



# TOWN OF CONCORD

## Planning Board

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### 2022 Annual Town Meeting - Article 33 Thoreau Depot Business District Zoning Updates FAQ

The following information summarizes the proposed modifications to Concord's Thoreau Depot Business District (TDB) under Article 33 and provides answers to several frequently asked questions. Additional information can also be found on the Town's website at: [www.concordma.gov/thoreaudepot](http://www.concordma.gov/thoreaudepot)

#### 1. Remind me, what does zoning do?

Zoning is the regulatory framework that guides development and determines the types of uses allowed in specific areas, as well as dimensional regulations, such as height limits and building setbacks from property lines, and how much parking, affordable housing, and/or open space is required. Finally, it sets forth the process for approval of development proposals. *It is not a specific development proposal.*

It is important to note what Zoning *cannot* do. Zoning cannot make a landowner redevelop their property or require a certain use in the area. For example, the community may wish to have a restaurant in a certain location. While Zoning can allow this to occur (usually as one of a number of use options), Zoning cannot require a landowner to develop a restaurant at a certain location. A table of permitting uses for each business district is found in Section 4 of the Zoning Bylaws, beginning on page 4.

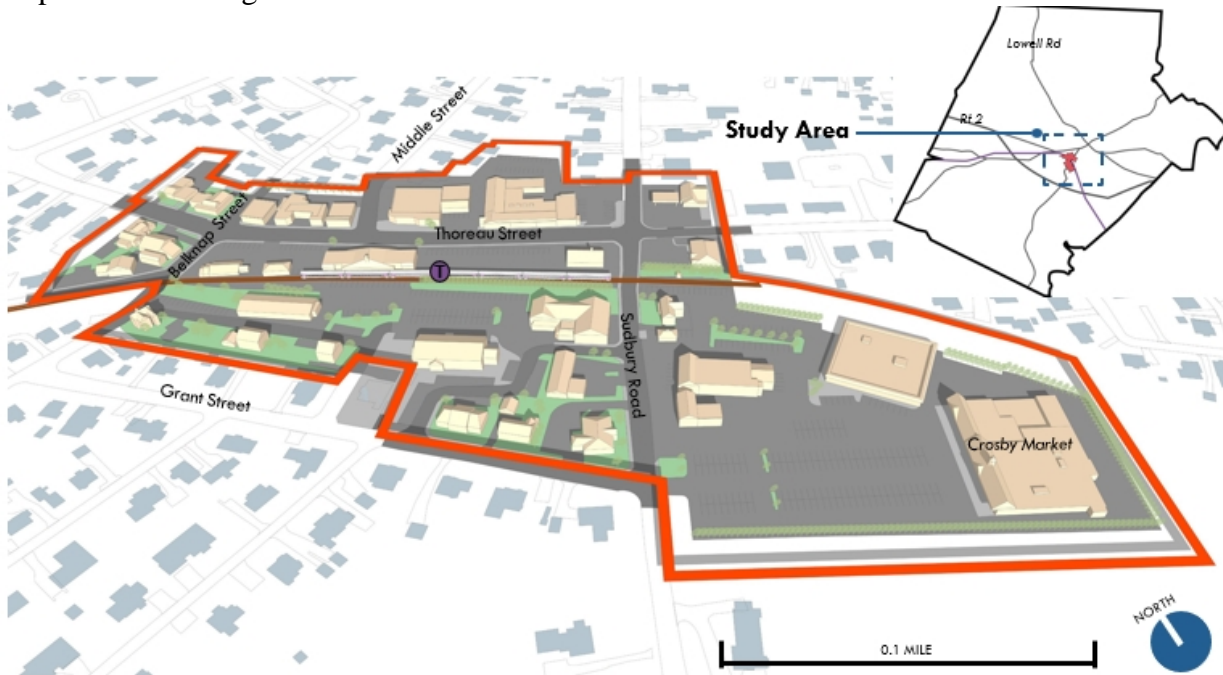
#### 2. Why are we proposing updated zoning for the Thoreau Depot area?

