



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

Planning Board Meeting Minutes 02-09-16

Minutes of the Planning Board Meeting of February 9, 2016

Pursuant to a notice filed with the Town Clerk, the Planning Board met at 7:00 p.m. on February 9, 2016 in the Hearing Room at the Town House, 22 Monument Square, Concord, MA.

Present:

John Canally
John Cratsley
Scott Bates
Gary Kleiman
Rob Easton
Matt Johnson

Elizabeth Hughes, Town Planner
Marcia Rasmussen, Director
Nancy Hausherr, Administrative Assistant

Absent:

Brooke Whiting Cash

Mr. Canally called the meeting to order at 7:05 p.m. and opened the Public Hearing pursuant to M.G.L. Chapter 40A, Section 5, concerning Zoning Bylaw amendments proposed under Articles 34 - 42, an amendment to the Hubbardville Historic District Boundary under Article 33, and a Demolition Review Bylaw under Article 32; all as printed in the 2016 Town Meeting Warrant. The meeting was audio-recorded and broadcast live on CCTV. Mr. Canally explained the conduct of the public hearing and mentioned that those watching at home could submit questions via email, which the Board would answer in live time.

Article 32 – Demolition Review Bylaw

Geoffrey Taylor, Chair of the Historical Commission, presented the Article and explained the new Demolition Review Bylaw will replace the existing Demolition Delay Bylaw and will apply to properties built before 1941, are not in a Local Historic District, and gives the Town up to one year to consider other solutions and/or document the property.

Mr. Canally asked for questions.

Jessica Harvey, 102 Pilgrim Road, asked how homes in the Southfield neighborhood could be considered historically significant. She opined that the Bylaw should not apply town wide as it could be a punitive and cumbersome process for some property owners. Mr. Taylor explained why 1941 was chosen and clarified that the date would be fixed, not a moving target. She commented that she is a real estate agent and that, in her experience, agents avoid properties in other towns that have similar bylaws because of the perception that it is detrimental to sellers.

Holly Cratsley, 10 Edmonds Road, wondered about impacts to property owners in the South Meadow neighborhood (in the Residence C Zoning District). She asked who would be responsible for paying for an historic structure report, if necessary. Mr. Taylor replied that an owner would not be required to obtain an historic structure report, although some may choose to do so.

Alice Kaufman, 1615 Lowell Road, a member of the Select Board, suggested that the PowerPoint presentation of this Article should include a flow chart of the process. Mr. Taylor agreed and noted that a separate handout prepared by the Historical Commission for tonight's Hearing includes a flow chart.

Article 33 – Historic Districts Map Amendment **Hubbardville District**

Mr. Cratsley presented the Article and explained its intent, which is to Amend Historic Districts Boundary to add 368-374 Sudbury

Rd to the Hubbardville Historic District.

Mr. Canally asked for questions and there were none.

Article 34 – Zoning Bylaw Amendment
Combined Business/Residence, Section 4.2.3.2

Mr. Kleiman presented the Article and explained its intent, which is to retain requirement for affordable units in a combined business/residence use when there are four or more residential units.

Mr. Canally asked for questions.

Carmin Reiss, 52 Devens Street, a member of the Select Board who stated that she was speaking for herself, asked about potential parking issues with combined business/residence use. Town Planner Hughes explained the parking requirements contained in the existing Bylaw. Director Rasmussen explained that there is often not overlapping parking use.

Article 35 – Zoning Bylaw Amendment
Residential Uses, Section 4.2.2.1

Mr. Canally presented the Article and explained its intent, which is to require any additions to create an additional dwelling unit in an existing structure be integral to and part of the existing building and share a common wall or floor.

Mr. Canally asked for questions and there were none.

Article 36 – Zoning Bylaw Amendment
Planned Residential Development, Section 10.2.3
Diversity of Dwelling Units

Mr. Canally presented the Article and explained its intent, which is to prohibit the use of gross floor area as an element of diversity, require a mix in the style of units and require half of any affordable units granted as part of a density bonus be offered at the low-income level.

Mr. Canally asked for questions.

