Pursuant to notice duly filed with the Town Clerk, a public meeting of the Board of Appeals was held on Thursday, January 9, 2020 at 7:15 p.m. in the Town House Hearing Room, 22 Monument Square, Concord, Massachusetts.

PRESENT:
Members:
James Smith
Elizabeth Akehurst-Moore
Stuart Freeland
Theo Kindermans
Ravi Faiia

Elizabeth Hughes, Town Planner
Raymond Matte, Building Commissioner
Heather Carey, Administrative Assistant

Chair Smith called the meeting to order at 7:15 p.m.

Voting Members: James Smith, Elizabeth Akehurst-Moore, and Theo Kindermans

Public Hearings:

Richard Warren, for the renewal of a Special Permit under Sections 5.3.6.2 and 11.6 of the Zoning Bylaw for a Special Home Occupation to operate a construction business at 25 Upland Road (Parcel #2736).

Chair Smith opened the public hearing and reviewed the application. Mr. Warren appeared for the hearing. Chair Smith explained that the Special Permit has been in effect for approximately 20 years for the existing special permit to operate a construction business out of the second-floor space above the detached garage located behind the applicant’s residence. Building Commissioner Matte confirmed that there had not been any complaints.

Chair Smith opened the hearing for public comment.

Henry Dane of 58 Hubbard Street spoke in favor of the application.

Ms. Akehurst-Moore asked if they could extend the Special Permit beyond 5 years and the Board agreed that would be acceptable.

Ms. Akehurst-Moore moved to approve the application of Richard Warren, for the renewal of a Special Permit under Sections 5.3.6.2 and 11.6 of the Zoning Bylaw for a Special Home Occupation to operate a construction business at 25 Upland Road (Parcel #2736) subject to the existing conditions to expire in ten years. Mr. Kindermans seconded the motion and all VOTED in favor.

Documents Used: none
CD Associated Builders Inc., to amend a Special Permit under Sections 10 and 11.6 of the Zoning Bylaw to allow for the conversion of an existing deck into a screen porch at 66 Wayside Road (Parcel #0069-3-66).

Chair Smith opened the public hearing and reviewed the application explaining that this property is part of a Planned Residential Development which includes a condition that requires approval from the Zoning Board of Appeals. David Guinee of CD Associated Builders appeared for the hearing and presented the application to construct a roof over the existing deck to create a screen porch.

Chair Smith asked for comments from the Board and there were none.

Chair Smith opened the hearing for public comment and there was none.

Ms. Akehurst-Moore moved to approve the application of CD Associated Builders Inc., to amend a Special Permit under Sections 10 and 11.6 of the Zoning Bylaw to allow for the conversion of an existing deck into a screen porch at 66 Wayside Road (Parcel #0069-3-66). All VOTED in favor.

Documents Used: none

The Trustees with the Old Manse, for a Special Permit under Sections 4.3.1, 4.3.4, 5.4.5, and 11.6 of the Zoning Bylaw to hold large outdoor events over 50 people at 269 Monument Street (Parcel #1267).

Chair Smith opened the public hearing and reviewed the application. Michael Busack, Director of the Old Manse, appeared for the hearing. He explained that the Trustees had come before the Board in December for a Special permit to hold events for up to 50 people and that this application is for events over 50 people.

Chair Smith opened the hearing for public comment.

Jonathan Keyes of 91 Liberty Street voiced support for the Old Manse and spoke in favor of the application.

Nancy Nelson of 1695 Lowell Road, a member of the Historical Commission but speaking on her own behalf thanked the Trustees and Minuteman National Historical Park for their reconsideration of larger events held on the property and asked that they remain vigilant regarding the types of events allowed on the property in the future.

Nancy Fresella-Lee of 140 Walden Street voiced general support for a one year Special Permit and requested wording amendments to the site plan for consistency. The suggested edits include changing the word lawn to garden area, orchard to commemorative orchard, and lawn/meadow to battlefield. She also requested limiting the use of overflow parking. Chair Smith confirmed the requested changes to the site plan.

Mr. Busack commented that they are in favor of the language changes on the map and commented that the parking language could be changed to indicate that it is emergency parking or other appropriate language and that they would be amendable to a condition limiting the use of the parking area to less than 5 times per year.

