

## **Minutes of the Planning Board Meeting of April 11, 2017**

Pursuant to a notice filed with the Town Clerk, the Planning Board met at 7:00 p.m. on April 11, 2017 in the First Floor Meeting Room, 141 Keyes Road, Concord, MA.

Present:

Brooke Whiting Cash

John Cratsley

Matt Johnson (arrived 7:45 p.m.)

Rob Easton

Gary Kleiman

Allen Sayegh

Burton Flint

Elizabeth Hughes, Town Planner

Nancy Hausherr, Administrative Assistant

The meeting commenced at 7:02 p.m. and was audio-recorded. Chair Whiting Cash asked that anyone else recording the meeting inform the Board. A CCTV staff member announced that he was recording the recording for future broadcast.

### **Recommendation to the Zoning Board of Appeals**

#### **Comprehensive Permit #23**

#### **Christopher Heights at Junction Village, Assisted Living Facility**

#### **6X Winthrop Street (Parcel 2013-1)**

Mr. Johnson, who recused himself from discussion of this application at previous meetings, was not present.

Walter Ohanian, of The Grantham Group LLC, Brian Laroche of Potomac Capital, and Phil Posner, Chair of the Concord Housing and Development Corporation were present to discuss the application of The Grantham Group LLC for a Comprehensive Permit, under M.G.L. Chapter 40B, with waivers to the Town of Concord Zoning Bylaws, for an 83-unit affordable assisted living facility at 6X Winthrop Street.

The Board reviewed the Draft Recommendation Letter with Conditions to the Board of Appeals dated 4/12/17 prepared by Town Planner Hughes at the Board's request. The Board went over the conditions listed in the report and discussed the requested waivers.

Ms. Whiting Cash asked for comments from the audience.

Nancy Teasdale, 42 River Street, asked for reassurance that language regarding the Conservation Restriction is in place. The Board informed Ms. Teasdale that items #7 and 10 of the Town's Memorandum of Agreement with the Applicant addresses her concerns.

After discussion, Mr. Kleiman moved that the Planning Board recommend that the Zoning Board of Appeals grant to The Grantham Group LLC a Comprehensive Permit, under M.G.L. Chapter 40B, with waivers to the Town of Concord Zoning Bylaws, for an 83-unit affordable assisted living facility at 6X Winthrop Street per the draft recommendation letter with conditions as amended by discussion this evening. Mr. Easton seconded. All **VOTED** in favor.

Mr. Johnson joined the meeting after the vote concluded.

**Phase II Black Birch Alternative PRD**  
**Preliminary Site Development & Use Proposal Amendment**  
**ATM Article 42 & Article 43 Planning Board Position**

Kevin Hurley and Jack McBride were present.

Mr. Johnson moved that the Board approve the amendment to the Phase II of the Black Birch Alternative Planned Residential Development Preliminary Site Development and Use Proposal Amendment. Mr. Flint seconded. All **VOTED** in favor.

Mr. Kleiman moved that the Board recommend that Town Meeting take affirmative action on Annual Town Meeting Warrant Petition Articles 42 & 43 as amended. Mr. Flint seconded. All **VOTED** in favor.

**Recommendation to the Select Board**  
**Notice of Intent, M.G.L. Ch. 61B**  
**Lot 4A and Parcel A, Forest Ridge Road**

The Board considered a letter dated 3/30/17 from Thomas Wray Falwell, of Comins & Newbury LLP, which gives notice under the provisions of M.G.L. Ch. 61B by Todd Pulis, Trustee of the Thoreau Realty Trust, and serves to supplement the Notice of Intent given by letter 9/1/16 that Thoreau Realty Trust has executed an Amendment to the Purchase and Sale Agreement dated 8/12/16 to sell the property located at Lot 4A and Parcel A, Forest Ridge Road to Abode Builders of New England, Inc. According to the letter, the Amendment slightly reduces the total area of Lot A and increases the size of Parcel A and the transaction is contingent upon the Town waiving its right of first refusal option for the land classified as Recreational Land under the terms stated in the 2016 Agreement and the said Amendment.

Mr. Kleiman 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 *Recreational Land* under the terms of the 2016 agreement and amendment referred to in the aforementioned Notice of Intent letter dated 3/30/17. Mr. Sayegh seconded. All **VOTED** in favor.

**Town Meeting Warrant Articles**

The Board finalized their reports on the Town Meeting Articles 35-41 and 42-43.

## **Annual Town Meeting Warrant Article 49**

The petitioner of Article 49, Charles Phillips was present to discuss the Article and to ask for the Board's support at Town Meeting. The Board appreciated the efforts of Mr. Phillips to support affordable housing but several members had questions about the fee calculations and assessment methods contained in the Article. Some members opined that there are many specifics that need to be worked out prior to adopting fees to finance affordable housing under home rule legislation. The Board suggested that Mr. Phillips should be prepared to address those specifics at Town Meeting, while others preferred to request the right for home rule authority while the specifics were worked out.

### **Recommendation to the Zoning Board of Appeals** **Special Permit and Site Plan Approval** **Industrial Tower and Wireless LLC** **1400 Lowell Road**

Attorney Jeffrey Angley, representing ITW LLC, and Dan Goulet of C Squared Systems representing Verizon Wireless and AT & T, appeared before the Board to discuss the application of Industrial Tower and Wireless LLC under Zoning Bylaw Sections 7.8, 11.6, and 11.8 for a Special Permit and Site Plan Approval to relocate antenna and equipment to a new 120' monopole telecommunications tower on the campus of the Middlesex School at 1400 Lowell Road. Also, present were Matthew Crozier and Steve McKeown of the Middlesex School and Public Safety representatives from Carlisle.

