

Minutes of the Planning Board Meeting of April 28, 2020

Pursuant to a notice and agenda filed with the Town Clerk, the Planning Board met at 7:00 p.m. on April 28, 2020 and held a virtual online public meeting.

Mr. Johnson opened the meeting and stated his name as Chair of the Concord Planning Board and called the public meeting to order at 7:00 pm.. He noted the meeting was being conducted virtually in accordance with the Commonwealth of Massachusetts Executive Order of March 12, 2020 Suspending Certain Provisions of the Open Meeting Law and that it was being recorded.

Mr. Johnson explained that the April 28th Planning Board is not a public hearing; it is only a public meeting. Consistent with the Select Board's [Temporary Policy Directive and Guidelines for Public Meeting and Public Hearings conducted Via Remote Participation Due To Covid-19 State of Emergency](#), the public is invited to view the meeting as an attendee only and will not be permitted video or audio access. If an attendee has a question during this virtual meeting, they will use the Question & Answer function and have to type in their name and address prior to their question so it can be read by me and included in the record of the meeting. Questions will be answered to the extent possible.

He explained that following the presentation by the Applicant, for which the Chair will allow the Applicant to share the screen and make their presentation, the Board will ask questions of the Applicant. Following this, the Chair will ask for public comment.

All video screens will be turned off, with the exception of the Board, Town Planner, and the current Applicant. Once the Board has acted on an application, the Applicant is free to leave the meeting.

Mr. Johnson then asked for a roll-call of the Planning Board members. In addition to Mr. Johnson, Mr. Bosdet, Ms. Ferguson, Mr. Flint, Ms. McEneaney, Ms. Orvedal, and Mr. Sayegh were present. Town Planner Elizabeth Hughes was present as a panelist.

Mr. Flint recused himself from the discussion on the first agenda item and the Chair removed him as a panelist so that he did not have any video or audio capabilities.

Recommendation to the Zoning Board of Appeals Special Permit Planned Residential Development 1651, 1657 and 165X Main Street

The Board considered the application of Now Communities LLC for a Special Permit under Sections 10 and 11.6 of the Zoning Bylaw for a 14-unit Planned Residential Development at 1651, 1657, and 165X Main Street, (Parcels 2685, 2686, & 2687) in order to make a recommendation to the Zoning Board of Appeals, who is the permit granting authority in this matter.

Attendees for the Applicant were Daniel Gainsboro, of NOW Communities LLC, and Daniel Carr, P.E., of Stamski & McNary, Inc.

Mr. Gainsboro began with an overview of the proposed project and plans and gave a PowerPoint presentation. Mr. Carr presented the stormwater management plan and described the proposed engineering.

The Board reviewed the Planner's Report dated 4/16/20 and the sections of the Concord Zoning Bylaw relevant to this application. The Board was in support of many of the positive elements of the project; LID stormwater design, smaller units, limit on impervious coverage, central car barns, and the affordable units. The Board noted the common elements with the adjacent Riverwalk development and asked the Applicant to look to see if there were additional ways to share.

Mr. Johnson read the questions submitted via the Question & Answers function.

Janet Miller, 1647 Main Street, submitted this question: "I appreciate the many hours of hard work that Dan Gainsboro has put in to get our input into his project next to Riverwalk. I agree with the consensus of the Riverwalk that we approve his plans. My only concern is that I think he only plans to leave one of the mature trees on the property. Would Mr. Gainsboro consider whether it would be possible to leave more trees?"

Gary Kleiman submitted this question: "Can you say more about the public access to the open space? Is there access along the driveway or is the access from Westvale or along the river somehow?"

Jen Flint, 1643 Main Street, submitted this question: Dan mentions Riverwalk as the "gold standard" for sustainable development, so it seems like a real missed opportunity here where 5 of 12 buildings aren't oriented to maximize for solar in Waterside. How would those units achieve net-zero goals, given their north-south orientation? Also, what is the plan for construction traffic in and out of Riverwalk's driveway and the placement of our existing dumpsters during construction? Thanks."