Ned Perry of 362 Bedford Street commented that overflow parking remains an issue with the Winter Solstice event and requested that the Board review this further.
BJ Dunn, Superintendent of Minuteman National Historical Park, spoke regarding the issues parking for the Winter Solstice program and commented that they have worked out new arrangements for shuttled parking with the Umbrella Center for the Arts and voiced general support of the application from the MMNHP.

Mr. Freeland asked if the Winter Solstice parking issues were something that the Board could address. Chair Smith opined that these parking issues seem to have been worked out already. Mr. Faiia commented that this is a new application but asked whether there was the expectation that some of the conditions would be used from the previous special permit. Town Planner Hughes confirmed that applicable previous conditions would be included. Chair Smith reviewed the conditions and requested that the Town Planner reach out to the Town Managers office to request parking coordination for future Winter Solstice events. The Town Planner confirmed the request for additional conditions including the use of the overflow parking area to less than five times per year, and approval of an updated site plan with amendments to labels for the lawn, meadow, orchard, and overflow parking.

Mr. Kindermans moved to approve the application of The Trustees with the Old Manse, for a Special Permit under Sections 4.3.1, 4.3.4, 5.4.5, and 11.6 of the Zoning Bylaw to hold large outdoor events over 50 people at 269 Monument Street (Parcel #1267) subject to previous applicable conditions, use of emergency parking to less than five times per year, and updated labels on site plan. Ms. Akehurst-Moore seconded the motion and all VOTED in favor.

Documents Used: none

Charles Audi, to amend a Special Permit under Sections 7.7.3.4, 7.7.3.13, 11.6, and 11.8 of the Zoning Bylaw for relief from parking design standards at 143 Sudbury Road (Parcel #0180).

Chair Smith opened the public hearing and reviewed the application. Chair Smith commented that they have received a letter of recommendation from the Planning Board as required by the Zoning Bylaw. Paul Mahoney with Mahoney Architects appeared for the hearing along with the owner, Charlie Audi. He explained that they are requesting to reconfigure the existing stacked parking to 15 attendant spaces which would allow customers to leave their vehicles for repair work. Mr. Kindermans commented that the parking does not comply with ADA compliant parking and wasn’t sure that the Board could act on the permit. Mr. Freeland commented that there is an attendant responsible parking and didn’t think that would be an issue. Mr. Kindermans spoke further regarding the ADA rules. Building Commissioner confirmed that the existing handicap spot is 65 feet from the door but that he could reach out to the Architectural Access Board for their opinion on the current space. Town Planner commented that the stacked parking spaces are not striped. Ms. Akehurst-Moore asked how the AAB handled valet parking and thought that this parking scenario would be similar. Chair Smith asked if they could continue the meeting to the next month to allow for further research on the matter.

Chair Smith opened the hearing for public comment and there was none.

Ms. Akehurst-Moore moved to continue the application of Charles Audi, to amend a Special Permit under Sections 7.7.3.4, 7.7.3.13, 11.6, and 11.8 of the Zoning Bylaw for relief from parking design standards at 143 Sudbury Road (Parcel #0180) to the February 13th meeting at 7:15 pm. Mr. Kindermans seconded the motion and all VOTED in favor.
Chair Smith opened the public hearing and reviewed the application. Elise Stone, Architect for the project appeared for the hearing with Susan Miller, the homeowner. Ms. Stone explained that the current house is non-conforming to frontage only with 100 ft. of frontage and 125 ft. required in the Residence B Zoning District. The Applicant is proposing to demolish the existing 440 sq. ft. garage and construct a 2,266 sq. ft. addition to the existing house. The new construction will increase the gross floor area to 4,152 which is 1,322 sq. ft. over the 50% increase allowed by right. Ms. Stone explained that most of the new construction will be located to the rear of the house. She also noted that the homeowner met with several abutters and received signatures from them in support of the project.

Chair Smith asked for comments from the Board. Mr. Faiia asked how many lots around this house were non-conforming. Ms. Stone commented that the majority of houses in the neighborhood had non-conforming frontage and found that five of the houses in the neighborhood had a similar square footage compared to what is proposed.

Chair Smith opened the hearing for public comment.