Concord completed in 2018 a multi-year process developing its long-range comprehensive plan, *Envision Concord-Bridge to 2030*, which sets several high-level goals for the Town to work toward. Two goals specific to the Thoreau Depot Business District were a) to revitalize Concord's town villages and b) to create housing for a range of needs and income levels. As housing costs continue to climb and the need for additional units, especially in a high-cost Town like Concord, are not going away. Demand for mixed-use development as provided in the proposed zoning will remain high. Additionally, there is some evidence that more people will continue to work remotely or in a hybrid-style (i.e., working remotely some days and in the office others) because of the pandemic. This suggests that the vision and proposed zoning is even more relevant since there will be more people around during the day to frequent the neighborhood restaurants, cafes, and shops. Lastly, an overarching theme of the long-range plan is to further the Town's sustainability goals. Elements of the proposed zoning aim to increase the walkability of the area, leverage proximity to public transportation, and decrease reliance on cars.

The Town received a grant to the Metropolitan Area Planning Council (MAPC) for assistance in developing a vision for the Thoreau Depot Business District, design guidelines and potential zoning consistent with the Envision Concord Plan. The Board began a community-driven process to articulate the community's vision for this area in a way that would help achieve the Envision Concord Plan goals while maintaining community character. The Vision Plan contains a number of recommendations – ranging from economic development to transportation to land use – to help achieve this vision and zoning is one of the tools to help achieve this vision. The proposed TDB District Zoning will allow for a range of housing types and sizes in mixed-use developments.

### 3. What, exactly, is the Thoreau Depot Business District?

A community is divided into various zoning districts, each of which has its own rules for the types of uses allowed, heights, setbacks, etc. The Thoreau Business District already exists – the proposed Warrant Article will make several updates to this zoning. The area itself is quite small, only 15 acres consisting of 28 parcels. The diagram below outlines the extent of the TDB District.



### 4. What are some of the elements of the proposed zoning in the Warrant Article?

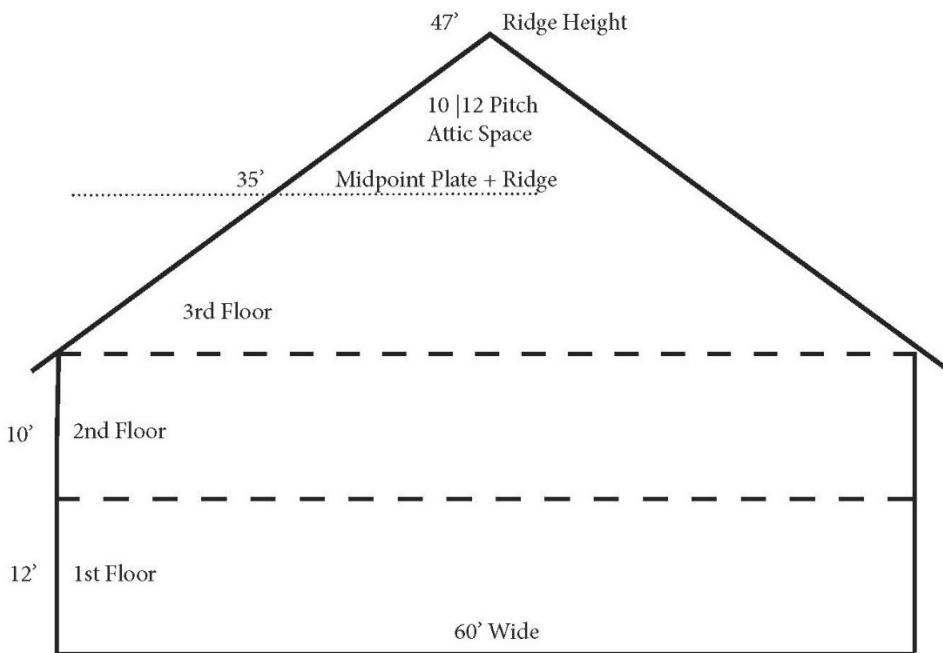
A key aspect of the proposed zoning is that it will encourage “mixed-use” development and a more pedestrian friendly environment. While the existing zoning already allows mixed-use development, various requirements in the zoning have hindered that development to date. The proposed TBD zoning modifies some of these requirements associated with mixed-use.

Accompanying the proposed zoning revisions are a set of Design Guidelines. Should this Warrant Article pass, the Planning Board will conduct a public hearing to gather additional resident input before finalizing. A draft of the Guidelines is on the Thoreau-Depot-Business-District page of the Town website.

