Pursuant to notice duly filed with the Town Clerk, a public meeting of the Board of Appeals was held on Thursday, January 10, 2019 at 7:15 p.m. in the First Floor Hearing Room, 141 Keyes Road, Concord, Massachusetts.

PRESENT:
Members:
John Brady
Stuart Freeland
Elizabeth Akehurst-Moore
Theo Kindermans

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

Ms. Akehurst-Moore called the meeting to order at 7:15 p.m.

Voting Members: John Brady, Stuart Freeland, Elizabeth Akehurst-Moore

Continued Public Hearings:

Geoffrey D. Cronin to amend a Special Permit under Sections 7.1.3 and 11.6 of the Zoning Bylaw to increase the height of a previously approved garage addition on a non-conforming structure and lot at 64 Bedford Street (Parcel #0852).

Ms. Akehurst-Moore opened the public hearing and reviewed the Application stating that the applicant has requested to continue the hearing without discussion to the March 14, 2019 meeting.

Mr. Brady moved to continue the public hearing of Geoffrey D. Cronin to amend a Special Permit under Sections 7.1.3 and 11.6 of the Zoning Bylaw to increase the height of a previously approved garage addition on a non-conforming structure and lot at 64 Bedford Street (Parcel #0852) to the March 14, 2019 meeting at 7:15. Mr. Freeland seconded the motion and all VOTED in favor.

Other Business:

Approval of Minutes for November 15, 2018

Mr. Brady moved to accept the minutes for the November 15, 2018 meeting as submitted. Mr. Freeland seconded the motion and all VOTED in favor.
Approval of Minutes for December 13, 2018

Staff commented that minutes for the December 13, 2018 meeting had not been completed.

Black Birch Phase II – Forest Ridge Road lot release request

Ms. Brady moved to grant the release of Lot’s 2, 4, 10, and 12 from the Restrictive Covenant of Black Birch Phase II PRD. Mr. Freeland seconded the motion and all VOTED in favor.

Black Horse PRD – Commerford Road lot release request

Ms. Brady moved to grant the release of Lot’s 17, 18, and 19 from the Restrictive Covenant of Black Horse PRD. Mr. Freeland seconded the motion and all VOTED in favor.

Continued Public Hearings:

New England Deaconess Abundant Life Communities for a Special Permit and Site Plan Review under Sections 7.1.2, 7.6, 11.6, and 11.8 of the Zoning Bylaw to construct a 1,004 sq. ft. addition and site improvements within the Groundwater Conservancy District on a non-conforming structure at 80 Deaconess Road (Parcel #3647-1).

Elizabeth Akehurst-Moore opened the public hearing and reviewed the application. Regan Harrold, landscape architect with Beals and Thomas appeared for the hearing and explained that the applicant is requesting to construct a small 1,000 sq. ft. single story addition and patio used to serve as an amenity for the patients. She commented that no additional rooms will be constructed and there will not be any changes to the quantity of staff or parking. She commented that they had received letters of recommendation from both the Planning Board and the Public Works Commission.

Elizabeth Akehurst-Moore asked for comments from the Board.

Elizabeth Akehurst-Moore opened the hearing for public comment and there was none.

Ms. Akehurst-Moore asked about lot coverage and Mr. Matte stated that the only issue is the increase of impervious coverage which is very small.

Mr. Brady moved to approve the application of New England Deaconess Abundant Life Communities for a Special Permit and Site Plan Review under Sections 7.1.2, 7.6, 11.6, and 11.8 of the Zoning Bylaw to construct a 1,004 sq. ft. addition and site improvements within the Groundwater Conservancy District on a non-conforming structure at 80 Deaconess Road (Parcel #3647-1) subject to the conditions stated in the Planning Board recommendation dated January 2, 2019 and a letter from the Public Works Commission dated January 9, 2019. Mr. Freeland seconded the motion and all VOTED in favor.

New Public Hearings:

The Garden Club of Concord for the renewal of a Special Permit under Sections 5.4.5 and 11.6 of the Zoning Bylaw for temporary accessory use to hold a plant, bulb, and/or
Elizabeth Akehurst-Moore opened the public hearing and reviewed the application. Maryann Street appeared for the hearing and presented the application on behalf of the Garden Club to renew a special permit to hold annual plant sales in the spring and fall each year. She explained that they are proposing to hold their spring sale at 54 Walden Street because of ongoing construction at 64 Main Street where they normally hold their sale. The acting Building Commissioner confirmed that there have not been any issues or concerns with past sales.

Elizabeth Akehurst-Moore asked for comments from the Board and there were none.

Elizabeth Akehurst-Moore opened the hearing for public comment and there were none.

Mr. Freeland moved to approve the application of The Garden Club of Concord for the renewal of a Special Permit under Sections 5.4.5 and 11.6 of the Zoning Bylaw for temporary accessory use to hold a plant, bulb, and/or bake sale in May and October at 64 Main Street (Parcel #1700) and 54 Walden Street (Parcel #0001) to expire in five years. Mr. Brady seconded the motion and all VOTED in favor.

Brian and Mera Tilley for a Special Permit under Sections 7.1.3, 7.1.5, and 11.6 of the Zoning Bylaw to demolish the existing non-conforming 1,451 sq. ft. dwelling and construct a new 3,428 sq. ft. dwelling that is more than 50% larger than the existing on a non-conforming lot at 65 Woodland Road (Parcel #3062).

Ms. Akehurst-Moore opened the public hearing and reviewed the application. Brian Tilley appeared for the hearing and presented the application to demolish the existing house and to construct a new house leaving the existing detached garage. Mr. Tilley explained that the lot has a non-conforming front yard setback and does not meet the minimum requirements for lot size as is the same for the remainder of the neighborhood.