Jane Torpie of 55 Coburn Hill Road asked if it was possible for the applicant to consider pushing the garage back further on the lot while still making the connection to the existing house. Ms. Stone addressed the questions and explained the reasons why the garage could not be relocated further back on the property.

Mr. Freeland commented that he wouldn’t be opposed to a site visit given the comments. Board Members discussed with the homeowner whether they wanted to schedule a site visit. Ms. Miller voiced her concerns for continuing the application because they have a limited amount of time for completing construction if approved.

Jane Torpie of 55 Coburn Hill Road commented that she was unaware of the issues of setting a precedent for the neighborhood and asked for clarification. Chair Smith explained and opined that the application is not out of character for the neighborhood. Ms. Stone commented that the house next door has similar square footage and presented a spreadsheet listing square footage of the surrounding homes. Mr. Kindermans commented that he didn’t feel this house was out of character for the neighborhood. Ms. Akehurst-Moore agreed.

Ms. Akehurst-Moore moved to approve the application of Thomas and Susan Miller for a Special Permit under Sections 7.1.3, 7.1.5, and 11.6 of the Zoning Bylaw to construct a 2,266 sq. ft. addition on a 1,886 sq. ft. dwelling that will increase the gross floor area by more than 50% on a non-conforming lot at 56 Coburn Hill Road (Parcel #1850). Mr. Freeland seconded the motion and all VOTED in favor.

Documents Used: Architectural plans and elevations, site plans, GIS Mapping

OldMarlboro182, LLC, for a Special Permit under Sections 7.1.3, 7.1.5, and 11.6 of the Zoning Bylaw to demolish the existing 1,857 sq. ft. dwelling and construct a new 3,296

Chair Smith opened the public hearing and reviewed the application. Elise Stone, Architect for the project appeared for the hearing with Susan Miller, the homeowner. Ms. Stone explained that the current house is non-conforming to frontage only with 100 ft. of frontage and 125 ft. required in the Residence B Zoning District. The Applicant is proposing to demolish the existing 440 sq. ft. garage and construct a 2,266 sq. ft. addition to the existing house. The new construction will increase the gross floor area to 4,152 which is 1,322 sq. ft. over the 50% increase allowed by right. Ms. Stone explained that most of the new construction will be located to the rear of the house. She also noted that the homeowner met with several abutters and received signatures from them in support of the project.

Chair Smith asked for comments from the Board. Mr. Faiia asked how many lots around this house were non-conforming. Ms. Stone commented that the majority of houses in the neighborhood had non-conforming frontage and found that five of the houses in the neighborhood had a similar square footage compared to what is proposed.

Chair Smith opened the hearing for public comment.

Jane Torpie of 55 Coburn Hill Road asked if it was possible for the applicant to consider pushing the garage back further on the lot while still making the connection to the existing house. Ms. Stone addressed the questions and explained the reasons why the garage could not be relocated further back on the property.

Mr. Freeland commented that he wouldn’t be opposed to a site visit given the comments. Board Members discussed with the homeowner whether they wanted to schedule a site visit. Ms. Miller voiced her concerns for continuing the application because they have a limited amount of time for completing construction if approved.

Jane Torpie of 55 Coburn Hill Road commented that she was unaware of the issues of setting a precedent for the neighborhood and asked for clarification. Chair Smith explained and opined that the application is not out of character for the neighborhood. Ms. Stone commented that the house next door has similar square footage and presented a spreadsheet listing square footage of the surrounding homes. Mr. Kindermans commented that he didn’t feel this house was out of character for the neighborhood. Ms. Akehurst-Moore agreed.

Ms. Akehurst-Moore moved to approve the application of Thomas and Susan Miller for a Special Permit under Sections 7.1.3, 7.1.5, and 11.6 of the Zoning Bylaw to construct a 2,266 sq. ft. addition on a 1,886 sq. ft. dwelling that will increase the gross floor area by more than 50% on a non-conforming lot at 56 Coburn Hill Road (Parcel #1850). Mr. Freeland seconded the motion and all VOTED in favor.