The Applicants stated that the relocation of existing Verizon, AT & T, and T-Mobile antennas and equipment to the new location is the only feasible means by which the carriers can continue to provide reliable service coverage in this particular area. The Town's outside consultant, IDK Communications, found that the application conforms to Section 7.8.4.1 (e) of the Zoning Bylaw. Mr. Crozier distributed a letter dated 4/11/17 which explains the Middlesex School's rationale for selecting the new tower's location on campus, and public safety concerns.

Chair Whiting Cash asked for comments from the audience.

Ignacio Garcia, 17 Bartkus Farm Road, spoke in opposition to the application.

Ronald Kwon, 1702 Lowell Road, spoke in opposition to the application.

Andrew Sohn, 15 Bartkus Farm Road, spoke in opposition to the application.

Chair Whiting Cash closed public comment.

In order to make their recommendation to the Zoning Board of Appeals, the Planning Board, in addition to considering overall criteria in Section 7.8 Personal Wireless Communication Facility section of the Zoning Bylaw, also considered the Applicant's request for waivers of certain sections of the Bylaw.

The Board considered the Applicant's request for a waiver from the requirements of Section 7.8.4.2 (d) of the Zoning Bylaw. The Board recommended that this waiver be granted because the proposed equipment shelters will not be visible.

The Board considered the Applicant's request to exceed the minimum height described in Section 7.8.4.2 (e) of the Zoning Bylaw. The proposed 120' tower is designed to accommodate four wireless carriers. The Applicant has stated that this height is the minimum needed by the three aforementioned existing carriers to close the gaps in their respective coverage areas. The Town's outside consultant has found that the application conforms to this section. The Applicant stated that the average height of the surrounding tree canopy is 75 feet. The Applicant requests to construct a tower that exceeds the allowed 95 feet and has presented information to support the request. The Applicant's representatives contend that if the proposed tower were lower than 120 feet, emergency services equipment would not have space in the fourth spot on the tower. After lengthy discussion, the Board recommended (6 to 1) that this waiver should **not** be granted because an increase of the tower height to 120 feet will be a material increase in the visual impacts from Lowell Road.

The Board considered the Applicant's request for a waiver from the requirements of Section 7.8.4.2 j (i) of the Zoning Bylaw. The Board recommended that this waiver be granted since the property owner is a school and the school has authorized the filing of the application.

The Board considered the Applicant's request to locate a new tower closer than 1000 feet, on a horizontal plane, to the structure of an existing single-family dwelling, described in Section 7.8.4.2 j (ii) of the Zoning Bylaw. It has been determined that the proposed tower is located approximately 600 feet from an abutting existing single-family detached dwelling. The Applicant contends that this particular location on the campus is the only viable new location identified by the Middlesex School as appropriate to locate a new tower. After lengthy discussion, the Board recommended that the request for this waiver should **not** be granted and recommended that further investigation, of other potential sites that meet this requirement, is warranted.

The Board considered the Applicant's request for a waiver from the requirements of Section 7.8.4.2 j (iii) of the Zoning Bylaw. The Board recommends that this waiver be granted since it is the Middlesex School campus that is eligible to be listed on the state or federal Register of Historic Places and the school has authorized the filing of the application.

Mr. Kleiman moved that the Board recommend that the Zoning Board of Appeals **not** grant the waiver related to the tower height not exceeding 20 feet above the existing tree cover. Mr. Flint seconded. All, except Mr. Easton, **VOTED** in favor.

Mr. Kleiman moved that the Board recommend that the Zoning Board of Appeals **not** grant the waiver related to locating the new tower within 1000 feet of an existing single-family dwelling. Mr. Sayegh seconded. All **VOTED** in favor.

Mr. Kleiman moved that the Board recommend to the Zoning Board of Appeals grant the waiver to the 1,000 feet setback from an eligible historic structure, the waiver to the 1,000 feet setback

from a school and a waiver to allow the proposed equipment shelters taller than the 6-foot perimeter, although it does not appear this waiver is necessary. Mr. Flint seconded. All **VOTED** in favor.

**Appoint member to West Concord Advisory Committee**

Mr. Kleiman moved that the Planning Board appoint Michael Nowicki as a full member of the West Concord Advisory Committee for a term to end on December 12, 2018. Mr. Cratsley seconded. All **VOTED** in favor.

**Comprehensive Long Range Plan update & discussion session**

This will be discussed at a future meeting.

**Committee Liaison Reports & Staff Updates**

The Board was reminded that the West Concord Open House is May 10, 2017. The Board discussed their planned attendance and the impact on their meeting schedule and ultimately decided to keep their regularly scheduled meeting on May 9.

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

- Draft Recommendation letter to the Zoning Board of Appeals re: Junction Village
- Planning Board Report on 2017 ATM Warrant Articles 35-41 and Articles 42-43
- Notice of Intent letter dated 3/30/17 re: M.G.L. Ch. 61B &

The meeting adjourned at 10:45 p.m.

Respectfully submitted,

Gary Kleiman, Clerk

Minutes approved on: 5/23/17