



ZONING BYLAW AMENDMENT

Article 6 - Special permit for Financial and Business Office on the Ground Floor

Importance:

Proposed in response to community concerns expressed over the potential loss of retail spaces on the ground floor, this article requires issuance of a special permit by the Zoning Board of Appeals when “Financial office” or “Business office” uses are proposed on the ground floor of a building in the Business District. “Financial offices” are banks and loan agencies, while “Business offices” refers to travel agencies, realtor agencies and other similar businesses.

Facts:

- Existing financial and business offices are **“grandfathered”** (i.e. no special permit is required). Any replacement by the same use, when there is no increase in the business activity, would also be allowed without a special permit.
- This bylaw amendment **does not prohibit** a new “Financial and Business Office” from locating in the Business District. New “Financial and Business Offices”, upon obtaining a special permit, can locate in the Business District.
- “Professional Offices” (e.g. doctors, lawyers, accountants, architects) as defined in the Concord Zoning Bylaw Section 4.5.11, **are not affected** by this bylaw amendment.

Why Proposed by the Planning Board:

1) The Board was encouraged to amend the Zoning Bylaw by a large number of citizens 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 Street.

2) The Board was informed by the comments and workshops held throughout the ongoing Village Center Study. The Board is now more aware of the very limited space available for retail use in the Business District and the critical link between preserving economic vitality of town centers and maintaining the physical connection and short distance between retail stores.

3) In response to potential citizens’ petitions, the Board wanted to address the issue with a purposeful and simple change, which should minimize unintended and undesirable consequences.

Language:

ARTICLE 6. To determine whether the Town will vote to amend the Table of Principal Uses in the Zoning Bylaw, Section 4.5.10, “Financial and business office” by changing the “yes” in the Commercial District B (Business) column to “yes/SP***”, and adding a footnote to the Table indicating that the use shall require a special permit in the Commercial District B (Business) when located on the ground floor (street level) of a building.

ZONING BYLAW AMENDMENT
Article 7 - Special Permit Criteria

Importance:

This proposed Zoning Bylaw amendment defines the criteria on which the Zoning Board of Appeals can make its decision on special permit applications; defining the criteria also provides guidance to applicants who are seeking a special permit.

Facts:

- This bylaw amendment **does not add** any new criteria that the Zoning Board of Appeals has not already used in granting or denying special permits; it simply **states** these criteria.
- This bylaw amendment strengthens the Concord Zoning Bylaw by **clearly stating** the criteria for decision making that will guide applicants and the Boards.
- 30 other towns in Massachusetts, including Andover, Oak Bluffs, Sterling, Sudbury, Swampscott, and Westford, **already have** these or similar criteria in their Zoning Bylaws.
- This provision, if passed at Town Meeting, would apply to all special permit applications.

Why Proposed by the Planning Board:

The current standard in the Concord Zoning Bylaw for issuing a special permit is whether or not a project is “detrimental and injurious to the neighborhood.” The Board, based on its review of a wide variety of projects, understands the benefit to both applicants and decision-makers of clearly defining the criteria for evaluating special permit applications. The proposed criteria are prescriptive, yet flexible, guidelines for granting or denying special permit applications.

Language:

ARTICLE 7. To determine whether the Town will vote to amend the Zoning Bylaw by deleting the last sentence of the first paragraph of Section 11.6, and by adding the following new second paragraph:

Special permits shall be granted by the Special Permit Granting Authority, unless other criteria are otherwise specified herein, only upon its written determination that the adverse effects of the proposed use will not outweigh its beneficial impacts to the town or the neighborhood, in view of the particular characteristics of the site, and of the proposal in relation to that site. In addition to any other specific factors that may be set forth in this Bylaw, the determination shall include consideration of each of the following:

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