Ms. Akehurst-Moore asked for comments from the Board. Mr. Brady asked about the Gross Floor Area and Floor Area Ratio calculations. Mr. Matte confirmed the calculations stating they are over the 50% allowed for increase Gross Floor Area but under the Floor Area Ratio.

Ms. Akehurst-Moore opened the hearing for public comment.

Peter Hanson of 327 Old Marlboro Road spoke in favor of the project but stated that the water line to their house travels through the applicant’s property and asked that it be protected.

Mr. Matte commented that any changes to the water line would go through water and sewer department and it would receive approval from them through the building permit process. Mr. Brady suggested that they reach out to the water/sewer department directly with their concerns.

Mr. Matte commented that the proposed house should not be built any more non-conforming than the existing house and reviewed the existing and proposed site plans with the Board.

Mr. Brady moved to approve the application of Brian and Mera Tilley for a Special Permit under Sections 7.1.3, 7.1.5, and 11.6 of the Zoning Bylaw to demolish the existing
non-conforming 1,451 sq. ft. dwelling and construct a new 3,428 sq. ft. dwelling that is more than 50% larger than the existing on a non-conforming lot at 65 Woodland Road (Parcel #3062) in accordance with plans submitted and dated January 3, 2019 subject to the condition that the existing non-conformity cannot increase. Mr. Freeland seconded the motion and all VOTED in favor.

Daniel Aho for a Special Permit under Sections 7.2, 7.3 and 11.6 of the Zoning Bylaw to demolish the existing dwelling and construct a new dwelling within the Flood Plain and Wetlands Conservancy Districts at 83 Pilgrim Road (Parcel #0483).

Elizabeth Akehurst-Moore opened the public hearing and reviewed the application. John Boardman, Engineer with Places Associates appeared for the hearing and presented the application to remove the existing house and construct a new house that will have a slightly larger footprint. The proposed house will be closer to the front setback to give it more distance from the wetlands and markers will be installed so that future home owners do not encroach upon the wetlands. Mr. Boardman explained that the applicant is adding fill within the floodplain area to raise the ground grade but providing the required compensatory storage in the side yard area. The Natural Resources Commission has asked the applicant to provide a mitigation plan to remove invasive species and the Planning Board has recommended conditions and the applicant is happy to comply.

Mr. Brady asked for clarification on the flood lines and Mr. Boardman gave an explanation of the site plan. Mr. Freeland asked for clarification on the compensatory storage. Mr. Boardman explained how the mitigation is done and commented that they are creating more compensatory storage than what is existing. Mr. Brady asked if they have an order of conditions from the Natural Resources Commission. Mr. Boardman stated that they have a few issues to resolve including the invasive species mitigation plan but that they are working to complete that for February. Mr. Kindermans stated that the Planning Board recommendation talks about replanting native trees consistent with the Tree Preservation Bylaw and asked if there was an amount of trees specified. Mr. Boardman stated that the tree bylaw will dictate the amount of trees that will be required for mitigation but that they expect to plant more trees than required.

Elizabeth Akehurst-Moore opened the hearing for public comment.

Al Gray of 72 Pilgrim Road asked if there was any impact in the flood zone classification in the area and what the front yard setback would be. Mr. Boardman stated that they are not allowed to change the flood zone which is the reason for the Special Permit application and the compensatory storage plan. Mr. Boardman confirmed that the house will be 21 feet to the right of way plus an additional 5 feet to the pavement.

Elizabeth Akehurst-Moore stated that her concerns were addressed and asked for comments from the other Board Members. Mr. Kindermans asked about when the calculations are determined to be correct. Mr. Matte stated that it is a condition of the special permit. Mr. Boardman stated that the calculations are required with the final as-built plan that will be reviewed by engineering.

Mr. Freeland moved to approve the application of Daniel Aho for a Special Permit under Sections 7.2, 7.3 and 11.6 of the Zoning Bylaw to demolish the existing dwelling and construct a new dwelling within the Flood Plain and Wetlands Conservancy Districts at 83 Pilgrim Road (Parcel #0483) subject to the conditions stated in the Planning Board
recommendation dated January 9, 2019 with the additional condition that as-built plans showing the compensatory storage will be submitted to the building department and all appropriate permits will be obtained. Mr. Brady seconded the motion and all VOTED in favor.

Erin Orpik for a Special Permit under Sections 4.2.2.2, and 11.6 of the Zoning Bylaw for an additional dwelling unit at 441 Bedford Street (Parcel #1204).

Elizabeth Akehurst-Moore opened the public hearing and reviewed the application. Erin Orpik appeared for the hearing and explained that they built an additional dwelling on the second story of a detached 3-car garage connected by a pergola as was the bylaw in 2013 but has now changed. Ms. Akehurst-Moore asked the Ray Matte, the Interim Building Commissioner for comment and he explained that the garage was built in 1999, the pergola connecting the two structures was built in 2013, and the Zoning Bylaw was changed in 2016. Ms. Akehurst-Moore asked for clarification on what was changed.

Elizabeth Akehurst-Moore asked for comments from the Board. Mr. Brady stated that he was in favor of granting the Special Permit.

Elizabeth Akehurst-Moore opened the hearing for public comment and there was none.

Mr. Brady moved to approve the application of Erin Orpik for a Special Permit under Sections 4.2.2.2, and 11.6 of the Zoning Bylaw for an additional dwelling unit at 441 Bedford Street (Parcel #1204) in accordance with the plans submitted and dated December 13, 2018. Mr. Freeland seconded the motion and all VOTED in favor.

There being no further business, the meeting was adjourned at 8:02 p.m. on a motion by Mr. Brady. Mr. Freeland seconded the motion and all VOTED in favor.

Respectfully submitted,

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Elizabeth Akehurst-Moore, Clerk