



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

Planning Board Meeting Minutes 03-22-16

Minutes of the Planning Board Meeting of March 22, 2016

Pursuant to a notice filed with the Town Clerk, the Planning Board met at 7:00 p.m. on March 22, 2016 in the First Floor Meeting Room, 141 Keyes Road, Concord, MA.

Present:

John Canally
John Cratsley
Scott Bates
Gary Kleiman (arrived 7:55 p.m.)
Rob Easton
Matt Johnson

Elizabeth Hughes, Town Planner
Nancy Hausherr, Administrative Assistant

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 for 52 spaces for a total of 88 spaces, to allow joint parking facilities to be located on three parcels, and 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.

The Board considered the Revised Planner's Report dated March 17, 2016 for SP #15-11; a letter dated March 16, 2016 from the Chair of the Natural Resources Commission regarding the proposed raised parking deck; and a parking calculations sheet dated December 12, 2015 prepared by the Applicant; and reviewed by the Building Commissioner.

Mr. Kahn distributed copies of the Applicant's written responses dated March 22, 2016 (responses indicated in red ink on the Planner's Report) to the Board. Mr. Canally noted that the document was received in the Planning Office only this morning and was forwarded to the Board.

Mr. Malone presented plan sheet C010 and addressed two outstanding issues referred to in the Horsley Witten Group (HWG) letter to the Board dated March 7, 2016. HWG recommendations include, that the dumpster pad be relocated if the proposed parking area is intended to serve as a stormwater detention area and that the revised designs, details, and calculations for the parking deck construction should be reviewed for constructability and compliance.

Mr. Bates asked how the proposed parking structure would be built considering the isolated wetland. Mr. Malone explained the civil engineering methods for the pillars that will be used in construction of the parking deck. He went on to explain the anticipated water runoff patterns for the deck, commenting that it will be designed in such a way that discharge will be to deep sump catch basins.

Mr. Bates asked Mr. Kahn for the name of the structural engineer working on the design of the raised parking deck. Mr. Kahn replied that he could not recall the name of the firm. Mr. Bates reminded Mr. Kahn that, when asked the same question at a previous meeting, Mr. Kahn said that he would provide that information to the Board at this meeting.

The Applicant's wetland scientist Mr. Hughes spoke about the construction methodology that will be used to address wetland areas under the proposed deck to avoid compressing soils there. He described the measures that will be taken to increase the flood storage

of the isolated wetland area through the removal of existing soil and sand deposits from the parking area. He opined that it would be an improvement to remove the existing invasive plants and replace them with native plants.

Mr. Bates wondered if the concrete structure and/or railings of the proposed parking deck would be visible when completed. Mr. Hughes presented the L.2.1 Site Planting Plan, explained the intended plantings along the perimeter of the structure, and commented that the goal is that only vegetation and/or plantings will be visible and not the sides of the structure.

Mr. Hughes described the structure as being 6" slab concrete on 12' beams and with 3-4' railings. Mr. Bates asked how those measurements are known if there are no final structurally engineered plans. Mr. Kahn reiterated that he would provide the name of the Applicant's structural engineer at the next meeting.

Mr. Hughes referred to the outstanding concerns #1-6 mentioned in the NRC letter and commented on how the Applicant intends to address each concern. Mr. Hughes commented that, although this is a unique site, he has experience with the permitting process of similar raised structures on other coastal wetland sites. Mr. Kahn refuted the NRC concerns that "no one on the design team had ever proposed or built such a structure, to understand any long-term implications to the health and viability of the wetland". Mr. Kahn promised that qualified people with the expertise would design the parking structure.

Brooke Whiting Cash commented on the proposed perimeter plantings for the parking deck area. She opined that it is a risky strategy to propose transplanting 4" trees that may not survive in wetlands. Mr. Hughes said that the proposed trees are trees grown in a wetland setting at the nursery, but that the plans could be revised to mix larger trees with smaller trees.

Mr. Canally suggested that a site visit by the Board might be beneficial.

Mr. Easton asked how could the Applicant know what the structural requirements for the load bearing capacity of the deck and finalize a design without the geotechnical soil testing and floodplain compensatory calculations.

