



TOWN OF CONCORD
Planning Board
141 Keyes Road, Concord, MA 01742

To: Select Board
Kerry Lafleur, Town Manager

From: Planning Board
Elizabeth Hughes, Town Planner

Cc: Alyssa Sandoval, Community Development Director

Re: **Planning Board 2024-2025 Goals & Projects Update & 2025-2026 Goals & Projects**

Date: July 29, 2025

The following memo provides an update on the Planning Board's goals and projects for 2024-2025 and identifies goals and projects that the Planning Board will consider for 2025-2026.

2024 – 2025 Goals & Project Accomplished

1. State Zoning Act; Chapter 40A, Section 3A – MBTA Communities Zoning Requirement

The Town did not receive comments from the Executive Office of Housing & Livable Communities (EOHLC) on the formal pre-compliance review request until after Town Meeting so no changes were made to the MBTA Communities Zoning Warrant Article at the 2024 Annual Town Meeting. The Article was approved and subsequently submitted to the Attorney General, who issued approval of the new Bylaw. In December 2024, the Town submitted the adopted zoning and GIS Compliance model to EOHLC for compliance review under the State's 3A Regulations. On June 12, 2025, the Town received [notice from the EOHLC Secretary](#) stating that the Town is conditionally compliant with Section 3A and 760 CMR 72.00, but some revisions to the Overlay District and compliance model were needed.

2. MBTA Communities Zoning Site Plan Rules & Regulations

The Town received a grant from the Massachusetts Housing Partnership to hire a consultant to work with the Planning Board and key Town staff on the development of [MBTA Communities Site Plan Rules & Regulations](#). The Board held public meetings, workshops and a public hearing on December 17, 2024 where the Board adopted the new Regulations.

3. 2018 Envision Concord-Bridge to 2030 Comprehensive Plan

The 2018 Comprehensive Plan Section 5 is the Implementation Action Chart that has a total of 188 Action Items, with the Planning Division referenced in 140 and the Planning Board referenced in 54 Items. Every year since the adoption of the Plan, the Board reviews each item to provide [a status update](#).

4. Subdivision Rules & Regulations Update

The Regulations have not been updated since 2007 and the design and construction standards need a major overhaul. The Town Meeting appropriated \$75,000 to allow the Planning Division to hire a consultant to assist the Board and Town staff on a complete update. Updating the 2007 Subdivision Regulations has been on the Board's list of goals for a couple of years but has been delayed due to other unexpected priorities. The Board reports that the RFP to hire a consultant to do the update was finalized on June 30th and was advertised on July 7th.

5. Tree Preservation Bylaw Rules & Regulations Update

Senior Planner Christine Zale met with the Town Planner and the Natural Resources Land Manager Will Holden, who is the Reviewing Agent for the implementation of the Tree Preservation Bylaw, to discuss potential amendments to the Bylaw and the Tree Preservation Rules & Regulations. Ms. Zale prepared a memo dated June 25, 2025 for the Planning Board outlining potential amendments to the Bylaw and the Regulations for consideration by the Board for FY 2026.

6. Zoning Bylaw Section 7.7 Parking Requirements Analysis & Updates

The Board worked with a Transportation Engineer who evaluated various sections of the Zoning Bylaw parking requirements and provided review memorandums with recommendations for consideration by the Board. The Board moved forward with a Warrant Article to amend Zoning Bylaw Section 7.7.2.4 Joint Parking.

7. 2025 Annual Town Meeting Planning Board Sponsored Zoning & General Bylaw Amendments

Article 37 – Section 7.7.2.4 Joint Parking – Failed to pass by a 2/3 vote

Article 38 – General Housekeeping Amendments – Passed on the Consent Agenda

Article 39 – Section 4.2.2.2 Accessory Dwelling Units - Passed on the Consent Agenda.

Article 40 – Section 7.2 Floodplain District – Passed on the Consent Agenda

Article 42 – Section 5 Sign Bylaw – Passed on the Consent Agenda

Article 43 – Section 5.3.19 Accessory Retail in Industrial District – Passed on the Consent Agenda

Article 44 – Section 7.7 Table IV Commercial Parking – Passed by a 2/3 vote

Article 45 – Section 10 PRD Affordability – Passed by a 2/3 vote

8. Zoning Bylaw Section 4.2.3 - Mixed-use Amendments (Combined business/residence)

Over the past year, the Planning Board utilized available grant funds to work with a consultant to review the existing Bylaw to identify the changes that would need to be made to be in [compliance with 760 CMR 72.00 Multi-Family Zoning Requirements for MBTA Communities](#). The Board determined that the necessary changes to bring the Bylaw into compliance were not in the best interest of the Town, but did realize that amendments to the Bylaw were still needed for it to be more effective. The consultant [evaluated Section 4.2.3](#), identifying barriers to its use and questions for consideration by the Board on changes that could be made to make the Bylaw more effective. A [public workshop](#) was held on June 17th where the consultant presented the analysis and [a summary memo of the workshop comments](#) was prepared by the consultant.

