

## **Minutes of the Planning Board Meeting of June 21, 2016**

Pursuant to a notice filed with the Town Clerk, the Planning Board met at 7:00 p.m. on June 21, 2016 in the First Floor Meeting Room, 141 Keyes Road, Concord, MA.

Present:

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

Elizabeth Hughes, Town Planner  
Nancy Hausherr, Administrative Assistant

The meeting commenced at 7:00 p.m. and was audio-recorded. Chair Whiting Cash announced to the audience that anyone recording the meeting should inform her.

### **Minutes**

The minutes of the June 7 meeting were reviewed and amended. Mr. Kleiman moved that the Board approve the minutes as amended. Mr. Canally seconded. All **VOTED** in favor.

### **Tree Preservation Subcommittee**

The Planning Board met with members of the Tree Preservation Subcommittee to receive an update on the Subcommittee's progress and to provide direction on developing potential tree preservation guidelines and/or a general bylaw.

Present were Elissa Brown, Chair; Rob Meltzer; Christa Collins; Tanya Gailus; and Gail Magenau Hire. Ms. Brown presented the information on the "Presentation to the Planning Board 6/21/16" sheet that was distributed to the Board.

Ms. Whiting Cash asked for comments from the audience.

Ms. Gailus opined that some outreach and fact-finding activities carried out by individual subcommittee members were not fully explored during subcommittee meetings. Also, she understood that the subcommittee was formed in response to concerns about tree preservation, so she was curious why there is question of whether or not there is a problem.

Ms. Magenau Hire, commented that another TreePS member Mr. Funkhouser, suggested that Building Permit applications could ask for the existing number of trees on site.

Ms. Whiting Cash asked for comments from the Board.

Mr. Canally opined that there is an existing problem with clear-cutting of trees on private lots citing examples from his own neighborhood. He wondered if grant funds would be available in order to finance the administration and enforcement of a tree bylaw, if enacted. He suggested that the subcommittee look at the shade tree bylaws for Lower Merion Township, PA.

Mr. Johnson opined that there is a problem but that it is related to new construction or reconstruction and not owners' maintenance of their properties and he recalled dramatic examples of unregulated clear-cutting on private lots in Town. He asked if the subcommittee had identified any successful approaches using guidelines versus bylaws. Mr. Canally pointed out that guidelines are not enforceable; bylaws are.

Mr. Kleiman agreed that private development tree loss is problem. He liked the suggestion of collecting tree census information as part of the building permit process since data and documentation would be valuable in both guidance and regulation, and a good first step, but had concerns with the necessary administrative time. He commented that any regulations must be enforceable.

Ms. Whiting Cash, the Planning Board's liaison to TreePS, commented that many have raised concern about tree cutting on public projects too. She also pointed out that in creating a bylaw, many situations would have to be considered.

Mr. Johnson thought that clearing of trees for municipal projects has a process for review and the clearing of trees on private property was unregulated with no public discussion.

Mr. Bates commented that Concord is actually more forested now than at any time in the past since there are not as many active farms. While he understands the concerns, he wrestles with finding the balance between homeowners' rights and aesthetics, and who gets to decide what trees a homeowner gets to remove. He does support the idea of replanting a tree if one is removed.

Mr. Meltzer pointed out that not all neighborhoods in Concord are similar. He commented that his neighborhood and others are actually over forested and trees needed to be removed around homes to lessen the potential fire risk.

Ms. Gailus commented that the subcommittee should study and promote the benefits of trees.

Bouzha Cookman, 94 Hubbard Street, informed the Board and the audience that the Town's newly formed Energy Future Task Force will be holding a public meeting on 6/22/16 at the Harvey Wheeler Community Center and the Task Force will discuss the creation of an energy plan and goals for Concord's future, noting that the benefits of trees as it relates to sustainability principles could be brought up.

Mark Gailus, 62 Prescott Road, commented that trees are a vital part of stormwater management.

The Board thanked the Subcommittee for their work and for the update.

### **Discuss the Proposal to Change the Community Preservation Act Surcharge Amount**

The Board met with Dee Ortner and Bouzha Cookman, members of the Community Preservation Committee, to hear information about the future CPA revenue and the CPC's plans for community engagement to discuss additional funding options, such as raising the CPA levy from 1.5% to 3%.

The Chair thanked Ms. Ortner and Ms. Cookman for their update and looked forward to further discussion with the CPC.

