

# Zoning articles for special TM

What attracts shoppers to walk down a street and stop in a store? If you have to walk past two banks and a real estate office, do you choose to continue or cross the street?

If you choose to continue down the street, you are not like most Americans. Studies have shown that gaps between retail areas limit how far people are willing to walk. This scenario raises the question of whether there should be a review process for certain uses in a retail area and the separate question of what criteria should be used to evaluate such proposals in the review process. Balancing the importance of public review of projects with the rights of property owners, the Concord Planning Board wants to create a review process which will provide for an opportunity to discuss whether a new financial or business office would help keep Concord's commercial centers viable. To do so, the board is proposing two zoning bylaw amendments at the Nov. 5 special Town Meeting. The public hearing on these proposed articles is scheduled for 7:30 p.m. Monday, Oct. 22, in conjunction with the Board of Selectmen and Finance Committee hearing at the Alcott School auditorium.

The first of these zoning amendments, Article 6, Special Permit Review for Financial and Businesses offices on the ground floor, addresses community concerns expressed over the potential loss

of retail spaces at the street level by requiring a special permit for a "financial office" or "business office" use when said uses are proposed on the ground floor of a building. Article 7, Defining Special Permit Criteria, the second zoning amendment, is intended to provide specific guidance to applicants who are seeking a special permit and to clearly define the criteria on which the Zoning Board of Appeals, or ZBA, can make its decision for all special permit applications.

"Well over half of the buildings in our town centers are owned by Concord residents. The Planning Board respects these owners' property rights and interests," said Planning Board Chairman Fred Watriss.

In explaining the rationale for the two amendments, he continued, "Yet, there should be an avenue of appeal when retailers and others believe proposed financial or business offices that replace retail uses might potentially harm their business. Independently, it's important and fair for all participants to have clearly defined criteria for reviewing special permit projects."

For Article 6, the board was encouraged to amend the zoning bylaw by a large number of residents who were opposed to the loss of retail space on the ground floor of an existing building as proposed in the Citibank application for 16-18 Walden St. Currently, the building commissioner looks

at a number of factors to determine if an application needs to be reviewed by the ZBA, but in essence, if nothing else is different (other than the change of use from retail to office), financial and business offices located on the ground floor would not trigger review because financial and business office uses are allowed by right under the current bylaw.

The board, informed by the comments and workshops in the ongoing Village Center Study, is also more aware of the very limited retail space in areas zoned for business use and the critical link between preserving the economic vitality of town centers and maintaining the physical connection and short distance between retail stores.

Marcia Rasmussen, director of the Department of Planning and Land Management, said under Article 6 "existing financial and business offices are 'grandfathered,' which means they will not be required to get a special permit. Additionally, replacing such businesses in kind, or with the same type of use — assuming no other increase in the use — will not require a special permit. However, any new banks, financial offices, loan agencies, realtor and other business offices proposed on the ground floor of a building would need to seek a special permit from the Zoning Board of Appeals."

She also said this amendment does not affect professional offices, such as doctors,

lawyers, accountants and architects.

As for Article 7, Watriss said the board's rationale in proposing this amendment was to better "define the criteria for decision-making on special permits." The current standard for issuing a special permit is whether a project is "detrimental and injurious to the neighborhood." Sometimes unpopular land uses are needed in the community. Having given recommendations to the ZBA on countless special permit applications, the Planning Board knows from experience that prescriptive, yet flexible, criteria benefit everyone — applicants, decision-makers and abutters — in the permit process. Thirty other towns in Massachusetts, including Andover, Oak Bluffs, Sudbury and Westford, already have these or similar criteria in their zoning bylaws.

"The Citibank application certainly raised questions for the town to consider," Watriss said. "The proposed amendments are intended to address concerns raised, give people an opportunity to discuss such proposals and provide a more clearly defined framework and criteria for applicants and the decision-makers."

Fact sheets on the proposed zoning amendments are at [www.concordma.gov/pages/ConcordMA\\_Planning/index](http://www.concordma.gov/pages/ConcordMA_Planning/index) or obtained at the Planning Division, 141 Keyes Road. For more information call 978-318-3290.