Mr. Gainsboro, in response to those questions and comments, explained that the design team is exploring different roof configurations in order to orient roofs to have more surface area of direct southern exposure and possibly rotating the location two homes on the proposed lower court. He explained the proposed phasing in order to minimize the impact to the existing adjacent Riverwalk residential development.

Mark Lauritano, submitted this question: "Are there plans to add some feature/lighting to the entrance off Main Street to clearly mark the entrance to the two developments?"

Mr. Gainsboro replied that it is intended that signage will be installed to identify the entrance to the development and the location of the units.

The review of this application will resume at the 5/26/20 Planning Board meeting.

The Board would like to hear more from the Applicant about the shape and character of the common open space, landscaping design, lighting, and signage.

At 8:18 p.m., Mr. Flint rejoined the meeting.

Preliminary Subdivision Plan #246
146B, 1440, and 1450 Main Street (Parcels 2407, 2408, 2409)

The Board considered the Preliminary Subdivision Plan application of Symes Development & Permitting LLC , for a twenty-two lot subdivision on 8.935 acres of 146B, 1440, and 1450 Main Street (Parcels 2407, 2408, 2409).

Attendees for the Applicant were Jeffrey Rhuda of Symes Development & Permitting LLC and Richard Harrington, P.E. of Williams & Sparages.

The Board reviewed the Planner’s Report dated 4/16/20 and the criteria contained in the Concord Subdivision Rules and Regulations.

Mr. Johnson acknowledged that the Board was in receipt of a number of emails from residents, some of whom had questions. He explained that Town Planner Hughes replied to the emails to answer the questions.

Mr. Johnson acknowledged that a comment was received from Ellen Quackenbush, 206 Prairie Street via an email sent on 4/28/20 at 3:37 p.m.

Mr. Johnson read the questions submitted via the Question & Answers function.

Paul Winkler, 1414 Main Street, submitted this question: Please speak to the degree to which the Tree By-law applies to this project. Aesthetically the neighbors desire to maintain as many mature legacy trees on the lots as possible, and hide as many of the new homes behind trees or the hillside. A reading of the Tree By-Law appears to exempt a subdivision from its provisions.

Town Planner Hughes explained that this is the first Preliminary Subdivision plan to come through after the Town adopted the Tree Preservation Bylaw and that should the Applicant file a Definitive Subdivision Plan, the clearing and grading for roadways and the installation of stormwater management, drainage areas, and utilities are not subject to Tree Preservation Bylaw. The applicant will be required to show very detailed plans. She explained that those areas which are outside that type of work areas would be individual house lots which are subject to the Tree Bylaw at the time they apply for building permit; the construction of a home on a vacant lot is triggers the tree bylaw.

After discussion, Mr. Flint moved that the Planning Board grant the Preliminary Plan “Center & Main”, 1440 Main Street, Concord, MA Sheet 1 to 4 dated March 4, 2020 by Williams & Sparages with conditions as stated in the Town Planner’s report dated April 16, 2020. Ms. Ferguson seconded and all voted in favor. The roll call vote was Mr. Sayegh yes; Mr. Flint yes;

Mr. Bosdet abstained; Ms. McEneaney yes; Ms. Ferguson yes; Ms. Orvedal yes; Mr. Johnson yes.

Ms. McEneaney asked about the next steps and the processes for the Planning Board and Zoning Board of Appeals and the Applicant. Town Planner Hughes explained about the Applicant's and Board's options regarding reviewed of a Definitive Subdivision Plan, should the Applicant file one, and the requirement of the special permit from the Zoning Board of Appeals for earth removal.

Approval Not Required Plan #20-06
93 Coolidge Road & 109 Oak Road

A plan was submitted for two properties which are located at the southern end intersection of Oak Road and Coolidge Road in the Residence A Zoning District, which requires 40,000 sf. of area, 150 feet of frontage and at least 50% of the area outside of the Floodplain and Wetlands Conservancy District. The Plan shows the conveyance of 14 s.f. of area and 21 feet of frontage from 2A (109 Oak Rd.) to Lot 1A (93 Coolidge Rd.). Lot 1A is currently nonconforming with only 100.69 feet of frontage. This conveyance allows Lot 1A to become a conforming lot as a Frontage Exception Lot under ZBL Section 6.2.4 with over 150 feet width at the location of the front wall of the dwelling. Both lots have well over 40,000 s.f. of total area and over 20,000 s.f. of upland.

