



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

Planning Board Meeting Minutes 05-24-16

Minutes of the Planning Board Meeting of May 24, 2016

Pursuant to a notice filed with the Town Clerk, the Planning Board met at 7:00 p.m. on May 24, 2016 in the First Floor Meeting Room, 141 Keyes Road, Concord, MA.

Present:

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

Elizabeth Hughes, Town Planner

The meeting commenced at 7:03 p.m. and was audio-recorded. Mr. Canally announced to the audience that anyone recording the meeting should inform him. Town Planner Hughes informed the audience that the 7:30 p.m. agenda item (300-310 Baker Avenue) would not be discussed since the Applicant requested a continuance to the June 21 meeting.

Recommendation to the Board of Appeals

Special Permit and Site Plan Review

Millbrook Tarry Market

91-97 Lowell Road & 105 Keyes Road

Allen (Chip) Dewing and Thomas Kearns, of Dewing Schmid Kearns (DSK); Sean Malone, of Oak Consulting Group; and Mike Sardina, of Brown Sardina, Inc. 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 44 spaces for a total of (now) 80 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 Town Planner's agenda memorandum dated 5/20/16; a letter from the Greenman-Pedersen, Inc. (GPI) dated 5/20/16 re: the traffic engineering peer review; a letter from DSK dated 5/20/16 re: an additional proposed letter of agreement; and a letter dated 5/23/16 from Bayside Engineering responding to GPI's parking and site circulation comments. The Board held a site visit at 6:15 p.m. prior to the meeting.

Mr. Kearns reported that the Natural Resources Commission and Historic Districts Commission have given their support of the development. He reviewed the items referred to in the aforementioned proposed letter of agreement.

Mr. Canally asked for questions from the Board.

Mr. Johnson referred to item #3 in the DSK letter referencing the proposed south parking lot (behind the existing Rite Aid building) management policy and the referenced the comment page 1, item #2 in the GPI letter. He noted that GPI suggests a commitment from the employers to require employees to use these spaces *rather* than a restriction limiting them only to employees; that way, if there is a need for overflow parking, the public would be able to access these spaces.

Town Planner Hughes gave an overview of the conversation that she had with the Town Engineer regarding the uses of the proposed driveways and the email he sent 5/24/16 at 5:26 p.m. with additional comments.

Mr. Cratsley asked to which employees the parking restriction would apply. Town Planner Hughes clarified that it refers to all employees of all tenants of the site.

Mr. Kearns continued his review of the 5/20/16 DSK letter. Regarding item #7, parking relief revised request, he distributed two graphs prepared by Bayside Engineering, "Existing and Projected Parking Lot Accumulation Total Saturday Counts" and "Existing and Projected Parking Lot Accumulation Total Weekday Counts". Mr. Canally asked for the dates of the parking counts. Mr. Kearns replied that the counts were done in October 2015.

Referring to the graphs, Ms. Whiting Cash commented that the graph does not take into account the expected shifts in user demand throughout the day; it assumes a consistent number of cars, throughout the day and evening, rather than considering varied anticipated demand and peak times, i.e. picking up prepared meals at dinnertime etc.

Of the 196 spaces, Mr. Kleiman asked about the proposed mix of regular and small car spaces. Mr. Kearns explained that the Zoning Bylaw allows 30% small car spaces and the Applicant's plan proposes 29%.

Mr. Bates asked what are the anticipated peak hours for the market. Mr. Kearns replied that he does not have that information.

Mr. Cratsley asked if the proposed parking deck is planned to be constructed with the market. Mr. Kearns replied that it is planned to be constructed in the initial phase.

Mr. Kearns referred to item #7c (applicant to meet with Police Chief and Community Safety Officer to develop a policy and cost for potential police details, if required in the future by the Planning Board). He referred to an email sent 5/24/16 from the Police Chief to the Town Planner.

Mr. Easton asked for clarification of the meaning of the phase in item #7 "if required in the future by the Planning Board". He asked what would the trigger this requirement.

Town Planner Hughes explained that this would be a condition that the Planning Board includes in their recommendation to the Board of Appeals, and such a condition makes the Applicant notice that they may be required to do that. The Board noted that the Police Chief (in the aforementioned email) recommends that the Applicant agree to hire police details when the Chief or his designee identifies the need and that the Chief plans to meet with residents who abut Millbrook Tarry to hear their concerns.

Mr. Bates asked about signage for Bow and Lang Streets. Ms. Hughes explained the Town's established procedure for the placement of street signs and that it is not in the purview of the Planning Board or Zoning Board of Appeals.