Mr. Kahn agreed that the information is unknown at this time but promised that it would be provided at the appropriate time.

Mr. Kahn commented that the plans could be revised to delete the proposed bollards around the parking spaces behind Rite Aid to address the Police Departments concerns. Town Planner Hughes noted that the Police Department did not just have concerns with the bollards and read the Department's comment that "The proposed parking spaces behind Rite Aid are not practical and represent a significant safety issue between vehicle occupants, vehicles and trucks entering and exiting that location; given the required turning movements for delivery trucks and the narrow area, a truck will have to back into the Site from Keyes Road to the loading dock. The Applicant states that the parking spaces behind Rite Aid will be employee parking only. This still does not alleviate the safety issue between vehicle occupants, vehicles and tractor trailers backing into the loading dock."

Ms. Whiting Cash noted that the plan shows designated employee parking spaces and asked how employee parking will be enforced. She did not think the Applicant's shared parking model is completely valid (because it is not fully circulated through all the uses for the site.) She said that in addition to the employee only parking spaces being removed from the shared parking model, that the designated small car parking spaces should be factored into the shared parking calculations as well.

Mr. Canally agreed that, when parking is discussed at the next meeting, revised calculations should be provided to show designated employee parking spaces removed from the parking space counts. Mr. Canally asked about the parking relief that was granted by the Board of Appeals for the Trail's End Café use. Town Planner Hughes said that the Café was granted relief for 36 spaces, but would have to review the Zoning Board of Appeals Decision to find out what were the specific findings made.

Mr. Canally asked about potential noise from the operation of the proposed trash compactors. Mr. Kahn replied by giving an example of how trash compactor use was operated at another commercial site where the time the compacts were used was manual and could be controlled.

Ms. Whiting Cash asked that the plans show the number and location of bicycle parking spaces.

Mr. Kleiman asked if the Applicant would consider providing alternative transportation to the site such as a local shuttle service to reduce the demand for parking spaces. Mr. Kahn replied that the Applicant has not considered that alternative.

Before asking for comments from the audience, Mr. Canally acknowledged that the Board received letters from residents in favor of and in opposition to the proposed project. He explained that the Board would not discuss parking or traffic at this meeting since additional time is needed to allow time for the Town's outside consultant's review of the revised traffic report and parking analysis. He also explained that the Board has heard many comments and concerns about the proposed density of the site and the viewshed from Keyes Road. Mr. Canally asked for new comments from the audience.

Kristin Johnson, 61 Lang Street, claimed that letters of support were directly solicited by Trails End Cafe. She also pointed out that the existing parking lot at Millbrook Tarry was full that night, a Tuesday evening.

Marc Mazur, 57 Lowell Road, commented on the potential noise level and said that since control of the trash compactor operation would not be controlled by the neighbors he did not understand how the noise wasn't going to be an impact.

Susan Miller, 100 Keyes Road, who identified herself as a member of the former Millbrook Tarry Task Force, said that she was in favor of the proposed market.

Mary Fox, 13 Estabrook Road, asked the Board to consider the impact of this project on the overall community in general and, in particular, how this project would negatively affect traffic in adjacent neighborhoods. Mr. Canally reminded the audience that the traffic study would be a topic for discussion at the next meeting.

Bill Herring, 214 Peter Spring Road, said that he was not solicited to write a letter of support, but was in support of the project.

David Garrison, 53 Middle Street, asked the Board to consider pedestrian routes through the site and lighting of the parking lot for pedestrian safety. He anticipates walking to the market. He commented that he would like Concord Police to ticket those who violate timed parking restrictions in Town.

Marc Mazur, 57 Lowell Road, asked about the intended purposes for the second floor of the market building. Mr. Kahn replied that office and storage space is planned for the second floor.

David Wiener, 20 Bow Street, commented that because the traffic getting in and out the site will be so bad, people will just park on Bow Street and walk over. He does not want additional parking on Bow Street. He questioned whether the existing deed restriction would allow a market to be located on site.