Mr. Flint moved that the Board authorize the Chair, Clerk, or Town Planner to endorse the plan for Peter & Rachel Alternative and Sally Walther by Stamski & McNary, Inc. dated March 3, 2020 as Approval under Subdivision Control Law Not Required because the division of the tract of land shown on the plan is not a "subdivision" because every lot shown on the plan has the required area and frontage for the Residence A Zoning District as required by the Concord Zoning Bylaw on an adequate public way (Oak Rd & Coolidge Rd.) Mr. Sayegh seconded and all voted in favor. The roll call vote was Mr. Sayegh yes; Mr. Flint yes; Mr. Bosdet yes; Ms. McEneaney yes; Ms. Ferguson yes; Ms. Orvedal yes; Mr. Johnson yes.

Approval Not Required Plan #20-05
Off Fitchburg Turnpike (Parcel 3430) Nashawtuc Country Club

A plan was submitted for a large parcel off of Sudbury Road and Fitchburg Turnpike that comprises the Nashawtuc Country Club. The portion of the property shown on the ANR Plan is approximately 1,600 feet west of the intersection of Sudbury Road and Fitchburg Turnpike (Rt. 117). The property is in the Residence A Zoning District, which requires 40,000 sf. of area, 150 feet of frontage and at least 50% of the area outside of the Floodplain and Wetlands Conservancy District. The Plan shows the creation of two buildable lots, each with over 40,000 s.f. total area and over 20,000 s.f. of upland and over 150 feet of frontage on an adequate public way.

Mr. Flint moved that the Board authorize the Chair, Clerk, or Town Planner to endorse the plan for Nashawtuc Country Club by Meisner Brem Corporation, dated March 12, 2020, as Approval under Subdivision Control Law Not Required because the division of the tract of land shown on the plan is not a "subdivision" because all of the lots have the required area and frontage for the

Residence A Zoning District as required by the Concord Zoning Bylaw on an adequate public way (Fitchburg Turnpike). Mr. Bosdet seconded and all voted in favor. Mr. Sayegh yes; Mr. Flint yes; Mr. Bosdet yes; Ms. McEaney yes; Ms. Ferguson yes; Ms. Orvedal yes; Mr. Johnson yes.

General Public Comment - Public Comments that was submitted to the Planning Division (Planning@concordma.gov) up until 4:00 p.m. on 4/28/20 was shared.

Mr. Johnson again acknowledged receipt of a public comment submission from Ellen Quackenbush, of 206 Prairie St., which were considered during the Preliminary Plan discussion earlier.

Mr. Johnson read a comment that was received in the Question and Answer section from resident, Jack Madigan: With the COVID-19 impact on the economy, is there anything the town can do to be sure financing will be in place and secure prior to the start of the project and clearing of the property of trees? We do not want an eyesore to be on this site if financing dries up or disappears. Thanks.

Planning Board Meeting Minutes

The Board reviewed and amended the draft March 10th minutes. Mr. Johnson moved that the Board approve the minutes of the 3/10/20 Planning Board meeting as amended. Mr. Flint seconded and all voted in favor. The roll call vote was Mr. Sayegh yes; Mr. Flint yes; Mr. Bosdet yes; Ms. McEaney yes; Ms. Ferguson yes; Ms. Orvedal yes; Mr. Johnson yes.

The meeting adjourned at 9:04 p.m.

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

- Town Planner's agenda memorandum dated 4/21/20
- Planner's Report dated 4/24/20 for 1651-1657 Main Street
- Planner's Report dated 4/16/20 for Preliminary Subdivision Plan #246
- ANR Plan #20-6 and Form A application
- ANR Plan #20-5 and Form A application
- Draft meeting minutes 3/10/20

Respectfully submitted,

Burton Flint, Clerk

Minutes approved on: 5/26/20