

## **Minutes of the Planning Board 2019 Annual Town Meeting Public Hearing of March 5, 2019**

Pursuant to a notice filed with the Town Clerk, the Planning Board met at 7:00 p.m. on March 5, 2019 in the Hearing Room at the Town House, 22 Monument Square, Concord, MA pursuant to M.G.L. Chapter 40A, Section 5 concerning amendments to the Concord Zoning Bylaw proposed under Articles 29-37 in the 2019 Town Meeting Warrant.

Present:

Nathan Bosdet  
Robert Easton  
Burton Flint  
Matt Johnson  
Gary Kleiman

Marcia Rasmussen, DPLM Director  
Elizabeth Hughes, Town Planner

Absent: Kristen Ferguson, Allen Sayegh

The public hearing commenced at 7:00 p.m. and the Chair stated that the public hearing was being audio-recorded, video-recorded and televised live.

### **Article 29 Zoning Bylaw Amendment – Formula Business**

Mr. Johnson presented Article 29 presentation slides and asked for questions.

Henry Dane, 58 Everett St., handed a letter dated February 7, 2019 to the Board. He noted that he thinks that the list of existing formula businesses in Concord Center was missing a couple of banks and real estate offices. Mr. Dane referenced the information presented in the letter, a conversation with the previous Building Commissioner John Minty and the Wellfleet Court decision. He opined that passing this Bylaw will add more economic pressure to Concord Center and put the Town in a position of having to defend the Bylaw in Court.

Mr. Dane questioned who decides when a business triggers two of the criteria. Mr. Johnson stated that determination is made by the Building Commissioner. Mr. Dane stated he believes this Bylaw should not be passed and the existing Bylaw should be repealed before the Town is challenged in Court and has to pay the legal costs.

Mr. Johnson presented an additional slide and gave an overview of the differences between the proposed Bylaw and the Wellfleet Bylaw that was not upheld by the Court.

Karlen Reed, 83 Whits End Rd., asked for clarification on the map in the presentation. Mr. Johnson provided clarification on the orientation. Ms. Reed suggested that the map be updated to provide landmarks.

Garrett Whitney, 296 Heaths Bridge Rd., shared an experience from another community he lived in and the negative changes due to formula businesses coming into town. He spoke in support of the Bylaw.

Janet Lawson, 90 Lee Dr., believes the Bylaw will help maintain the character of the community and noted that she and Concord CAN are in support of the Bylaw.

Susan Bates, 28 Concord Greene, Unit 6, asked why the Vanderhoof store was not included in the list of existing formula businesses. Mr. Johnson provided clarification on why the Vanderhoof store did not trigger two of the criteria even though it was affiliated with True Value Hardware.

Susan Winter, 128 Nimrod Rd., spoke in support of the Bylaw.

Elise Woodward, 379 Garfield Rd., commented that this Bylaw is just one tool available and suggested adding a slide that talks about the Special Permit criteria and some of the changes that the community might see if the Bylaw is passed. She noted that although this Bylaw amendment is one of the Action Items in the Envision Concord Comprehensive Plan and the Committee received strong comments from citizens, the decision to include it in the Plan was not unanimous among the Committee members.

Mr. Dane noted he has lived in Town for 50 years and misses many of the local businesses, but nostalgia isn't going to fill the store fronts and this Bylaw is not an effective way to stimulate economic vitality.

Mary White, 221 Monsen Rd., spoke in support of the Article and noted that visitors applaud the protection of the Town's character.

Greg Higgins, 51 Cottage Ln., speaking on behalf of himself and the Concord Business Partnership, has concerns about the health of the business community if this Bylaw passes. He spoke with two large commercial lending institutions and they stated they would be more likely to lend to a formula business because they are more stable. He believes that the Town needs to protect the small shop owners and their ability to get loans and there needs to be more investigation to ensure there are no negative impacts to small shop owners.

Mr. Johnson noted that the experience the Town has with the Bylaw in West Concord is that there has been a stable number of formula businesses and the character of West Concord has been maintained.

With no further public comment, the Chair moved on to Article 30.

### **Article 30 Zoning Bylaw Amendment – Personal Wireless Communications Facility Overlay District Map**

Mr. Kleiman presented Article 30 presentation slides and asked for questions.

Matt Crozier, 108 Barretts Mill Rd., and Chief Operating Officer of Middlesex School spoke in opposition to the Article and noted that the School has not requested this expansion. He commented that the School also did not receive any formal notice regarding this proposed amendment.

Julie Bartkus Farm Rd., asked for clarification on the noticing requirements for Town Meeting.

The Town Moderator Carmin Reiss gave an overview of the Town Meeting Warrant Article process and notification. Mr. Kleiman added that the Planning Board included this topic on their Goals document in July and had three separate public meetings to discuss moving this Bylaw amendment forward.

With no further public comment, the Chair moved on to Article 31.

#### **Article 31 Zoning Bylaw Amendment – Handicapped Parking**

Mr. Bosdet presented Article 31 presentation slides and asked for questions. There were no questions from the public.

#### **Article 32 Zoning Bylaw Amendment – Groundwater Conservancy District**

Mr. Kleiman Article 32 presentation slides and asked for questions. There were no questions from the public.

#### **Article 33 Zoning Bylaw Amendment – Marijuana Establishment Temporary Moratorium**

Mr. Easton presented Article 33 presentation slides and asked for questions. There were no questions from the public.

#### **Article 34 Zoning Bylaw Amendment – Nonconforming Single & Two Family Residential Structures**

Mr. Flint presented Article 34 presentation slides and asked for questions. There were no questions from the public.

#### **Article 35 Zoning Bylaw Amendment – Fairs, Bazaars, Antique Shows etc.**

Mr. Easton presented Article 35 presentation slides and asked for questions.

Elise Woodward, Garfield Rd., asked for clarification on slide 5 and whether the Umbrella, which leases the building from the Town, would be required to get a Special Permit. Mr. Easton replied that the Board would get clarification from Town Counsel prior to Town Meeting.

With no further public comment, the Chair moved on to Article 36.

### **Article 36 Zoning Bylaw Amendment – Flood Plain Conservancy District Map**

Mr. Kleiman presented Article 36 presentation slides and asked for questions. There were no questions from the public.

### **Article 37 Zoning Bylaw Amendment – Government and Utility Uses and Table I Principal Use Regulations**

Mr. Flint presented Article 37 presentation slides and asked for questions. There were no questions from the public.

### **Adjournment**

Mr. Johnson moved to close the public hearing. Mr. Bosdet seconded the motion with all voting in favor. The Chair adjourned the meeting at 8:07.

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

- Article 29 PowerPoint Presentation
- Article 30 PowerPoint Presentation
- Article 31 PowerPoint Presentation
- Article 32 PowerPoint Presentation
- Article 33 PowerPoint Presentation
- Article 34 PowerPoint Presentation
- Article 35 PowerPoint Presentation
- Article 36 PowerPoint Presentation
- Article 37 PowerPoint Presentation

Respectfully submitted,

Robert Easton, Clerk Pro Tem

Minutes approved on: 3/13/19