

Minutes of the Planning Board Meeting of August 23, 2016

Pursuant to a notice filed with the Town Clerk, the Planning Board met at 7:00 p.m. on August 23, 2016 in the First Floor Meeting Room, 141 Keyes Road, Concord, MA.

Present:

Brooke Whiting Cash
Gary Kleiman
Matt Johnson
Allen Sayegh

Absent:

John Cratsley
John Canally
Rob Easton

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.

Keuka Road Preliminary Subdivision Plan #241

A preliminary subdivision application and plan was filed with the Planning Board by Keuka Road LLC. The Board received the application with no discussion or presentation. This item will be scheduled for discussion at the September 27 Planning Board meeting.

Potential 2017 Annual Town Meeting Zoning Bylaw Amendments Discussion

The Board considered the Town Planner's memorandum dated 9/18/16, item #1.

Building Commissioner John Minty and Local Inspector Laurie Livoli attended the meeting to discuss with the Board the topics of potentially allowing food trucks as a principal or accessory use under the Zoning Bylaw; and to discuss Zoning Bylaw Sections 6.2.13, and 7.1.5, relating to gross floor area and floor area ratio interpretations and non-conforming 50% expansion, and staff time demands.

Food Trucks

Mr. Minty distributed to the Board a sheet which explains the Zoning Bylaw criteria relating to the fast food establishments and food trucks and his application of that Bylaw section.

The Board acknowledged receipt of an email dated 8/2/16 from Ben Elliott, proprietor of Salt Box Kitchen, with his concerns about allowing food trucks.

Mr. Minty explained his current determination that mobile food trucks that parked in a particular location at a set day and time every week were not permitted. However, if a particular property owner wished to have a mobile food truck come for a single day for a particular event, he treated that as being no different than hiring a caterer bringing food, which is allowed. The Board had a general discussion regarding this process.

Ms. Whiting Cash asked for comments from the audience.

Several proprietors of Concord food and restaurant establishments spoke in opposition to amending the existing Zoning Bylaw to allow food trucks as a principal or accessory use in Town. Speaking were the proprietors of Concord Provisions (Mr. Rodriquez), Trails End Café (Ms. Akehurst-Moore), The Cheese Shop (Mr. Lovis), New London Pizza (Mr. Batters), and Main Streets Market & Café (Mr. Anderson). All opined that allowing food trucks will take away business from existing permanent local food and restaurant purveyors; that food trucks take dollars out of the community whereas “brick and mortar” establishments bring dollars in to the community; that existing food purveyors pay taxes, rent, sewer improvement fees etc., adhere to Concord Board of Health inspections and regulations, and provide local jobs which benefit the community. All of the speakers urged the Board to support existing permanent food-related businesses in Town by not proposing a change to the Zoning Bylaw.

Craig Beckman, 653 Main Street, asked about the definition of fast food restaurants. Town Planner Hughes explained that Section 4.7.1 of the Zoning Bylaw defines and prohibits fast food restaurants.

The Board was in general agreement with the Building Commissioner’s determination, process and enforcement of mobile food trucks and did not currently see a need to develop a Zoning Bylaw to address mobile food trucks. Mr. Kleiman suggested that this may be something the Board might want to refer to the Comprehensive Long Range Plan for discussion as part of the community’s resilient economy.

Maximum Floor Area Ratio Calculations

Mr. Minty distributed to the Board sheets that Building Inspectors use to calculate Maximum Floor Area Ratio (F.A.R.) in applying Zoning Bylaw Section 6.2.13 and Gross Floor Area Calculations for Non-Conforming Structures in applying Zoning Bylaw Section 7.1.5.

Mr. Minty and Ms. Livoli both explained the substantial increase in the Building Inspection staff time needed to go out to measure homes in order to determine applicability of the Bylaw. They described the confusion that property owners, contractors, architects, and some Board of Appeals members are having regarding the differences in how the Zoning Bylaw calculates gross floor area and floor area ratio.

The Board discussed possible ways to ease and simplify the two definitions. After discussion, the Board suggested that changes to Section 7.1.5 could be proposed for consideration at 2017 Town Meeting. These changes could be to measure gross floor area for non-conforming structures for Section 7.1.5 the same way structures are measured for maximum floor area ratio

for Section 6.2.13; to reduce the allowable expansion of a non-conforming structure to less than 50%, and; to limit property owners who receive a Special Permit from the Board of Appeals to expand a nonconforming structure by more than 50% of gross floor area to a three year time limit after receipt of a Certificate of Occupancy before they could apply for additional expansion.

Meeting Minutes

The minutes of the August 9, 2016 meeting were reviewed and amended. Mr. Johnson moved that the Board approve the minutes as amended. Mr. Kleiman seconded. All **VOTED** in favor.

Committee Liaison Reports & Staff Updates

Mr. Kleiman reported on the schedule and timeline of the Comprehensive Long Range Plan Committee. He explained that the Request for Proposal process is underway to choose a consultant to help with the development of the Plan. Board members discussed how to best prepare for the time that will be devoted to discussion of the matrix topics at Planning Board meetings once a month. Town Planner Hughes offered to include in the Board's packets the planning principles to be discussed each time.

Ms. Whiting Cash reported that the Tree Preservation Subcommittee hopes to attend the September 27 Planning Board meeting to present their final recommendations.

Public Comment

Craig Beckman, 653 Main Street, asked about Section 7.1.5 and the potential negative impacts on a home's market value based on how the maximum floor area ratio gets measured. Ms. Hughes commented that community comments last year were that the new floor area ratio bylaw would have a negative and a positive impact on the sales price of homes. Mr. Johnson did not believe that the floor area ratio bylaw caused any noticeable negative impact.

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

- Preliminary Subdivision Plan #241 for Keuka Road
- Planner's Memorandum dated 9/18/16
- Email received 8/23/16 from B. Elliott re: food trucks

The meeting adjourned at 8:23 p.m.

Respectfully submitted,

Gary Kleiman, Clerk

Minutes approved on: 9/13/16