### **Approval Not Required Plan #16-10 994 Old Road to Nine Acre Corner**

Town Planner Hughes presented the plan to the Board. She explained that the plan shows the division of an existing lot in the Residence AA Zoning District into two lots utilizing Zoning Bylaw Section 6.2.4 Frontage Exception.

After discussion, Mr. Canally moved that the Board authorize the Chair, Vice-Chair, or Town Planner to endorse the plan of land of Cicchetti dated 6/8/16, revised 6/16/16, prepared by Stamski & McNary, Inc., as Approval Under Subdivision Control Law Not Required because every lot shown on the plan has at least 160 feet of frontage pursuant to Section 6.2.4 of the Zoning Bylaw. Mr. Johnson seconded. All **VOTED** in favor.

### **Committee Liaison Reports & Staff Updates**

Mr. Kleiman reported on the initial meeting of the Comprehensive Long Range Plan Committee, of which he is the Co-Chair and the Planning Board's representative. He said that the Planning Board's input is expected to be an important part of the two-year long planning process. He suggested that at least once a month (at every other Planning Board meeting) time be reserved on agendas to discuss the CLRPC's objectives and to provide planning content.

Ms. Whiting Cash acknowledged that the Board was in receipt of a resignation email received 6/20/16 from Lydia Lodynsky, of the Tree Preservation Subcommittee. The Board accepted Ms. Lodynsky's resignation.

Ms. Whiting Cash acknowledged that the Board was also in receipt of the 1/30/15 Comprehensive Sustainable Energy Committee memorandum referred to at the last Planning Board meeting during the Junction Village project eligibility discussion

### **Planning Board 2016 – 2017 Goals & Objectives**

The Board discussed its goals and objectives for the next year and decided that the top priorities are updating the Comprehensive Long Range Plan and the Subdivision Rules & Regulations; reviewing the proposed guidelines and/or bylaw from the Tree Preservation Subcommittee; and taking a more active role in furthering alternative transportation options in the community. The Board also intends to begin researching Site Plan Rules & Regulations from other communities,

discuss with the Building Inspections staff interpretation of Gross Floor Area and the Floor Area Ratio and potential amendments to Section 6.2.13 and 7.1.5, and, if Senate Bill 2311 “An Act Promoting Housing & Sustainable Development” is passed, begin discussing what amendments to the Zoning Bylaw and Subdivision Rules & Regulations will be required.

Mr. Johnson distributed a sheet dated 6/21/16 that he prepared in order to categorize potential Planning Board initiatives in terms of the American Planning Association’s Sustaining Places framework principles being used for the CLRP. Mr. Kleiman commented that the Planning Board’s long-range initiatives should occur during the development of the Long Range Plan and reiterated that the Board’s input will be an important part of that planning process.

### **Public Comment**

The Chair opened the meeting up to public comment. Charles Phillips, 65 Fairhaven Road, and member of the Concord Housing Development Corporation (CHDC) commented that the CHDC gets most of its funding through the CPA, and as noted in the previous discussion, there is concern that the level of funding was going to be reduced. Mr. Phillips informed the Board that the CHDC was thinking about other programs to increase affordable housing, such as a home buy-down program, and options for funding those programs if CPC funding were reduced. He mentioned one potential option used by Boston and towns on the Cape was a linkage fee for the creation of any new dwelling units or substantial additions to existing homes. Mr. Phillips gave the example of a linkage fee of \$35 a square foot for homes or additions over 4,000 s.f., which could mean anywhere from a few hundred dollars to \$210,000 for an average 6,000 s.f. home. The Chair thanked Mr. Phillips for his comments, but felt that this was a much larger discussion that needed to a scheduled agenda item and not something for the public comment period. Ms. Whiting Cash invited Mr. Phillips and the CHDC to coordinate with the Town Planner to have this be an agenda item when the CHCD was ready for a more formal discussion

*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 6/17/16
- Update sheet dated 6/21/16 from the Tree Preservation Subcommittee
- Lodynsky email 6/20/16 re: resignation from Tree Preservation Subcommittee
- Memorandum dated 1/30/15 from CSEC re: the potential Junction Village project
- Sheet dated 6/21/16 re: Planning Board Long Range Plan Input, prepared by M. Johnson

The meeting adjourned at 9:46 p.m.

Respectfully submitted,

Gary Kleiman, Clerk

Minutes approved on: July 12, 2016