

Minutes of the Planning Board Meeting of June 25, 2019

Pursuant to a notice filed with the Town Clerk, the Planning Board met at 7:00 p.m. on June 25, 2019 in the First Floor meeting room at 141 Keyes Road, Concord, MA.

Present:

Matt Johnson
Kristen Ferguson
Burton Flint
Kate McEneaney
Allan Sayegh

Elizabeth Hughes, Town Planner

Absent: Nathan Bosdet

The meeting commenced at 7:00 p.m. and was audio-recorded and videotaped for the Minuteman Media Network. Mr. Johnson requested that anyone else recording the meeting should inform the Board. Mr. Johnson spoke about the two upcoming workshops to be held at 300 Baker Avenue regarding the future Assabet River Pedestrian Bridge and encouraged attendance.

Public Hearing

At 7:00 p.m., Mr. Johnson opened the Public Hearing on the Application of Fatface Corporation by Mark Bobrowski, Esq. for a Special Permit under Sections 3.3 and 11.6 of the Zoning Bylaw to establish a new formula business for a clothing store in Concord Center at 4 Walden Street, Parcel 0832.

Attorney Mark Bobrowski and Greg Droc, property owner with Linear Retail, appeared before the Board on behalf of the Applicant and presented the application to establish an 1,817 s.f. retail clothing and accessory store. The business currently has 230 stores in the UK and 19 stores in the U.S. It was explained that the business has a distinct and highly recognizable brand image, color scheme, signage, and array of merchandise.

The Board reviewed the application and supporting materials, the criteria of Section 3.3.4 of the Zoning Bylaw, and the Planner's Report dated 6/25/19, in which she did not have any issues or concerns with the proposed project. It was explained that the Building Commissioner notes that the proposed retail use is a legal nonconforming use under the parking requirements and that the Applicant received a Certificate of Appropriateness for the proposed signage and that no other exterior modification are proposed.

The Board was in receipt of a letter dated 6/18/19 from Henry Dane of Dane, Brady, and Hayden Attorney at Law containing questions and concerns about the process.

Mr. Johnson asked for comments from the audience.

Mr. Flint moved and Ms. Ferguson seconded that Board grant approval of the Special Permit to the Applicant as requested based on the Board's deliberation and findings and requested that the Town Planner finalize the decision for filing with the Town Clerk. The Board voted 5 (Johnson, Flint, Sayegh, Ferguson, and McEneaney) to 0 in favor.

Mr. Johnson closed the Public Hearing.

Mr. Johnson asked Mr. Bobrowski for informal commentary on the bylaw since this was the first application of this type that the Board has reviewed. Mr. Bobrowski cited an example of a formula business bylaw in Islamorada, FL regarding fast-food restaurants and how those types of regulations could be problematic.

Housing Initiatives Discussion

The Board resumed their housing initiative discussion regarding a potential Zoning Bylaw Amendment for accessory dwelling units and allowing two-family zoning in the Residence C Zoning District. They reviewed the Accessory Dwelling Units – Key Questions sheet and the Two-Family Housing – Key Questions sheet.

Public Comment

Sue Felshin, 19 Sunnyside Lane, made several comments. She observed that she often sees single family dwellings constructed that have "maxed out" the lots and that personally she would prefer that a dwelling that maxes out a lot to at least be a two-family because that could provide affordable housing options. She said that she admires existing two-family structures in Town and has realized that those dwellings often pre-date zoning and automobiles so she was wondering how best to update the current zoning bylaw to allow two-family dwelling and also to provide adequate on lot parking. She wondered about shared utilities and sewage, septic requirements and geothermal systems. She suggested an affordability bonus for construction of two-family. She encouraged the Board to allow two-families by right. She comments on requirements on stairways in the other towns examples.

Susan Bates, Select Board liaison to the Planning Board, applauded the Board for addressing this topic. She asked about tiny houses, additions, moveable tiny houses.

Signatory Pages

Mr. Sayegh moved and Ms. McEneaney seconded to authorize the Chair, Vice-Chair, Clerk, DPLM Director, and Town Planner to sign on behalf of the Board. All voted in favor. The Board signed the form letters which will be sent to Land Court and the Registry of Deeds. (Mr. Bosdet will sign at a future meeting.)

Minutes

The Board will review the draft minutes of the 5/21/19 and 6/11/19 meetings at the 7/9/19 meeting.

Committee Liaison and Staff Updates

Ms. McEneaney reported that she will attend the upcoming Hanscom Area Towns (HATs) meeting.

Mr. Flint reported that the Community Preservation Committee recently held a kickoff meeting but that he was unable to attend.

Mr. Johnson reported that he attended the recent Chairs' breakfast and learned that there is a Long Range Capital Planning & Facilities Committee being formed. Town Meeting is likely to be the last week of April in 2020. The Planning Board has been invited to an upcoming Select Board meeting at the end of July. Town Planner Hughes explained that the Applicant for a Preliminary Subdivision Plan filed for 136 Barnes Hill Road has granted an extension of time for the Board to file its decision and that likely the application will be scheduled for a meeting in August.

The Board discussed the need to fill a vacancy on the Board and quorums for upcoming meetings.

Town Planner Hughes reported that the Town through their participation in Cross Town Connect has filed for a community participation grant to implement a shuttle from the train stations to major employers and that letters of support for the project were received from the Guild for Human Services, Metropolitan Area Planning Council, MCI-Concord, Emerson Hospital, and Novia. Ms. Hughes explained about the process to fund the shuttle, fund-matching requirements, and potential shuttle routes.

The Chair adjourned the meeting at 9:02 p.m.

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

- Planner's Report dated 6/25/19 for Fatface Corporation
- Letter dated 6/18/19 from Attorney Dane re: Formula Business Bylaw

Respectfully submitted,

Burton Flint, Clerk

Minutes approved on: 7/23/19