Mr. Kearns continued with the review of the 5/20/16 DSK letter. Mr. Kearns noted that the Town Engineer requests that the Applicant install a culvert pipe to connect the isolated wetland to either the Mill Brook or the Sudbury River *in addition*, to the Applicant providing the Town a drainage easement since the pipe is proposed to reduce flooding within Keyes Road and portions of the site parking area during certain storm events. Mr. Kearns stated that the Applicant agrees to fund the engineering and installation of the culvert pipe as requested.

Mr. Kearns provided a revised site planting plan sheet L.2.1 dated 5/20/16 to the Board. Ms. Whiting Cash asked Mr. Sardina about the proposed plantings for the area along the road. Mr. Sardina explained the type of nursery stock plants (whip stock/immature plants) that would be installed there. She pointed out that the initial screening therefore will not be as great as if ANSI (American Standard Nursery Stock) plants were installed there. Ms. Whiting Cash opined that the sizes of all trees not indicated as coming from New England wetland plants need to be larger in order to provide adequate screening. Additionally, the planting height at sight lines needs to stay low (per Town Engineer's comments).

Mr. Kearns spoke about item #10 in the letter, alternative transportation support. Town Planner Hughes gave an overview of the Cross Town Connect program, the Town's potential membership, and the budget considerations. Mr. Kleiman said that the Applicant's proposal to contribute \$5000 to the Cross Town Connect program is a great gesture but the program does not seem to be an opportunity for a viable, ongoing shuttle service to reduce parking demand on this particular site.

Mr. Canally asked about the Applicant's outreach efforts to adjacent business owners for reserve parking off-site (item #12). Mr. Kearns explained that one of the adjacent business owners declined and the other (Concord Lumber) only said that they would be willing to discuss the subject in the future but no formal agreement was reached.

Ms. Whiting Cash asked for clarification on the total number of streetlights proposed. Mr. Kearns referred to items #11 and #12b and said that the total would be eight streetlights and that the Applicant will purchase the lights and CMLP, (Concord Municipal Light Plant) will install them.

Mr. Johnson asked about the status of the suggestion that the exit onto Lowell Road be restricted to a right-hand turn only (southbound towards Monument Square.) Mr. Kearns replied that per the Board's request there was a meeting on 5/23/16 of the Applicant's representatives and community members. Mr. Kearns said that the Applicant did not see the right turn only restriction as

a formal request from the Planning Board, therefore it was not an item included in the 5/20/16 letter; however, it was reviewed with the Applicant's traffic consultant and it is their determination that a right hand turn only there would create the opportunity for drivers to take the first left onto Bow Street (as a cut-through) and/or to make a U-turn to go northbound on Lowell Road.

Mr. Johnson clarified that he asked because of concerns about traffic backups in the parking lot itself and safety of making a left hand turn into the lot from Lowell Road.

Mr. Kearns distributed a sheet dated 5/23/16 prepared by DSK & Bayside Engineering showing proposed curb cut modifications. He spoke about the proposed improvements to the corner curb cuts at the existing gas station.

Mr. Kearns addressed item #15 the Applicant's parking analysis and the Town Engineer's memorandum comments "that based on GPI's review, it appears that the traffic comments have been satisfactorily addressed and the updated parking layout now appears to meet the Peak Parking Demand based on GPI's shared parking model for the afternoon peak demand".

Mr. Canally reiterated his concerns about the timing of the Applicant's parking study and the apparent increase in the popularity of the Trails End Café on site. He suggested that a new parking count is needed to gauge current conditions on the site. Mr. Kearns opined that the Café was fully operational at the time of the Applicant's study and the study is adequate.

Mr. Johnson noted that, by observation at that evening's site visit, there were approximately 70 cars parked in the lot (not including the Board members' cars) which is a difference between the data of 50 cars in the parking count for the study. He commented that also the parking requirements in the study are shown to be a constant through the day, which is not realistic since it does not reflect peak times.

Town Planner Hughes referred to the 5/23/16 Bayside Engineering memo with the responses to the GPI comments.

Ms. Whiting Cash noted that some have questioned whether commuters are currently using the existing parking lot. She asked if the employee sticker program would include signage limiting the hours of parking in the lot for those who do not have an employee sticker. Town Planner Hughes explained that the employee sticker program might be beneficial to helping the property owner control parking violators but that enforcement would be up to the owner, as it is a private lot.

