

## **Minutes of the Planning Board Meeting of January 8, 2019**

Pursuant to a notice filed with the Town Clerk, the Planning Board met at 7:00 p.m. on January 8, 2019 in the First Floor meeting room at 141 Keyes Road, Concord, MA.

Present:

Nathan Bosdet  
Robert Easton  
Kristen Ferguson  
Burton Flint  
Gary Kleiman  
Matt Johnson  
Allen Sayegh

Elizabeth Hughes, Town Planner

The meeting commenced at 7:00 p.m. and was audio-recorded. Mr. Kleiman requested that anyone recording the meeting inform the Board.

### **Recommendation to the Select Board**

#### **Notice of Intent, M.G.L. Ch. 61B**

#### **82 Shadyside Avenue**

The Board considered a letter dated 12/17/18 from Mary E. Bassett, Attorney at Law, which gives notice to the Concord Select Board under the provisions of M.G.L. Ch. 61B of the intent of the property owners of 82 Shadyside Avenue to sell the property and convert its use from forestry to residential. The Board also considered a memorandum dated 1/7/19 from Town Planner Elizabeth Hughes in order to form their recommendation to the Select Board on whether or not the Town should exercise its right of first refusal to purchase the property.

Mr. Easton recused himself from the discussion and exited the meeting room.

Town Planner Hughes described the parcel in question and pointed out adjacent parcels in response to an emailed question that Mr. Johnson had posed. She clarified that the closest conservation land is Kaveski field, which is across Shadyside Avenue, that the only aspect of the property that is could be considered agricultural are the four greenhouses which do not connect to other agricultural parcels, and neither the National Park Service land or the Massport land has the ability to be developed. Mr. Johnson asked about background information on Kaveski field. Town Planner Hughes read from information given to her from the Natural Resources Director. Ms. Hughes replied that she did not know the history of Kaveski field.

After discussion, Mr. Flint moved that the Planning Board recommend to the Select Board that the Town not exercise its right of first refusal option for the land classified as M.G.L. Ch. 61B, 82 Shadyside Avenue, owned by Bergwall & Laura, described in the aforementioned Notice of Intent letter dated 12/17/18 and for the reasons outlined in the Town Planner's memorandum. Mr. Sayegh seconded. All present **VOTED** in favor

Mr. Easton returned to the meeting.

**Recommendation to the Zoning Board of Appeals  
Special Permit, 83 Pilgrim Road**

Greg Aho, of Aho Development, appeared before the Board to discuss the application of Daniel Aho, Pilgrim Nominee Trust, for a Special Permit under Sections 7.2 and 11.6 of the Zoning Bylaw to demolish the existing dwelling and construct a new dwelling within the Flood Plain Conservancy District at 83 Pilgrim Road. The Planning Board's role is to make a recommendation to the Zoning Board of Appeals who is the permit granting authority in this matter.

Mr. Aho presented the site plan and described the proposed work and the required flood plain compensatory storage plans.

The Board considered the Town Planner's Report dated 1/4/19. Mr. Kleiman noted the Town Planner's report and the comments regarding the need for landscaping. Mr. Aho stated he had no issues with the requirement. The Town Planner added that she also recommended the narrowing of the driveway within the road right-of-way. Mr. Aho did not have any issues with the recommendation.

Mr. Sayegh asked about to see photos of the existing dwelling, which were then displayed.

Mr. Kleiman asked for comments from the audience and there were none.

After discussion, Mr. Johnson moved that the Planning Board recommend that the Zoning Board of Appeals grant to the Applicant, Daniel Aho, a Special Permit under Sections 7.2 and 11.6 of the Zoning Bylaw subject to the conditions contained in the aforementioned Planner's Report. Mr. Flint seconded. The Board **VOTED** in favor with one abstention (Sayegh).

**Reappointment of Karen Currie to the West Concord Advisory Committee**

Mr. Johnson, as the Board's liaison to the WCAC, commented on Ms. Currie's value to the Committee over the past year and the Committee's support for her appointment. He noted that although her business was closing, she was looking to stay in Concord and hopefully would not need to leave. The Board agreed that her insight as a business owner was an asset to the WCAC and was in support of her appointment for as long as the Town was lucky to have her.

Mr. Johnson moved to recommend that the Select Board appoint Karen Currie to the West Concord Advisory Committee as a full member for a three year term to end on 5/31/22. Mr. Flint seconded the motion. Mr. Kleiman questioned if this appointment now meant there was an Associate position vacancy. Mr. Johnson stated yes, but the Committee was active in recruiting new members. The Chair asked for a vote and all were in favor.