Currently, any style of building can be built in the Thoreau Depot area with no requirement for architectural style, location of parking or other public amenities. The community vision was very clear: most residents want any future development to be walkable and contain the principles that adhere to a small-town New England style village: traditional architectural elements, shops and retail lining the sidewalks, and parking in discrete locations.

The following table on Page 3 summarizes the key zoning changes proposed in the Warrant Article.

TDB Existing Zoning		TDB Proposed Zoning	Reasons for Change
<b>Lot size</b>	No minimum or maximum.	No minimum or maximum.	No change. Require design standards to achieve a street setting and building granularity of traditional walkable neighborhoods, while allowing larger lots that are easier to redevelop.
<b>Setbacks</b>	None, except 10' side and rear yards where a business or industrial use abuts a residential district	Front Yard: Thoreau St. & other neighborhood streets: 0'-12' Sudbury Road: 12'-20' Side Yard: 10' or 0 ft if a common wall Rear Yard: 10' where a business abuts a residential district	Front yard should be used for seating, landscaping, or other uses that contribute to the area's walkability and sense of place. Front setback area should not be used for parking.
<b>Height</b>	35' highest point of a flat roof or the mean average between the plate and the ridge for a pitched roof.	35' highest point of a flat roof  38' highest point of a pitched roof (the ridge)	For a pitched roof, depending on the width of the building and the pitch of the roof, the highest point allowed under current zoning could be well above 35'  The adjacent graphic illustrates a 60' wide, two-story building with a 10/12 pitch that would be 47' to the ridge and would comply with the current 35-foot height limit. Proposed zoning removes that variability and sets a maximum height to the ridge.



<p><b>Parking</b></p>	<p>Residential units: 2 spaces per unit; 1.5 spaces for affordable housing or senior housing</p> <p>Retail store: 1 space / 250 sf</p> <p>Restaurant: 1 space / 3 seats (excluding outdoor seating) plus 1 space / employee on largest shift</p> <p>Professional office: 1 space / 250 sf</p> <p>Joint parking facilities: allowed between certain uses.</p> <p>No required bicycle parking</p>	<p>Residential units: 1 space for 1- and 2-bedroom units; 2 spaces for units with 3 or more bedrooms</p> <p>Require 1 secure, indoor bike space per unit</p> <p>Maintain same commercial and office parking minimums</p> <p>Allow shared parking between residential and commercial uses</p>	<p>Consistent with other mixed-use developments in village centers near services and transportation, a reduction in residential parking requirements with allowed shared parking has been shown to be sufficient.</p>
<p><b>Residential</b></p>	<p>By right: Single-family, boardinghouse, hotel/motel</p> <p>Special Permit: 2-family, additional dwelling units, Residential Compound/Cluster Dev; PRD.</p>	<p>Prohibit new single-family houses, Residential Compound/Cluster, and boarding houses</p> <p>Add hotel/motel to Special Permit list</p> <p>No other changes</p>	<p>No reason to allow Residential Compound or Cluster because they are only allowed in residential districts</p> <p>Hotel/motel by Special Permit ensures that it is part of a mixed-use development</p>
<p><b>Commercial</b></p>	<p>By right: Retail, personal service, craft shop, restaurant, indoor and outdoor amusement, funeral home, repair shop, building trade, financial and business office, professional office, medical center and lab, auto service, auto repair, vehicular dealerships, boat sales and rental, parking facility, grocery store</p> <p>Special permit: Transportation services</p>	<p>Prohibit new: medical center &amp; lab; auto service station; auto repair; boat sales &amp; rental; and professional offices on first floor.</p> <p>Special Permit for vehicle dealerships and parking facilities.</p> <p>No other changes to uses.</p>	<p>The new zoning prohibits uses that do not add to a walkable, vibrant commercial village district</p>