Town Planner Hughes referred to GPI recommendation about one-way in and one-way out for the access point onto the Keyes Road. She explained that she and the Town Engineer discussed this and concluded that with the improvements to the sight distances and driveway radiuses it is expected that those driveways will be better utilized.

Ms. Whiting Cash asked about construction phasing and asked how this would affect the parking on site during construction. She wondered if existing spaces would become unavailable. Town Planner Hughes explained how conditions of the special permit could be written to address those concerns.

Mr. Canally pointed out that if the parking counts are later determined to be inaccurate or, if parking demand exceeds expectations, there is no leeway to manage increased parking needs on-site.

Mr. Kleiman emphasized that asking for 29% relief from the parking requirements obliges the Applicant to provide more commitment to alternative solutions to merit that amount of relief.

Ms. Whiting Cash mentioned her concerns that the only information the Board has to consider are the parking counts taken at a time when the Café was not as busy. She agreed with Mr. Canally's comments that point out that if this much relief is granted, there are no contingencies to address future parking demand/needs.

Mr. Bates asked about the anticipated noise levels from proposed condenser units. Town Planner Hughes reported that she had a conversation with the Building Commissioner and he explained the methods to determine whether excessive noise from the condensers are a nuisance issue and need to be addressed.

Mr. Kearns reported that the Applicant's representatives met recently with the neighbors.

Mr. Canally asked for comments from the audience.

Kristin Johnson, 61 Lang Street, said that she appreciated that the development team met with the neighbors. She pointed out that the parking study did not consider Bow and Lang Streets and therefore an impact study needs to be conducted for her neighborhood. She spoke about the existing traffic conditions on Lowell Road and traffic back-ups northbound each evening. She questioned the accuracy of the parking study, which, she opined, does not consider that the Café and the proposed market may have the same peak times.

Michael Fox, 13 Estabrook Road, agreed with the previous comments and said that he commutes by the site each day. He said that he, like others, has observed that the number of cars parking on site has increased over the past few months. He asked that the parking counts be confirmed in light of the increased demand at the site and that the impacts to Bow Street be considered. He questioned the value and pedestrian safety of utilizing off-site parking arrangements and the feasibility of the Cross Town Connection program for this project.

Eric Mazur, 57 Lowell Road, agreed with and reinforced the previous speaker's comments regarding the observations about the existing parking demand and the need for the parking study to be re-done.

David Wiener, 20 Bow Street, referred to the unprecedented amount of parking relief that the Applicant is requesting. He questioned the feasibility of the proposed lease of Town land necessary for part of the development. He asked that mitigation, screening etc. be required for the part of the site along the Millbrook.

Wendy Rovelli, 42 Bow Street, spoke about concerns that this development will increase the amount of cut-through traffic on Bow and Lang Streets. She asked what kind of mitigation would be made to address those concerns.

Marc Mazur, 57 Lowell Road, asked that the Applicant conduct a decibel level study for the HVAC equipment.

Judith Keyes, 91 Liberty Street, asked about the formula calculating the required number and location handicapped parking spaces. Town Planner Hughes explained the requirements come from the Americans with Disability Act (ADA) criteria and Massachusetts Building Code.

Marcia Marlow, 30 Bow Street, asked about the anticipated number of employees at the site and the parking requirements for the various uses. Mr. Kearns replied that he does not know the anticipated total number of employees for the site at this time. Town Planner Hughes explained the parking requirements contained in the Zoning Bylaw.

Michael Fox, 13 Estabrook Road, questioned the accuracy of the determination that peak hours for the market and therefore parking demand would be a weekday at 12:30 p.m. He pointed out that peak times for the market and the Café may occur at the same time.

David Brownell, 36 Bow Street, commented that the parking study was conducted in Oct. 2015 at a time when the Café was not as busy as it currently is. Mr. Canally said that he is on the record as asking the Applicant for an additional parking study.

Mr. Kleiman referred to one of the criteria that the Board considers as part of the process for making their recommendation to the Board of Appeals in granting relief from the parking requirements:

Has the Applicant provided documentation from parking studies and/or transportation industry publications that show the parking ratios required in the Zoning Bylaw for the proposed use is not in-line with current industry standards.

He said that the Applicant has submitted a parking study to demonstrate that the Town's Zoning Bylaw is not in-line with current industry standards and the parking relief is warranted. He explained that this is part of the Board's considerations and there seems to be a difference of opinion as to the level of acceptance. Mr. Kearns replied that the parking consultants have said that in terms of industry standards the Applicant's data collected in October shows that the amount of parking provided exceeds industry standards. Mr. Canally and Town Planner Hughes pointed out that the Town's third-party consultant did not comment on current industry standards being different from the Zoning Bylaw requirements.