2025 – 2026 Goals & Projects

1. New MCI-Concord Zoning

The Town’s consultant issued a final visioning report on June 30, 2025. The MCI Concord Advisory Board is currently discussing the next steps. The timeline for the drafting of new zoning has not been set yet, but the Board fully expects to be a very active participant or take the lead if requested on the drafting of the new zoning when the time comes. This goal is consistent with the Select Board’s Goal I.A-MCI redevelopment.

2. Zoning Bylaw Section 7.11 - MBTA Communities Overlay District Amendment

On June 12, 2025, the Town received [notice from the EOHLIC Secretary](#) stating that the Town is conditionally compliant with Section 3A and 760 CMR 72.00. EOHLIC has determined that the following items will need to be addressed for the Town to be found in full compliance:

- a The District’s geography is less contiguous than the flexibilities provided in Section 72.05(1)(a)(3) of the Regulations permit. At least half of the District land areas must comprise contiguous lots of land.*
- b Several areas of the District appear subject to special permit requirements, including §7.2 Floodplain Conservancy District, and §6.2.2 Minimum Lot Area. These two sections together subject a large portion of the District to special permit requirements due to the presence of flood zone areas. The Town can either exempt the District from this requirement and move the substantive requirements into Site Plan Review or another non-discretionary process or remove the affected parcels from the District’s unit capacity.*
- c The GIS shapefiles provided show a district that excludes street and rail right of way areas, and the district acreages submitted in the compliance model indicate that the ROW was not included in the area measurements. The definition of gross density in G.L. Chapter 40A, Section 1A requires including right of way areas in calculations. Therefore, these areas must be included in district shapefiles even if local practice is to not include them in zoning districts. Including these areas will affect the district’s land area and gross density calculation.*

A complicated set of analyses, involving multiple considerations, is needed to ultimately be able to address EOHLIC’s first comment. It is not just the single 50% contiguous district requirement that goes into the GIS Compliance Model. The District is also required to have a density of 15 units per acre, zone for 1,094 units in total, and be at least 50 acres with at least fifty percent of the required District land area and estimated unit capacity with the transit station areas.

As different scenarios are prepared, including and/or excluding one parcel or another through the GIS compliance model, a parcel might get added and the 50% contiguous area requirement is satisfied, but because the parcel has floodplain, which gets excluded from the calculation, the unit requirement may fall below 1,094 units. The issue with getting this to work is that when you try and fix one of the four requirements, it may throw another one off.

The Town has one year to bring the District into compliance. The Planning Board expects that multiple scenarios will have to be conducted to find one that works so a Warrant Article to amend the District boundary can be submitted for the 2026 Annual Town Meeting. This goal is consistent with Select Board’s Goal I.H.-Housing.

3. Zoning Bylaw Section 4.2.2.2 - ADU Amendment to address EOHLC Regulations

On August 6, 2024, the Governor signed into law the Affordable Homes Act that amended the State's Zoning Act to allow Accessory Dwelling Units (ADUs) by-right meeting certain standards. The Board developed a Warrant Article for the 2025 Annual Town Meeting amending the Town's existing ADU Bylaw, which was passed as part of the Consent Agenda. EOHLC adopted ADU Regulations that took effect on January 31, 2025. The Board did not have sufficient time to fully analyze the Regulations and make changes to the Warrant Article. The Building Commissioner and Town Planner will work with Town Counsel on identifying what additional amendments need to be made to the Bylaw to be consistent with the Regulations and present potential amendments to the Board for a Warrant Article for the 2026 Annual Town Meeting. This goal is consistent with Select Board's Goal I.H.-Housing.

4. Zoning Bylaw Section 7.8 – Personal Wireless Communications Overlay District Amendment

As part of the Board's discussion of 2025 Annual Town Meeting Warrant Article 41, a Citizen's Petition to amend a specific portion of Section 7.8, the Board recommended No Action on the Article but did acknowledge that Section 7.8 does need to be completely overhauled to be in compliance with Federal requirements and various decisions by the Courts. The Board realizes that a significant amount of support will be required from Town Counsel. If those resources are made available, the Board will work with the Town Planner and Town Counsel on developing a scope and timeframe for preparing a Bylaw amendment. This goal is consistent with Select Board's Goal I.B.-Cell Service.

5. Zoning Bylaw Section 4.2.3 – Combined Business/Residence Amendment

The Board will continue to work with the consultant on drafting potential amendments to the Bylaw. A public workshop will be held to get input on the potential amendments. The Board will then decide whether to move forward with a Warrant Article for the 2026 Annual Town Meeting or whether additional analysis and work is needed. This goal is consistent with Select Board's Goal I.G.-Commercial Development and Goal I.H.-Housing.