<b>Industrial</b>	By right: Warehouse, storage yard, open-air sales, R&D and Light manufacturing, packaging, process, testing	Prohibit all industrial uses	Industrial uses do not add to a walkable, vibrant commercial village district
<b>Mixed-Use &amp; Affordable Housing &amp; Open Space</b>	By right: Combined business/residence allowed but must be in same building  Four or more units requires affordable housing (no set affordability requirements)  Open space twice the gross floor area of residential units with no design or public access requirements  Special Permit to reduce open space, increase height to 40' under current height calculations, decrease parking	By-right: Combined business/residence and allow separate residential buildings on the same lot as commercial (with commercial placed along street frontage)  Reduce affordable housing requirement for medium sized projects and specify affordability limits so that some units would count towards State required 10% and moderate workforce housing between 100 – 120%.  Require open space equal to 15% of lot area with requirements for functionality and public accessibility	For larger lots, commercial uses along the street and residential uses behind adds to walkable, vibrant commercial village district  Redefining the affordable housing and open space requirement ensures development balances public benefits with financial feasibility

**5. How much parking will there be? I'm concerned about having sufficient parking for commuters, customers, and new residential units.**

Parking can be a contentious issue. When addressing parking requirements in the zoning bylaw, it is important to balance the need for and cost of this resource. Adequate short-term parking provides convenience for visitors and retail customers, and long-term parking supports residential and commuter demand. In addition, adequate parking limits the spill-over of cars parked on neighboring residential streets.

However, a requirement of more parking than needed can substantially raise the cost of construction and damage the environment by creating heat islands and draining issues that result from large amounts of impervious pavement. More parking spaces that are needed and used also decreases the ability to walk safely in the area, thus impairing the community's safety and also impacting the Town. The balance of a walkable community with the right amount of parking is a key element of the Town's sustainability goals.

The principle behind parking requirements is to provide an adequate number of spaces for the uses proposed, but not construct more parking than will be regularly used. The Zoning Bylaws specify how the number of parking spaces is calculated: For commercial uses, parking is calculated based on the square foot area for each use. For residential use, parking is based on the number and size of units.

## 6. What about the existing commuter parking at Crosby's Marketplace?

One of the parcels that is frequently discussed with this proposed Zoning Bylaw amendment for the Thoreau Depot Business District is the lot currently occupied by the Crosby's/Ace Hardware building. While the parking lot for this building looks expansive, 55 spaces are leased by the Town for commuter parking. The TDB District currently has approximately 136 off-street spaces available for commuters taking the MBTA Fitchburg commuter rail line; the Crosby's lot (55 spaces), adjacent to the commuter rail station on Thoreau Street (20 spaces), between Belknap Street and Concord Crossing (16 spaces) and unregulated street parking located along Cottage Lane (45 space capacity).

Although development of this lot could have implications for the continuing availability of the leased commuter parking area at Crosby's, remember, zoning can only require parking for the uses associated with the site to be developed. Zoning cannot require a private property owner to provide commuter parking outright. Amendment of the TBD Zoning will not change the existing MBTA lot, nor the commuter parking spaces available at the Thoreau Depot (these are subject to a deed restriction when the land was sold). The Crosby's Marketplace commuter parking is currently subject to a special permit granted in 1976 when development of the site was increased, and the owner offered 56 spaces for commuter parking. Is it possible that the amendment to the TBD Zoning would facilitate the redevelopment of the Crosby's Marketplace? Quite possibly. That is the purpose of this initiative: to allow an owner to consider redevelopment of a more walkable, less car-centric mixed-use village development. Should the Zoning amendment pass, is it possible to work with a project proponent on the redevelopment of the site that includes some measure of continued commuter parking? You bet.

## 7. So how much development will there be? Can I see the design?

No development is being proposed by these zoning revisions. Remember, zoning is the *framework* that enables future development. Any future development proposal would still be subject to a public hearing for Site Plan Review by the Planning Board to ensure that all standards and requirements are being met. Additionally, any redevelopment would be subject to the new Design Guidelines. Guidelines that will mitigate the risk that a developer puts in a square box building behind parking.

It is highly likely that any redevelopment would occur incrementally as buildings age or property changes ownership. Some landowners may choose to redevelop in the next few years. Others may not redevelop their properties for a decade or more.

## 8. But I heard there was a development proposal for Crosby's Marketplace? I love this grocery store and don't want it gone!

