



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

Planning Board Meeting Minutes 04-28-16

Minutes of the Planning Board Meeting of April 28, 2016

Pursuant to a notice filed with the Town Clerk, the Planning Board met at 5:15 p.m. on April 28, 2016 in the Harvey Wheeler Community Center, 1276 Main Street, Concord, MA.

Present:

John Canally
John Cratsley
Scott Bates
Matt Johnson

Elizabeth Hughes, Town Planner

The Chair opened the meeting at 6:15 pm.

Approval Not Required Plan, land of Estabrook Rd Nominee Trust and The 97 Estabrook Rd Realty Trust at 55 and 97 Estabrook Rd, Parcels 1344-1, 1344-2, 1344-1-1.

The Town Planner gave an overview of the ANR plan. The Chair recognized Attorney Evans Huber representing abutter Mary Steele. Attorney Huber opined that the Plan falls within the definition of a subdivision because the applicant was proposing to change a nonconforming lot by adding to it and the lot does not have the required frontage. He referenced an Appeal Court case Smalley vs. Planning Board of Harwich. The Town Planner disagreed with this interpretation, noting there are many examples of a property owner acquiring additional frontage from an abutting property owner to make a lot less nonconforming as to frontage so long as the abutting lot was not then rendered nonconforming.

Attorney Huber questioned when the lot at 97 Estabrook Road was created, it was under the provision that there were two buildings standing that were built prior to 1928, but since that time, one building was demolished. He thought the existing lot was not entitled to this provision of Subdivision Control Law any longer. The Town Planner agreed with this interpretation.

The Chair asked the Town Planner for the options available to the Board. Ms. Hughes informed the Board that the 21-day limitation for action by the Board on the ANR was that day, which required the Board to take action or the Plan would be automatically approved.

Mr. Johnson moved to deny endorsement of the ANR plan without prejudice because every lot shown on the Plan does not have the required frontage required under zoning or shows a Plan on which two or more buildings were standing when the Subdivision Control Law went into effect in the Town on February 28, 1938. Mr. Canally seconded the motion with all voting in favor.

Approval Not Required Plan, land of Estabrook Rd Nominee Trust, at 55 Estabrook Rd, Parcel 1344-1-1 and 33 Liberty Street, Parcel 1325-2-2

The Board postponed discussion of this ANR plan to the May 10th meeting.

The meeting adjourned at 5:40 p.m.

Respectfully submitted,

Brooke Whiting Cash, Clerk