Documents Used: Architectural plans and elevations, site plans, GIS Mapping

OldMarlboro182, LLC, for a Special Permit under Sections 7.1.3, 7.1.5, and 11.6 of the Zoning Bylaw to demolish the existing 1,857 sq. ft. dwelling and construct a new 3,296
Chair Smith opened the public hearing and reviewed the application. The Applicant, Eli Constantinou, appeared for the hearing reviewed the application to demolish the existing house and construct a new house with a two car garage that is approximately 500 sq. ft. above what is allowed for the property. The proposed house will be approximately 9 ft. taller than the existing house but 9 feet below what is allowed for height.

Chair Smith opened the hearing for public comment and there were none.

Chair Smith commented that this application meets the criteria of the Bylaw and the character of the Old Marlboro road neighborhood as it has evolved over time. Mr. Kindermans agreed that the proposal would fit in with the character of the neighborhood.

Mr. Kindermans moved to approve the application of OldMarlboro182, LLC, for a Special Permit under Sections 7.1.3, 7.1.5, and 11.6 of the Zoning Bylaw to demolish the existing 1,857 sq. ft. dwelling and construct a new 3,296 sq. ft. dwelling that will increase the gross floor area by more than 50% on a non-conforming lot at 182 Old Marlboro Road (Parcel #3696) subject to standard conditions. Mr. Freeland seconded the motion and all VOTED in favor.

Documents Used: site plan

Christopher and Monika Park for a Special Permit under Sections 4.2.2.1 and 11.6 of the Zoning Bylaw for an additional dwelling unit at 215 Lexington Road (Parcel #0026).

Chair Smith opened the public hearing and reviewed the application. The Owner, Christopher Park, appeared for hearing and explained that they had previously constructed a dormer and bathroom above the detached garage and are looking to convert the space into an in-law apartment. The renovations would include a shower and kitchenette. He further explained that they had found documentation dating the detached structure to 1915. Chair Smith asked the Building Commissioner for comment and he confirmed that the application meets the requirements of the Bylaw.

Chair Smith opened the hearing for public comment and there was none.

Mr. Faiia commented that they had validated when the barn was built but questioned the square footage of the structure at that time. The Building Commissioner confirmed that they meet the requirements for an increase in square footage for the records that they have.

Ms. Akehurst-Moore moved to approve the application of Christopher and Monika Park for a Special Permit under Sections 4.2.2.1 and 11.6 of the Zoning Bylaw for an additional dwelling unit at 215 Lexington Road (Parcel #0026). Mr. Kindermans seconded the motion and all VOTED in favor.

Documents Used: plans and elevations

Symes Development & Permitting, LLC for a Variance, Special Permit and Site Plan Review under Sections 7.5, 10, 11.6, and 11.7 of the Zoning Bylaw for a 34-unit Planned Residential Development at 1440, 1450, 146B Main Street (Parcels #2409, 2408, 2407).
Chair Smith opened the public hearing and reviewed the application explaining the lengthy Planning Board review process the Applicants had already completed. Richard Harrington, Engineer with Williams and Sparages, the applicant, Jeff Rhuda with Symes Development and Permitting, and attorney Brad Latham appeared for the hearing. Mr. Harrington gave an overview of several opportunities that could be developed on the land including an Approval Not Required plan, a Standard Subdivision Plan, and the plan for the Planned Residential Development. He explained the different criteria the Town had identified when designing this project including an aging population, higher density housing, and walkability. Mr. Harrington gave an overview of the plan which includes access on Main Street with a private loop style driveway and 7-8 different style homes with larger homes along Main street to blend with existing houses surrounding the property and smaller units that abut Center Village Drive. He further explained that there are several duplex units, a community green, a common septic for the majority of the neighborhood with 3 houses along Main Street connecting to town sewer. Trees will be maintained along Highland Street and a public neighborhood park would be created. Mr. Harrington reviewed changes that have been made throughout the review process with the Planning Board including a reduction in units, reducing living area in many units, reduced pervious coverage, and reduced common open space. They have also worked to reduce the overall energy rating for the neighborhood, added vehicle charging stations, and each home will be built solar ready. Traffic and Stormwater have been reviewed by consultants hired by the Town. He also presented the diversity of housing units showing the different styles and sizes of the proposed units ranging from 1700 sq. ft. to 2800 sq. ft. including duplex units and single family homes. Mr. Harrington reviewed the evolution of the project and changes to the layout plan including a public park to meet the requirements of the long range plan. He also reviewed grade changes, building heights, and the earth removal bylaw. Mr. Harrington presented the current landscaping plan which will be updated upon approval. Elise Stone, architect for the project, presented the floor plans and elevations showing the multiple house designs created to compliment the neighborhood.