Kristin Johnson, 61 Lang Street, spoke of concerns that the traffic study does not look at the impact to specific neighborhoods. She pointed out that Bow Street and Lang Street are already used as cut-through roads by drivers seeking to avoid traffic congestion on Monument Street and Lowell Road. She pointed out that Bow and Lang do not have sidewalks and worries about pedestrian safety if additional cars are parked there.

David Brownell, 36 Bow Street, asked if the Board could ask the Applicant to provide a study of traffic impacts to adjacent neighborhoods.

Eric Mazur, 57 Lowell Road, wondered about the impact to sewer capacity and the existing infrastructure. Town Planner Hughes and Director Rasmussen explained the process that the Applicant will be required to complete with the Public Works Commission if a Special Permit is granted from the Board of Appeals.

Marc Mazur, 57 Lowell Road, opined that that he finds it odd that the concept of a transportation shuttle would be considered more outlandish to the Applicant than the construction of a raised parking deck.

Kimball Halsey, 35 Bedford Court, asked if the market is proposed to be a LEED building. Mr. Kahn replied that the building design plans are not at that level of detail yet. Ms. Whiting Cash remembered that the Historic Districts Commission was not in favor of the installation of solar panels on the roof of the proposed market.

Mr. Kleiman commented that the Applicant seeks a substantial amount of relief from the parking requirements and repeated his suggestion that the Applicant provide alternative transportation such as a shuttle to bring customers to and from the market. This, he commented, would be a way of mitigating the impact of granting so much parking relief.

Mr. Easton opined that it would be unenforceable for the owner to tell his lessees where employees could park. Mr. Kahn replied that such restrictions could be part of the amendments to the existing condominium documents. Mr. Easton asked if the entire site is under one master condominium document. Mr. Kahn replied in the affirmative and stated that the owner's controlling interest is 87.11% and that the condominium documents will be amended if the project is approved.

Mr. Johnson said that his concern is with the parking relief being requested and that parking is the driver of all the other components of the site plan.

Mr. Easton wondered about the Rite-Aid building and whether the existing deed restriction will allow a supermarket on this site. Mr. Kahn explained that it is his understanding that the deed restricts a supermarket from being located in the existing footprint of the Rite-Aid building but not in other areas on the site.

Mr. Kleiman spoke of concerns that the loss of mature trees cannot be offset with younger trees anywhere else on site.

Mr. Canally commented that, while he likes the general idea of having a market located there, he has concerns with the amount of parking relief being requested and the density proposed for the site. He wondered if the Applicant could wait to do the project until after the Rite-Aid building tenancy ends.

The Board continued discussion of this application to 7:00 pm on April 12 to allow additional time for the Town's outside consultant's review of the revised traffic report and parking analysis.

Warrant Article 20

The Board reviewed the proposed list of projects for funding under Article 20 for Community Preservation Committee Appropriations, noting that they previously made a positive recommendation regarding the purchase of 265 Ball's Hill Road under Article 23, which was also seeking additional funding under Article 20. After discussion, Mr. Cratsley moved that the Board report to the Town Moderator their support of the projects proposed under Warrant Article 20. Ms. Whiting Cash seconded. All, except Mr. Easton who voted in opposition, **VOTED** in favor.

Meeting Schedule

The Board decided that it was not necessary to meet on March 29 and decided to cancel the April 26 meeting to instead attend the West Concord Advisory Meeting Open House on April 28. If necessary, meetings will be scheduled at 6:30 p.m. in the high school before the Tuesday, Wednesday, and Thursday sessions of Town Meeting.

Minutes

The draft minutes of the March 8 meeting will be reviewed at the next meeting.

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

- Revised Planner's Report dated March 17, 2016 for SP #15-11
- Millbrook Tarry Market Applicant's written responses dated March 22, 2016
- Letter dated March 16, 2016 from the Chair of the Natural Resources Commission regarding the proposed raised parking deck
- Parking calculations sheet dated December 12, 2015 prepared by the Applicant
- Letters and emails received re: Millbrook Tarry Market application
- 2016 Town Meeting Article #20, CPA Funding Recommendations Project Summaries

The meeting adjourned at 9:30 p.m.

Respectfully submitted,
Brooke Whiting Cash, Clerk

Minutes approved on: 4/12/16