**There is no proposal to redevelop the Crosby's Marketplace site.** The Town's Envision Concord Comprehensive Long-Range Plan and the TDB Vision Plan explicitly notes that Crosby's Marketplace is a neighborhood asset, and that the community highly values a grocery store in this location. The development of this proposed TDB zoning used a hypothetical example at this site only for purposes of demonstrating how future redevelopment could occur in a way that helps achieve the vision. While any parcel in the TDB District could have been chosen, the Crosby's Marketplace site was chosen because it's the largest parcel in the District and could show the most significant change. The example specifically shows one way that redevelopment could occur while retaining the grocery store on site. In fact, the example keeps constant the total amount of commercial space available.

**9. OK, but I like the Thoreau Business District the way it is. I don't want to see any changes.**

As noted above, the neighborhood is already zoned for a variety of commercial and residential uses. At some point, buildings outlive their useful life and will be redeveloped. Change will likely come to this area eventually. This rezoning initiative provides an opportunity to ensure that future redevelopment occurs in a manner that is consistent with the Town's Comprehensive Plan and community vision, while establishing design guidelines to ensure future redevelopment is designed in a way that enhances community character.

**10. How much more traffic will there be?**

Traffic is a concern for many residents. One of the goals of the proposed changes to the zoning bylaw is to increase walkability and the use of public transit, which in turn should decrease car traffic and emissions. However, an exact figure of changes to traffic cannot be calculated as part of a zoning bylaw proposal. Impacts to traffic from changes in the built environment can only be calculated and mitigated on a project-by-project basis as part of the Site Plan Review Process.

Traffic in the District often coincides with the train schedule. Additionally, much of the traffic today does not originate from use of the properties in the District, but rather people passing through the district and its neighboring streets. **There is no way to do a detailed traffic study for a proposed Zoning Bylaw amendment** which outlines general use rather than any specific future proposals. A traffic analysis is required as part of the Site Plan Review process for any future large redevelopment. The Site Plan Review process provides an opportunity to address the impacts and determine whether mitigation measures are required as a condition for site plan approval.

**11. Why is the boundary of the district changing?**

The Warrant Article also includes a shift in the Thoreau Depot Business District Zoning Boundary so that the corner of the Crosby's Market parcel (#0373), which is currently in commercial use, is wholly within the TDB Zoning District and not in the Residence B District. The purpose of this boundary modification is to align the Thoreau Depot Business District boundary with existing property lot lines and ensure that the proposed Zoning and Design Guidelines apply to all land that is under commercial use in the area today. The two maps below show the existing Zoning Boundary line and the proposed Zoning Boundary line to modify the Residence C and TDB Districts. Without this map amendment, the vision for the TDB District reflected in the Design Guidelines for buildings along the Sudbury Rd. street frontage would not be possible.

**12. Why does Articles 33 require only a majority vote of Town Meeting, rather than a 2/3 vote like other zoning articles?**

In 2020, the Massachusetts State Legislature revised M.G.L. c. 40A, § 5 to facilitate the development of certain kinds of land uses, including multi-family housing or mixed-use development. In particular, the new § 5, Paragraph 5(1) provides that an "amendment to a zoning ordinance or by-law to allow any of the following as of right: (a) multifamily housing or mixed-use development in an eligible location; (b) accessory dwelling units, whether within the principal dwelling or a detached structure on the same lot; or (c) open-space residential development;" is subject to a majority vote.

Although mixed-use development is currently permitted in the Thoreau Depot Business District, the requirements are too stringent for this type of development to take place. Article 33 amends the TDB District to provide the zoning needed to allow for mixed-use development consistent with the goals of the community. Additionally, it expands the TDB District boundary so that the Crosby's Market lot is not split by the Residence B District. Thus, this amendment is subject to the revised statute's majority vote requirement.

**13. Doesn't the revised Section 5 also allow a group of residents to protest the applicability of a majority, rather than 2/3 vote?**

Not in this case. In 2021, the Legislature further revised M.G.L. c. 40A, § 5, Paragraph 5 to add the following (emphasis added): "If, in a city **or town with a council of fewer than 25 members**, there is filed with the clerk prior to final action by the council a written protest against a zoning change under this section, stating the reasons duly signed by owners of 50 per cent or more of the area of the land proposed to be included in such change or of the area of the land immediately adjacent extending 300 feet therefrom, no change of any such ordinance shall be adopted except by a two-thirds vote of all members."

This section applies to Towns that have a town council form of government. It does not apply to towns, like Concord, that have an open town meeting form of government.