6. Zoning Bylaw Section 7.7.2.4 – Joint Parking Amendment

At the 2025 Annual Town Meeting, the Board brought forth under Article 37 a proposed amendment to Section 7.7.2.4 Joint Parking. There was an issue with the wrong presentation being shown and the presenter's comments did not follow anything on the screen. The Article failed to get a 2/3 vote (135 in favor, 80 opposed – 145 votes in favor required to pass). The Planning Board was informed by various citizens that the incorrect presentation created confusion about what seems to always be a complicated topic, parking, and was the reason they did not vote in favor. The Planning Board believes that this bylaw amendment is important, and the citizens of Concord deserve to have the correct presentation, understand what the Board is trying to accomplish and then vote. The Board intends to bring forth the same amendment for the 2026 Annual Town Meeting. This goal is consistent with Select Board's Goal II.C.1.-Revenue goals; Support Business Community to enhance local receipts.

7. Zoning Bylaw Section 7.7.3.11 – Lighting Amendment

In a memo dated June 24, 2025, Senior Planner Christine Zale researched multiple municipalities from a list of 64 municipalities identified by DarkSky Massachusetts that have adopted some form of regulations relating to outdoor lighting. Ms. Zale identified the following areas of focus to update to Concord's current outdoor lighting bylaw to create a more robust and detailed framework for outdoor lighting on private property in Town:

- a. Refine/Outline the purpose and intent of the lighting bylaw: Identify the key reasons for the bylaw which would include minimizing light pollution, light trespass, and glare for the safety and wellbeing of residents and local wildlife, preserving the scenic and historic character of Concord, promoting energy efficient lighting to reduce carbon emissions.
- b. Color Temperature/ Lumen Levels: Identify a preferred color temperature for all fixtures. Many communities limit the correlated color temperature (CCT) between 2,700K-3,000K, with 2,700K being the max CCT in several communities. A CCT below 3,000K produces a warmer spectrum light.
- c. Lumens: Lumens is the measure of the amount of brightness from a light. DarkSky approved luminaires total output shall not exceed 1,000 lumens. It is suggested to have a max number of lumens per fixture or a total max lumen level for properties, such as lumens per acre.
- d. Fully Shielded Fixtures/Dark Sky Certified Fixtures: A fully shielded fixture means that no light is emitted above a 90-degree angle/horizontal plane of the fixture. DarkSky International provides a resource list for fixtures that have third-party certifications for products that minimize glare, reduce light trespass, and do not contribute to light pollution.
- e. Foot-Candle, Light Trespass: A foot candle is a measurement of light intensity defined as one lumen per square foot. The Planning Board should consider incorporating the measurement of foot-candle within the bylaw to prevent light trespass onto neighboring properties. DarkSky Massachusetts recommends that light levels at the property line should not exceed 0.1 foot-candles adjacent to business properties, and 0.05 foot-candles at residential property boundaries. Putting a height cap on post, wall-mounted, and walkway fixtures would also be a way to control the amount of light trespass onto neighboring properties.
- f. LED Fixtures: Consider requiring all new fixtures to be LED or equal or lesser energy use to reduce energy consumption and decrease the carbon footprint of properties in Town.

8. Zoning Bylaw – Various Sections - Next round of Housekeeping Amendments

As part of a Planning Board member's comprehensive review of the Zoning Bylaw, there is a third round of housekeeping amendments that are more substantial and would require further discussion on the part of the Board. The Board member will work with Planning Division staff on preparing a memo for the third round of housekeeping amendments for discussion by the Board.

9. Tree Preservation Bylaw & Tree Preservation Rules & Regulations – The bylaw was passed in 2017, and only minor edits have been made.

Since its approval at the 2017 Annual Town Meeting, Concord's Tree Preservation Bylaw has served to fulfill its purpose to preserve and protect trees on residential lots during significant demolition

and construction activity. Over the past several years, as staff have worked with property owners, developers, and applicants to implement the Bylaw, it has become clear that some aspects of the Bylaw and its accompanying Rules and Regulations could benefit from refinement. In a memo dated June 25, 2025, Senior Planner Christine Zale identified key areas for further discussion and consideration by the Board. Ms. Zale will work with the Land Manager, who is the Town's Reviewing Agent, and local developers and arborists who have submitted numerous Tree Preservation applications to prepare proposed amendments to the Bylaw and the Rules & Regulations. The Board is required to hold a public hearing on the adoption of any revisions to the Regulations and Town Meeting must adopt any changes to the Bylaw.

10. Subdivision Rules & Regulations Update

The Regulations have not been updated since 2007 and the design and construction standards need a major overhaul. The Town Meeting appropriated \$75,000 to allow the Planning Division to hire a consultant to assist the Board and Town staff on a complete update. A Request for Proposals was issued on July 7th to various consultants listed on the Statewide contracts for Planners and Engineers. It is expected that a significant amount of Town staff time from various departments/divisions will be needed with the Planning Board providing input at various stages. Meetings with stakeholders will be held to gather feedback. As required by the State's Subdivision Control Law, the Board will hold a noticed public hearing to adopt the new Regulations.

11. 2018 Envision Concord – Bridge to 2030 Comprehensive Plan

The 2018 Comprehensive Plan Section 5 is the Implementation Action Chart, which has a total of 188 Action Items with the Planning Division referenced in 140 and the Planning Board referenced in 54 Items. Every year the Board reviews these Action Items and updates the Board's progress.