**Planning Board Meeting Minutes**

The draft minutes of the November 27, 2018 and the December 11, 2018 meetings will be reviewed at a future meeting.

## **2019 Annual Town Meeting Warrant Article Draft Presentations & Petition Article Discussion**

The Town Planner informed the Board that she had not completed the draft presentation for the formula business bylaw amendment. She will complete the draft, send it to the Board member who will be presenting it and have it available at the January 22nd meeting.

Ms. Hughes proceeded to review each of the other eight draft presentations, noting areas where improvements would be made and the following Board members volunteered to present each warrant article: Mr. Easton – Marijuana; Ms. Ferguson – Fairs; Mr. Sayegh – Groundwater Cons. Dist.; Mr. Bosdet – Handicapped Parking; Mr. Flint – Solar & Nonconforming; Mr. Kleiman – Flood Plain Cons. Dist., and; Mr. Johnson – Formula Business.

Mr. Johnson questioned why the Town even needed to delete the Temporary Marijuana Moratorium if it is just expired. Ms. Hughes stated she did check with Town Counsel, but could not recall the exact reason. She would provide that reason to the Board.

Mr. Flint confirmed that each Board member would receive the draft PowerPoint presentation, will make any edits and include their script in the presentation, then send it back to the Town Planner. Ms. Hughes replied yes, noting that the script in the presentation helped staff during Town Meeting advance the slides properly.

### **Committee Liaison Reports and staff updates**

Select Board member Alice Kaufman was present. She encouraged the Board to attend one of the three upcoming Town Manager Search Committee Public Forums to be held in January.

Ms. Kaufman asked for clarification on the definition of a Formula Business and mentioned that it would be helpful to have the definition in the presentation of the Formula Business warrant article at the Public Hearing and at Town Meeting. Town Planner Hughes explained that the definition can be found in Section 1.3.10 of the Zoning Bylaw. Mr. Johnson clarified that the definition is not included in the warrant article because the definition is not being changed but agreed that having the definition in the presentation will be helpful.

Plans to invite the Chair of the Affordable Housing Funding Committee, Todd Benjamin, to attend a future Planning Board meeting to discuss affordable housing was discussed. Ms. Kaufman explained the three warrant articles on affordable housing funding mechanisms that will be on the 2019 Town Meeting warrant.

Town Planner Hughes reported that Applicants for the each of the two pending Planned Residential Development applications, 430 Old Bedford Road and 1440 – 1450 Main Street, are currently going through iterations of design modifications and it is likely that they will not be on a meeting agenda again until the end of February.

Mr. Kleiman asked about post-Town Meeting scheduling and goals concerning housing and housing options in the Village Centers in preparation for future potential zoning bylaw amendments concerning workforce housing. Town Planner Hughes explained that staff from Civic Moxie will be invited to attend the 1/22/19 Planning Board meeting to discuss the Comprehensive Plan Smart Growth Analysis Presentation and then perhaps at a meeting in February Barbara Morse of the Concord Housing Development Corp. and Chris Kluchman, of

the MA Housing Choice Initiative, could also be invited to give a presentations to the Board on affordable housing and funding mechanisms.

### **Public Comment**

The Chair acknowledged receipt of an email from Tanya Gailus regarding a correction to the November 13th meeting minutes regarding the comments made by Holly Miller and the Town Planner regarding the third party review, not a third peer review.

Mr. Johnson moved that the Planning Board amend the minutes of the 11/13/18 meeting to reflect the correction of the term “third peer review” to “third party peer review” [in the discussion of the 430 Old Bedford Road application]. Mr. Bosdet seconded. All **VOTED** in favor.

The meeting adjourned at 8:04 p.m.

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

- Town Planner’s memorandum dated 1/7/19 to the Board re: agenda items
- Notice of Intent Letter dated 12/17/18 re: Ch. 61B & 82 Shadyside Avenue
- Town Planner’s Report dated 1/4/19 for 83 Pilgrim Road
- Email sent to the Board on 1/4/19 from T. Gailus regarding the minutes of the 11/13/18 meeting
- Draft Zoning Bylaw presentations for Annual Town Meeting

Respectfully submitted,

Kristen Ferguson, Clerk

Minutes approved on: 1/22/19