

Minutes of the Planning Board Meeting of August 7, 2019

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

Present for Planning Board:

Matt Johnson
Kristen Ferguson
Nathan Bosdet
Burton Flint
Allan Sayegh

Present for Zoning Board of Appeals:

James Smith
John Brady
Stuart Freeland

Elizabeth Hughes, Town Planner
Ray Matte, Building Commissioner

The Planning Board and ZBA Chair opened the meeting at 7:00p.m. Mr. Johnson stated that the meeting was being audio-recorded and requested that anyone else recording the meeting should inform the Board.

Mr. Johnson explained that the purpose of the meeting was for the Planning Board and Zoning Board of Appeals to discuss potential Zoning Bylaw amendments for consideration at the 2020 Annual Town Meeting. Mr. Johnson gave an overview and summary of the Planning Board's work to this point. He explained that the foundation was the Town's recently updated Comprehensive Long Range Plan housing goals and the Board focused on Goals 5 & 6, which suggest zoning action and the intent to use renovation as a way to create addition dwelling units and greater density close to village centers and transit options while maintaining existing neighborhood character.

Issues of concern include how to better protect natural resources, how to encourage cluster developments to address the need for smaller households, residents who want to age in place, promote development that encourages smart growth (walkable, closer to transit center) and how to create less expensive housing options that are self-funding.

Mr. Johnson explained that the Planning Board is considering an accessory dwelling unit Zoning Bylaw amendment and bringing back two-family housing as an allowed use in the Residence C District. The Board is considering accessory dwelling units, owner occupied housing with either rental of primary or secondary unit, (no condos); the accessory dwelling units could be attached or detached, have to meet set back requirements or seek special permit, 750 s.f. by right, 1000 s.f. by special permit, or with a non-conforming lot; no change to parking requirements proposed yet. The Planning Board and the ZBA discussed the inclusion of a requirement that the ZBA

finds that a literal application of the requirements would be unreasonable and agreed it should be deleted.

A handout prepared by the Town Planner with criteria for accessory dwelling units and two-families, and village PRD concept was distributed. Mr. Johnson noted that the Planning Board has abandoned the village PRD concept contained in the handout since it was learned that there are not enough eligible lots in Town to warrant a zoning bylaw amendment.

Mr. Johnson suggested that the Boards could go through the Town Planner's memorandum to gather Zoning Board of Appeals members' feedback on each item.

Mr. Brady asked why limit accessory dwelling unit size? He cited an example of a barn, limiting if trying to use existing structures like barns, why limit it to less than what is. He gave an example of a barn with a loft area. He asked about the Planning Board consider revising the size limit.

Ms. Ferguson asked Mr. Brady to clarify his concern about the larger structures being converted. Mr. Brady further explained his concerns.

The Town Planner explained that there was an attempt to strike a balance between potential impacts and housing diversity. She explained that 750 – 1000 s.f. automatically limits number of bedroom therefore lessens the potential impact to the school system and sewer capacity.

Mr. Smith said that it not completely clear to him that this potential zoning bylaw has struck the right balance and seems more intended for use in the village centers. He wondered about PRDs for areas outside village centers. He urged the Board to look at the historic view of Concord and to think about a town that has more density, more people and housing overall.

Mr. Smith gave a general comment about neighborhood character contained in Section 11.6 of the Zoning Bylaw. He explained that neighborhood character is a very complicated concept, in so far as the Zoning Board's purview applies to non-conforming lots, which require special permits. He explained that neighborhood character is a very odd thing to have to try and enforce. He gave the example of a neighborhood which may contain both conforming and nonconforming lots. He made general comment on the deliberations about neighborhood character.

Town Planner Hughes explained that the waiver provision in the draft bylaw does not contain impacts to existing neighborhood character as criteria. She explained the difference between the bylaw language regarding detriment to neighborhood.

Town Planner Hughes explained reasons for the creation of existing Section 4.2.2.2 of the Zoning Bylaw.

Mr. Brady asked why prevent selling of accessory dwelling units as housing. He wondered why there is a preference for rental vs. owned units.

Mr. Flint explained that the original intent of the accessory dwelling was for it to be an extension of existing dwelling unit. He explained that the Board is considering zoning bylaw amendments that propose to allow accessory dwellings and two-family dwellings. He explained the considerations and discussion that the Board had regarding the potential creation of rental units and the scenario where the owners of a single-family dwelling may choose to add/construct an accessory dwelling unit then move out of the primary unit into the smaller accessory unit in order to rent out the larger unit.

Mr. Brady asked about smaller owner-occupied homes versus rental units and the common party wall as part of definition of two-family.

Mr. Smith expressed frustration with the discussion so far because, he opined, the feedback that he and Mr. Brady have given seems to be dismissed because the Planning Board has already formed an opinion about the direction of the potential Zoning Bylaw amendments. He asked the Planning Board to listen to them since they too have given thought to these potential amendments.

Town Planner Hughes directed the discussion back to the items contained in the memorandum. Building Commissioner Matte suggested that the wording regarding trailers and motor homes needs clarification.

The Board members discussed hammerhead lots (and which Board should be the permit granting authority); setbacks, retaining walls and fences, and trailers. Town Planner Hughes explained that philanthropic use requires a special permit allow them to have a one-time event for an outdoor event. The members discussed Section 5.4.5 regarding an amendment to allow special outdoor events for commercial uses on privately owned lots.

Mr. Smith thought that were not too many significant PRD opportunities left in Town, but there still is a significant housing need for smaller size housing options for empty nesters and young families getting started. He thinks overall PRD's have done pretty good job, but the Town needs to encourage more use of creativity.

Mr. Johnson spoke about the PRD and affordable housing provisions. Mr. Sayegh previously talked about different architectural options which result in less pressure to use tighter footprint.

Mr. Smith pointed out that PRD roadways tend to be narrower and now if the residents have two cars, there may be more cars on narrower roadways.

Public Comment

Tanya Gailus, 62 Prescott Road, referred to her letter to the Board regarding tree preservation. She commented on the importance of the preservation of existing mature trees and their impact on neighborhood character.

Mark Gailus, 62 Prescott Road, thanked both Boards for their efforts. He asked for clarification on the floor area ratios and height limits for accessory dwellings. He asked the Boards to

consider natural resource protection zoning (such as trees, access to trails) and think about how to incorporate that criteria.

Linda Escobedo, a Select Board member, speaking for herself, referred to Section 5.4.5 and special events and commented that requests for one-day liquor licenses from the Select Board often accompany special events.

The meeting adjourned at 8:50 p.m.

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

- Town Planner memorandum on potential Zoning Bylaw amendments

Respectfully submitted,

Burton Flint, Clerk, Planning Board

Minutes approved on: 9/24/19