



Article 38: West Concord Interim Planning Overlay District

What's an "Interim Planning Overlay District" or IPOD? It's a temporary change to zoning laws in a specific area while planning is underway. Any zoning that is not expressly changed remains as it was.

An IPOD does not affect existing uses, only those uses that might change during the time period established by the IPOD, or for up to two years. An IPOD does not cost any money to implement.

What would the West Concord IPOD (WC-IPOD) do? It would temporarily change the zoning for many of the possible uses within the business and industrial districts in West Concord village. Most of the changes are more restrictive: some categories are changed from "yes" (use is allowed) to "SP" (use is allowed by Special Permit). Some are changed to "no" (use is not allowed while the WC-IPOD is in effect). In the business district the following uses would be allowed by right: forestry, agriculture, single-family, educational, child care facility, religious, municipal, underground and aboveground utility. In the industrial district the following changes of use would be allowed by right: forestry, agriculture, educational, child care facility, religious, municipal, underground and aboveground utility, professional office, medical center and laboratory, warehouse, R&D and Light Manufacturing and Manufacturing, packaging, processing and testing. The WC-IPOD would also limit expansion of existing buildings and structures to a 10% increase in gross square footage.

Why should some options be limited right now? Some categories are changed to "no" because West Concord's village center already has enough of those uses (such as gas stations or car dealerships) and does not need more of them in the next year or two. Some categories of uses are changed to "no" because while these things (such as a theater) might be great assets to the village, they should be considered from the view of the bigger picture (*e.g.*, parking and traffic impacts), so the town and private landowners should wait for a comprehensive plan to be completed.

How long would the WC-IPOD last? The WC-IPOD is proposed to be in effect a maximum of two years, until the end of Annual Town Meeting 2011. If a Village Master Plan is adopted before then, the IPOD will end at that time. As with any town meeting action, the voters have the option to alter it at another town meeting such as the Annual Town Meeting of 2010 or at a special Town Meeting.

Whose idea was the WC-IPOD? Many concerns had been expressed by residents about major changes in the West Concord village. The West Concord Task Force (WCTF) was looking for a way to manage development in the West Concord village while allowing time to create a Village Master Plan. The Planning Board suggested an IPOD as the best way to balance the public good with private property rights for this purpose.

Why a Village Master Plan? The WCTF is recommending the Town create a Master Plan or a "comprehensive graphic plan" for the village. Previous plans have identified general goals ("preserve open space", "increase affordable housing stock", "keep taxes low") or called for specific actions ("create better connection between Baker Avenue and village center") without providing enough detail or specifying how these actions could be carried out. As a result, many of the identified actions have not yet been implemented. The Village Master Plan will provide descriptions and models for conserved land, recreation land, public parks and squares, roadways, sidewalks, paths, and buildings. It will provide an array of tools for achieving this vision incrementally, with full respect for property rights.

The Village Master Plan will take into account our long-term need to adapt to changing economic conditions and the changing climate. The WCTF believes that given the strong development pressures on West Concord, a Master Plan is the best way to preserve West Concord's character while balancing the desires and the rights of all stakeholders: homeowners, renters, commercial landowners, business owners, employees, and visitors. Landowners will be included in discussions while the Master Plan is being prepared. Developers will like the Master Plan because it could potentially speed up the approval process. For example, if their project is aligned with the Master Plan, they will have a pretty good idea that the Town will view it favorably from the start.

The WCTF's goal is to have the Village Master Plan completed by December 2009. If it includes recommendations for permanent zoning changes, we believe that zoning can be ready for a vote by the

2010 Town Meeting. The WC-IPOD is the bridge to the Village Master Plan.

Can buildings be sold during the WC-IPOD? Yes. Zoning does not affect ownership rights.

Can landowners renovate their building? Yes, a building can be renovated provided there is no change in the use that will affect parking, loading, or lighting requirements. Landowners who plan to renovate a building will be encouraged to use the West Concord Design Guidelines that should be finalized by May 2009. If site plan review is required due to the proposed renovation, the Planning Board will ask whether the West Concord Design Guidelines were considered.

Under the WC-IPOD, could landowners in the district put an addition on their building? Yes, if it is a small addition: not more than ten percent of the gross square foot area of the existing building.

What if one tenant leaves and the new tenant is determined to be a different use? Any change in a use within a building which requires an increase in parking requirements will require a Special Permit and site plan approval while the WC-IPOD is in effect. If the new use is allowed by right in the Business or Industrial district (*i.e.*, the chart shows a “yes”) and there is a sufficient number of parking spaces for that use, then the new tenant can move right in. In all other cases where the use is allowed by Special Permit, the Board of Appeals will need to consider the change of use. There are specific criteria that the Board of Appeals considers as it reviews a Special Permit application:

- 11.6.1. Impacts on economic or community needs;
- 11.6.2. Traffic flow and safety concerns, including parking and loading;
- 11.6.3. Adequacy of utilities and other public services;
- 11.6.4. Impacts on neighborhood character;
- 11.6.5. Impacts on the natural environment; and
- 11.6.6. Fiscal impacts, including impacts on town services, the tax base and employment.

Can a landowner tear a building down and build a new one? If the building or property is nonconforming (*e.g.*, not enough parking for the uses on the site, building is too close to existing property lines, or there is not enough area or frontage), a landowner who wants to demolish and rebuild is already required to get a Special Permit from the Board of Appeals. The proposed WC-IPOD does not change this process. Until the Village Master Plan is completed, a landowner will not be able to increase the height or the area by more than ten percent of the gross floor area of the existing building. Any change in the building footprint of a nonconforming structure of more than 500 square feet or ten percent of the gross floor area (whichever is less) will continue to require a Special Permit and site plan approval.

If I don't want a Village Master Plan, should I vote for or against the WC-IPOD? That depends. If you think we need to anticipate change in West Concord and manage development, but that there is a better way than the Master Plan, you should vote for the WC-IPOD on the grounds that it will give us time to come up with an alternative to a Master Plan. If you think that development should be able to occur immediately, without such planning, then you should vote against the WC-IPOD.

Why not a moratorium? A moratorium brings development to a complete stop while it's in place. Property owners may sue on the grounds that their rights have been taken away. Someone may come forward with a development idea during the WC-IPOD that so clearly aligns with planning goals that it should be allowed to proceed through a Special Permit process. A moratorium might push out existing businesses that we want to remain, or push away a developer or businesses who would be willing to work with the town and leave us with ones that may be less desirable.

I don't live in West Concord. Why should I care about the WC-IPOD? As residents from all over Concord said in their survey responses, the West Concord village is an asset to all Concordians. In addition, the lessons we learn and the skills we acquire in protecting the West Concord village may apply to other parts of Concord.

Where can I learn more? For more information, you may attend the WCTF meetings, look at the Town website (www.concordma.gov), read the update articles in the Concord Journal, or sign on to the email announcements list (go to http://groups.yahoo.com/group/WCTF_announcements).