Chair Smith opened the hearing for public comment.

Scott Richardson of 260 Elsinore Street voiced concerns over the amount of earth removal and the resulting air quality during construction, and questioned why the applicant was not amenable to making more of the changes requested by the Planning Board.

Jack Madigan of 215 Prairie Street Community commented about the proposed open space and spoke against the project.

Ellen Quackenbush of 206 Prairie Street spoke in opposition of the project.

Jeff Edgers of 50 Highland Street spoke in favor of this PRD rather than a traditional subdivision.

Darren Brown of 86 Highland Street spoke regarding the heights and grade changes and commented that the height bylaw isn’t well written for a property that has a large change in grade.

Michael Amster of 44 Prairie Street voiced concerns for the grading and subsequent flooding that could occur in abutting properties, increased traffic, and requested a site visit for the Board to view the property.
Chair Smith asked for clarification on the variance for height. Town Planner Hughes commented on the grading of the site and wondered if changing to a 7% grade would be allowed by the AAB. Building commissioner Matte reviewed the requirements of changing the grade and how the heights are measured.

Dave McGonigal of 31 Highland Street spoke in favor of the current PRD rather than a Standard Subdivision Plan.

Chair Smith asked for clarification on what the Applicant is asking for with respect to the height variance and earth removal. Town Planner Hughes commented that she could update the Planners Report created for the Planning Board with any new information that has been provided. Chair Smith commented that a site visit would be helpful and the Board discussed when that could be held.

Chair Smith asked whether there were any other questions that could be answered before the next scheduled meeting. Mr. Kindermans asked whether the road could be reduced to 22 feet wide. Mr. Freeland asked for measurements on the height variance and questioned parking for the site. The Board discussed the tables that were available showing these measurements. The Board discussed continuing the application and scheduling a site visit.

Ms. Akehurst-Moore moved to continue the application of Symes Development & Permitting, LLC for a Variance, Special Permit and Site Plan Review under Sections 7.5, 10, 11.6, and 11.7 of the Zoning Bylaw for a 34-unit Planned Residential Development at 1440, 1450, 146B Main Street (Parcels #2409, 2408, 2407) to the February 13, 2020 meeting at 7:20pm. Mr. Kindermans seconded the motion and all VOTED in favor.

Other Business:

6X Winthrop Street: Junction Village Assisted Living Special Permit Extension

Town Planner Hughes explained that the Board issued a comprehensive permit for 3 years but the project has had funding delays which are typical for this type of project. The Applicant is asking for an extension for an additional year. Ms. Akehurst-Moore moved to approve the extension for 1 year. Mr. Kindermans seconded the motion and all VOTED in favor.

35 Forest Ridge Road: Minute Man Arc Special Permit Extension

The Town Planner explained that this project was also delayed due to funding and the Applicant is requesting a 1 year extension on their Special Permit. Ms. Akehurst-Moore moved to approve the extension for 1 year. Mr. Kindermans seconded the motion and all VOTED in favor.

Approval of Minutes for December 12, 2019

Elizabeth Akehurst-Moore moved to approve the minutes for the December 12, 2019 meeting as amended. Mr. Kindermans seconded the motion and all VOTED in favor.

Black Birch PRD Phase II – Lot Release Request: Sweet Birch Lane Unites 6 and 8

Town Planner explained that CMLP and engineering have reviewed the as built plans have no issue releasing the lots.
Ms. Akehurst-Moore moved to authorize the release of lots 6 and 8. Mr. Kindermans seconded the motion and all VOTED in favor.

**Election of Officers**

Mr. Smith nominated Elizabeth Akehurst-Moore as chair. Mr. Kindermans seconded the motion and all VOTED in favor.

Mr. Smith nominated Mr. Kindermans as Clerk. Mr. Freeland seconded the motion and all VOTED in favor.

There being no further business, the meeting was adjourned at 10:14 p.m.

Respectfully submitted,

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Theo Kindermans, Clerk