Kristin Johnson, 61 Lang Street, suggested that if additional parking study occurs it should occur either in the next three weeks or after the summer so that it appropriately reflects the conditions.

David Brownell, 36 Bow Street, asked about the construction phasing and spoke about his concerns that construction workers will park on Bow Street rather than in the lot.

Mr. Kearns commented on the efforts that the Applicant has made to maximize the parking spaces on site while meeting the strict demands of the Natural Resources Commission and asked for the Board's consensus. He opined that the amount of parking relief being requested by the Applicant is not unprecedented.

Mr. Kleiman commented that he is impressed with the steps that the Applicant has taken in the last weeks to address concerns but the amount of parking relief is an unresolved issue that he cannot support without solid contingencies or new parking counts that show sufficient parking during current peak hours for the existing and proposed uses on the site.

Mr. Kearns repeated the outreach efforts by to off-site parking for 11 parking spaces.

Ms. Whiting Cash commented on the methodology of the parking study and the acceptance of the professionals' opinions. She

pointed out that the Town's parking management consultant has pointed out that the Zoning Bylaw requirements exceed industry standards for parking requirements. She opined that it is problematic that there are not contingencies for future parking needs and but that there needs to be balance when creating additional paved spaces.

Mr. Easton commented that it has been pointed out numerous times to the Applicant that the traffic study was conducted in October 2015 and that it would be beneficial to the Board if the counts were re-done to study current peak days and times.

Mr. Canally agreed with Mr. Easton's comments. He said that what he is hearing from the Board and the neighbors is that the October 2015 parking counts do not reflect the existing current conditions.

Mr. Johnson commented that even with the potential for discrepancy in the parking counts, it has been shown by the two consultants that there is sufficient parking; that the market is a needed use for the area, and unless it is determined that there is a discrepancy in the parking counts, that the Board should affirmatively recommend the project with conditions.

Kristin Johnson, 61 Lang Street, referred to item#13 public benefit and public use, in the DSK letter. She cited the example of the recent conditions at White Pond where public good and use can create new problems and exacerbate existing negative conditions.

Mr. Bates commented that it is the Board's due diligence to confirm the parking data by using current studies.

After discussion, Ms. Whiting Cash moved that the Board request that the Town Planner draft recommendation letter with conditions outlining the issues discussed by the Board this evening for review and discussion at the June 7 Planning Board meeting. Mr. Easton seconded. All **VOTED** in favor.

Recommendation to the Board of Appeals
Special Permit and Site Plan Approval
300-310 Baker Avenue

With no other discussion, the Board acknowledged a continuance request received from the Applicant, Normandy 300 Baker LLC, and decided to continue this matter to June 21 at 7:30 p.m.

Minutes

The minutes of the April 28 meeting were reviewed and amended. Mr. Johnson moved that the Board approve the minutes as amended. Mr. Canally seconded. All **VOTED** in favor.

Committee Liaison Reports & Staff Updates

Ms. Whiting Cash gave a brief overview of the May 17th Community Workshop for the process of creating a plan for the open space portion of the site of the future Junction Village assisted living facility in West Concord.

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 5/20/16
- Revised Site Planting Plan sheet L.2.1 dated 5/20/16
- Letter from the Greenman-Pedersen, Inc. (GPI) dated 5/20/16 re: the traffic engineering peer review, Millbrook Tarry Market application
- Letter from DSK dated 5/20/16 re: an additional proposed letter of agreement, Millbrook Tarry Market application
- Letter dated 5/23/16 from Bayside Engineering responding to GPI's parking and site circulation comments, Millbrook Tarry Market application
- Sheet dated 5/23/16 prepared by DSK & Bayside Engineering showing proposed curb cut modifications, Millbrook Tarry Market application
- Graphs prepared by Bayside Engineering, "Existing and Projected Parking Lot Accumulation Total Saturday Counts" and "Existing and Projected Parking Lot Accumulation Total Weekday Counts", Millbrook Tarry Market application
- Email received 5/23/16 on behalf of Normandy Baker LLC requesting continuance to a future meeting, 300 – 310 Baker Avenue application.

The meeting adjourned at 9:25 p.m.

Respectfully submitted,

Brooke Whiting Cash, Clerk

Minutes approved on: 6/7/16