Michelle Touw, 111 Laws Brook Road, asked about for clarification on the density bonus allowed by including affordable units in a Planned Residential Development (PRD) and about the potential Junction Village development. Mr. Canally explained that Junction Village is not anticipated to be developed as a PRD. Ms. Hughes explained that the current provisions of Section 10.2.3 of the Zoning Bylaw allow for greater density in a PRD if at least 10% of the units are made available as affordable units. She explained that currently the developer gets to choose the level of affordability for the affordable units, ranging from 80% to 150% of Area Median Income (AMI), but only those offered at 80% AMI count on the State's Subsidized Inventory for Concord. She explained that the Article proposes to require that half of any affordable units granted as part of a density bonus be offered at the 80% Area Median Income level which will help the Town reach one of its affordable housing goals.

Article 37 – Zoning Bylaw Amendment
Site Plan Review, Section 11.8.7.1
Religious Uses, Educational Uses, and Child Care Facilities

Mr. Canally presented the Article and explained its intent, which is to include three additional criteria for evaluating a Site Plan for religious uses, educational uses and child care facilities; provision for surface water drainage, adequacy of the methods of refuse and other waste; and adequacy of fire protection measures. He explained that adding these criteria would make Site Plan Review consistent across all types of projects.

Mr. Canally asked for questions.

Electa Tritsch, 233 Heaths Bridge Road, asked about the Site Plan Review process and Town Planner Hughes explained the process.

Margaret Briggs, 253 Elm Street, asked via email, "I am familiar with the zoning issues for these types of projects. Has the Attorney General ruled on this in other towns?" Town Planner Hughes explained that Town Counsel reviewed the Article's language prior to submittal for the Warrant and, that after Town Meeting, the Attorney General will review zoning bylaw amendments that pass, in order to grant approval.

Article 38 – Zoning Bylaw Amendment

Zoning Map Section 2.2 & Zoning Map Interpretation Section 2.3.5

Mr. Bates presented the Article and explained its intent, which is to update the Flood Plain Conservancy District boundary as a result of a Letter of Map Revision accepted by FEMA.

Mr. Canally asked for questions and there were none.

Article 39 – Zoning Bylaw Amendment
Flood Plain Conservancy District
Section 7.2.5.2 move to new Section 7.2.4.8
Uses Permitted Without Review by the Board

Mr. Bates presented the Article and explained its intent, which is to remove the requirement for a Special Permit to do work in the Flood Plain Conservancy District if FEMA has issued a Letter of Map Amendment, Letter of Map Revision, or physical map revision that takes the area out of the 100-year floodplain.

Mr. Canally asked for questions and there were none.

Later during the presentation for Article 40, Ms. Touw, 111 Laws Brook Road, asked for further clarification on how it is determined that a structure is not in the floodplain. Ms. Hughes explained the formal process for property owners to receive a Letter of Map Amendment from FEMA.

Article 40 – Zoning Bylaw Amendment
Agricultural Uses – Sections 4.1.2, 4.1.3, 5.3.4, 5.3.7, 5.3.8, 5.4.4
Table I Principal Use Regulations, Table II Accessory Use Regulations

Mr. Easton presented the Article and explained its intent, which is to revise sections dealing with agricultural uses based on changes to M.G.L. Ch. 40A, Sec. 3.

Mr. Canally asked for questions and there was one question relating to Article 39 (see above) and none relating to Article 40.

Article 41 – Zoning Bylaw Amendment
Principal Use Regulations Table I Section 4.2.3 & Section 4.2.3.4
Combined Business/Residence & Table III Dimensional Regulations

Mr. Canally presented the Article and explained its intent, which is to allow combined business/residence as an allowed use in the Limited Business District #2 (59 Walden St), increase the permitted building height from 25 ft. to 27.5 ft. and prohibit waivers to allow a building height of 40 ft.

Mr. Canally explained that the Limited Business District #2 consists of a single property at 59 Walden Street and the District is one of eight existing Limited Business Districts classified in the Zoning Bylaw. Mr. Canally emphasized that, at this time, there is no specific project under consideration for 59 Walden Street. He stressed that, if this amendment passes, and if an applicant seeks to redevelop 59 Walden Street, then, depending on what is proposed, the application review process would involve several Town Boards such as Planning Board, Zoning Board of Appeals, Natural Resources Commission, and Historic Districts Commission.

Mr. Canally asked for questions.

Carmin Reiss, 52 Devens Street, a member of the Select Board, raised concerns about potential parking issues for combined business/residence uses. She asked for clarification on how parking requirements are determined for such uses. Town Planner Hughes clarified.

Holly Cratsley, 10 Edmonds Road, an architect, questioned the adequacy of the proposed height limit of 27.5 ft. She gave an example of a mixed-use property in West Concord that she designed a residential unit for and gave several reasons why 27.5 ft. may not be a feasible height.

