cameras are being set up

to count traffic data at key points such as Keyes Road and Main Street, Keyes Road and Lowell Road, site driveway locations, and the adjacent gas station entrances and exits. Mr. Canally asked if the additional traffic monitoring was done in response to a comment from the audience at a previous meeting that pointed out that the Applicant's traffic study was done prior to Route 2 improvements got underway. Mr. Kahn replied no. He stated that the peer review identified that the Bayside Engineering report was missing data points for key intersection and off-site impacts of anticipated potential traffic flow from the site. Mr. Kahn said that they agree with that. What they disagree with is the statement that the traffic in all of Monument Square (east of the site) should be studied to properly assess the traffic impact of the proposed redevelopment. Mr. Kahn reported that they have spoken to Town Engineer and they discussed the dilemma of studying Monument Square traffic flow. The Applicant agrees that traffic data where Lowell Road meets Monument Sq. should be studied for impacts to traffic queuing down Lowell Road especially at the evening rush hours. Mr. Kahn commented that analyzing traffic data for all of Monument Square however, puts an undue burden on the Applicant.

**Natural Resources Commission:** Tom Hughes, of Hughes Environmental, will report at the next Planning Board meeting on the status of the Application under review by the Natural Resources Commission.

Mr. Kahn commented that his client was spending lots of money and requested the Board's feedback on whether the Applicant is proceeding in the "right direction" and asked that, if the Board has fundamental issues with the plans, could those issues be identified and discussed further.

Mr. Canally asked if the Board was prepared to give the Applicant a "straw poll" on the Application's direction of the proposed development.

Ms. Whiting Cash, said that she was not prepared to talk about all the components of the plan but stated that the amount of parking relief that is being requested by the Applicant is a major issue.

Mr. Kleiman agreed that parking is a big issue and said that he wants to see the Town Planner's Report before making comments. He asked how the proprietor/management of Rite Aid (an existing retail store/pharmacy on site) feels about the proposed development plans. Mr. Kahn responded that the Applicant and the development team have been reaching out the Rite Aid management on an ongoing basis. Mr. Kahn commented that the Applicant's engineers will submit another parking analysis soon.

Mr. Bates stated that he has a hard time with the lack of master planning for the whole site and all of the elements. He said that his concerns about the proposal include traffic impacts, parking, safety of tractor-trailer truck deliveries, and the location of dumpsters. He commented that, in general, the biggest issue is the overall master plan for the site; that it seems that the market is being squeezed in to fit without forethought to the overall plan. Mr. Bates noted that this is a great site and basically the entrance into Concord and questioned what the long-term master plan was considering Rite Aids lease is up in seven year. Mr. Kahn stated that when the lease is done at Rite Aid, things will likely change.

Ms. Whiting Cash agreed with Mr. Bates' comments and added that she too has concerns from a campus planning perspective. She commented that there does not seem to be adequate thought given to the long-term vision for the site and the potential phasing of development. She likened it to putting the "cart before the horse" which is not an optimal planning method for a multi-building, multi-entrance property.

Mr. Kahn commented that given the purchase of Rite Aid by Walgreens and the change in the pharmacy industry to have drive-through windows, it was likely that Walgreens would look to tear down the building and reconstruct it in a different configuration. Mr. Cratsley asked about the proposed suspended parking area. Mr. Kahn explained that 17 parking spaces could be constructed there, if necessary. Mr. Cratsley commented that he wants to wait until the review by Town staff and the outside consultant is completed before make any further comments.

Mr. Easton applauded the Applicant's efforts to seek the highest and best use of the site, taking into consideration the restrictions of being located in a Historic District. He commented that he looks forward to reading the Planner's Report to know the staff comments on the plans. With that being said, he has concerns with the request for relief from parking and the impact of more cars on the neighborhood. Mr. Easton noted his concern with not taking into consideration the use of Rite Aid and putting the Planning Board in a hard spot of looking at how the site will function as a whole.

Mr. Canally commented that he shares the same concerns raised by the other Board members.

Mr. Canally asked for comments from the audience.

Kristin Johnson, 61 Lang Street, commented that some of the meeting document links for this application on the Town's website do not link to the proper documents. She asked why the concern is only about traffic going into Monument Square from Lowell Road when traffic travelling north, up Lowell Road, is extremely concerning to her as well. She said that she experienced a wait time that exceeded seven minutes recently when trying to leave the gas station at the intersection of Keyes and Lowell Road due to the heavy volume of traffic heading north on Lowell Road.

It was decided that discussion of this application will continue at the 2/23 meeting.

### **Town Meeting and Zoning Bylaw Amendments Public Hearing Preparation**

The Board reviewed the draft presentations prepared by the Town Planner for the Historic Districts Boundary Amendment, Limited Business District #2, Planned Residential Development, and Site Plan warrant articles and suggested small changes to improve the presentation. Mr. Canally and Mr. Cratsley will swap presentations. Mr. Canally will present Article 35 – Residential Uses and Mr. Cratsley will present Article 33 – Historic Districts Map Amendment – Hubbardville District. Mr. Cratsley will not be able to attend the first night of Town Meeting on 4/4/16.

### **Committee Liaison Reports**

Ms. Whiting Cash reported that she attended the Rideout Playground public meeting on 1/11/16 and mentioned several topics of concern that were raised about the concept plan.

Mr. Kleiman commented that he was unable to attend that meeting but that he submitted written suggestions that the parking area be illuminated to increase parking options for those looking for parking to use West Concord businesses and restaurants at night. Ms. Whiting Cash reported that the suggestion did not come up. Mr. Flint, a member of the West Concord Advisory Committee, spoke about encouraging the identification of alternative off-site parking areas for West Concord business employees to use. Town Planner Hughes offered to send Board members a copy of the plan.

Mr. Cratsley reported on the Community Preservation Act Committee's meeting and the land acquisition request. Town Planner Hughes commented that the Planning Board will discuss their position on Article 23 – Land Acquisition – Ball's Hill Road at the 2/23 meeting.

John Canally asked if Mr. Flint had any feedback from West Concord residents, who expressed concerns during the application review, about the TD Bank now that it is open. Mr. Flint reported that he only heard about one comment from a Concord Greene resident who was concerned about the parking lot lighting.

Anita Barker, 100 Newbury Court, asked if there are the plans for Rideout field include the installation of a water fountain at Rideout field. Ms. Whiting Cash replied that there is an existing water fountain.

The meeting adjourned at 8:25 p.m.

*List of documents presented which are on file in the Planning Division Office at 141 Keyes Road, Concord, MA:*

- Town Planner's Agenda Memorandum dated 1/22/16
- Planning Board Tree Preservation Subcommittee Charge dated 10/13/15
- Draft Zoning Bylaw warrant article presentations

Respectfully submitted,  
Brooke Whiting Cash, Clerk

Minutes approved on: 2/23/16