Mr. Canally stated that the Planning Board spent a lot of time considering the appropriate height limit for this District if combined business/residence use was allowed. Mr. Kleiman noted that the way height is measured in a Limited Business District is different from how it is measured in a residential zoning district. Mr. Johnson explained that the Board took into consideration that the 59 Walden Street property slopes down in the back and determined that limiting the maximum height to 27.5' was aesthetically preferred. Mr. Bates commented that the Board realized that there might be potential constraints for residential development on the second floor of the existing building but felt that a height limit of 27.5 ft. would be in proportion with buildings in the adjacent residential neighborhood.

Charles Phillips, 65 Fairhaven Road, suggested that it would strengthen the case for this amendment if the property owner would come forward with a specific plan for review. Mr. Johnson agreed that although he too would have liked to see a specific project for consideration, the Board felt it was warranted to offer the opportunity for redevelopment by proposing to add this allowed zoning use.

Alice Kaufman wondered why the Town should amend the Zoning Bylaw if the 27.5 ft. height may make second floor residential use impractical. She asked about height measurement methods and wondered what the true height of a structure in the District could be.

Mr. Kleiman replied that the intention of the proposed zoning bylaw amendment is to create an envelope for potential redevelopment of this property by allowing a change of use and that the maximum height, top to bottom, would depend on how it is a building is designed.

Article 42 – Zoning Bylaw Amendment

Maximum Floor Area Ratio Section 6.2.13

Nonconforming single and two family residential structures Section 7.1.5

Table III Dimensional Regulations

Mr. Johnson presented the Article and explained its intent, which is to establish a maximum floor area ratio (FAR) for all residential zoning districts and allow a Special Permit to exceed the maximum FAR under certain conditions. He explained that the Board has heard many concerns raised by residents about mansionization, scale, and negative impacts to neighborhoods when large homes are constructed on small lots.

Mr. Canally asked for questions.

Jessica Harvey, 102 Pilgrim Road, commented that the Article is unclear whether an open porch with a roof overhead would count, or whether screened porches or unheated, three-season porches should count towards gross floor area calculations. She opined that the formula proposed in the Article is unfair to those with properties that are on smaller lots and she does not see how this bylaw amendment will help mansionization concerns.

Holly Cratsley, an architect, 10 Edmonds Road, commented that she was currently working on three additions that would be considered out of compliance with Article 42. She opined that FAR, if enacted, would put an excessive burden on homeowners who want to put modest additions on their homes and that even though the special permit process could offer a way to proceed with these types of additions, that it is a costly and time-consuming process. She suggested that the bylaw should include an exception to the floor area ratio limit for additions up to a certain size.

Robert Hilsinger, 102 Central Street, opined that this bylaw amendment would hurt those in Residence C Zoning District most. He asked about the data used and pointed out that assessed property values are based on the previous year's data.

Cynthia Katz, 20 Conant Street, asked about the average square footage of a two-car garage and Mr. Johnson replied that he thought the average size was 800-1000 s.f.

Michelle Touw, 111 Laws Brook Road, opined that the proposed bylaw amendment does not set the threshold high enough to combat mansionization.

Kevin Hurley, 1489 Main Street, opined that the maximum FAR limit on large lots (like those in Residence A and AA Zoning Districts) could have the unintended effect of encouraging the construction of huge homes because having a limit would promote the idea of building homes up to the maximum size, reasoning that "if you permit it, they will do it". He commented on how difficult it is to preserve and restore historic homes and used the example of a home at 368 Sudbury Road to point out that this bylaw amendment would increase the difficulty of saving that type of historic home. He agree with earlier comments made by others and suggested that there should be an exception for small additions, perhaps up to 20%, and that this bylaw will have the largest impact on those with smaller lots.

Stuart Freeland, 573 Lowell Road, cited Chilmark on Martha's Vineyard as an example where a Special Permit must be obtained to construct over a certain square footage.

Steven Ng, 12 Dalton Road, member of the Select Board, commented that this Article is an improvement over what was proposed last year.

Electa Tritsch, 233 Heaths Bridge Road, spoke about the negative impacts that this bylaw would have on owners of homes on smaller lots with limited budgets.

At 9:16 p.m., Mr. Cratsley moved to close the Public Hearing. Mr. Johnson seconded. All **VOTED** in favor.

Respectfully submitted,

Rob Easton, Clerk Pro Tem

Minutes approved on: 2/23/16