



**ZONING BOARD OF APPEALS  
TOWN OF CONCORD  
Meeting Minutes  
January 14, 2021**

Pursuant to notice duly filed with the Town Clerk, a joint virtual public meeting of the Board of Appeals and Planning Board was held on Thursday, January 14, 2021 at 7:00 p.m. using the Zoom meeting platform. Meeting ID: 865 8865 4026 Meeting Password: 498788

**PRESENT:**

Members:

Elizabeth Akehurst-Moore  
Theo Kindermans  
Ravi Faiia

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

Chair Akehurst-Moore called the meeting to order at 7:00 p.m.

Voting Members: Elizabeth Akehurst-Moore, Theo Kindermans, Ravi Faiia

**Public Hearings:**

***The Trustees, for the renewal of 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 Akehurst-Moore opened the public hearing and reviewed the Application. Michael Busack appeared on behalf of the Trustees for the hearing and explained that because of the pandemic, they were not able to hold the events on their Special Permit over the last year. He remarked that they wanted to renew their Special Permit with the hopes that conditions improve and they will be able to hold events once again. Mr. Busack explained that there was one change since they submitted the application and that the Highland Street Foundation program ended last year and the Free Fun Friday events would no longer be taking place. He also noted that the Minuteman National Historical Park will extend the use of the overflow parking as they have committed in the past.

Chair Akehurst-Moore opened the hearing for public comment. Mr. Kindermans summarized a letter received by Marcie Berkley of 41 Monument Street asking for the Applicant to submit a revised plot plan showing overflow parking.

Jonathan Keyes of 31 Liberty Street was in favor of the application.

Nancy Fresella-Lee of 140 Walden Street noted that she was generally supportive of a one year permit and voiced her concern that there had not been a Site Manager at the Old Manse for over a year.

Mr. Faiia asked for a response regarding questions raised on parking and staffing. Mr. Busack noted that the staffing is appropriate for current need during the pandemic. The Board discussed wording for a condition for a revised parking plan.

Mr. Faiia moved to approve the application of The Trustees, for the renewal of 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) to expire in one year, subject to previous conditions, and a new condition that the applicant shall submit an updated site plan by February 1, 2021. Mr. Kindermans seconded the motion and all VOTED in favor.

Documents Used: Site Plan

***John and Ashleigh Tillery, for a Special Permit under Sections 4.2.2.2 and 11.6 of the Zoning Bylaw to construct a 990 sq. ft. additional dwelling unit at 42 Sandy Pond Road (Parcel #0266).***

Chair Akehurst-Moore opened the public hearing and reviewed the Application. The architect, Elise Stone appeared for the hearing. She explained that the homeowner is proposing to construct a two-story two-car barn structure with a 990 sq. ft. additional dwelling unit on the second floor. She reviewed the site plan and explained that the structure will be sited behind the house built into the hill and will have a new driveway connecting to the existing driveway. Ms. Stone commented that the new barn structure meets the floor area ratio requirements and meets the setbacks required for a house. Mr. Kindermans noted that there is a quite a bit of impervious area and asked storm water management was planned for the lot. He commented that the Board needs to be more cognizant of runoff and thought that there should be some sort of storm water management. Ms. Stone commented that drainage had not been an issue on the property and so they were not proposing any storm water management. Mr. Kindermans commented that roof runoff could be infiltrated relatively easily. Ms. Stone stated that the homeowner would be amenable to that. Town Planner Hughes stated that roof runoff recharge is fairly simple and asked if a stone infiltration trench could be constructed towards the back of the lot. Mr. Kindermans felt the roof recharge and trench were acceptable. Mr. Faiia questioned how much tree removal would be necessary to construct the barn structure. Ms. Stone confirmed that there is not heavy growth where the barn is going.

Chair Akehurst-Moore opened the hearing for public comment. Matt Johnson, Select Board liaison noted that the gross floor area is calculated using interior space not exterior.

Building Commission Matte confirmed that the applicant had addressed each item of the Zoning Bylaw. The Board agreed that the potential impact on the natural environment had been adequately addressed so that it doesn't outweigh the benefit of having the dwelling unit which is in the public interest of the Town. The Board found that the location of the accessory dwelling on this size lot will not be substantially detrimental to the neighborhood and the potential impact on the natural environment will be minimized with the infiltration areas along the driveway and roof runoff recharge for the garage to mitigate the additional impervious services on the lot.

Mr. Kindermans moved to approve the application of John and Ashleigh Tillery, for a Special Permit under Sections 4.2.2.2 and 11.6 of the Zoning Bylaw to construct a 990 sq. ft. additional dwelling unit at 42 Sandy Pond Road (Parcel #0266) with the condition that prior to an issuance of a building permit, the applicant shall submit a plan showing the infiltration trench, roof recharge, and missing driveway. Mr. Faiia seconded the motion and all VOTED in favor.

Documents Used: Plot Plans, existing conditions photos

***Comins & Newbury LLP, or a Special Permit under Sections 7.1.3, 7.1.5 and 11.6 of the Zoning Bylaw to demolish 1,974 sq. ft. of the existing 3,675 sq. ft. dwelling and convert it to an accessory structure and to construct a new 4,585 sq. ft. dwelling that is over 50% larger than the existing gross floor area on a non-conforming lot at 18 Windmill Hill Road (Parcel 1225).***

Chair Akehurst-Moore opened the public hearing and reviewed the Application. Mr. Evarts explained that he had the surveyor out to the property and discovered that the house was 4 inches too high so they had the architect revise the plans to lower the roof. He noted that he had submitted a plan showing the site drainage and clarified that there will not be a door between the additional dwelling unit and the storage space. Chair Akehurst-Moore commented that Board Members had individually viewed the site and view from Sleepy Hollow Cemetery and noted that they need to pay careful attention because the house will be very visible from the cemetery. Mr. Faiia commented that there are already structures in all directions but this would add one more on the high point of the hill. Mr. Kindermans agreed that the house would be very visible and commented that they could find ways to soften the appearance. Chair Akehurst-Moore commented that another site visit with a visual marker of the height would be beneficial.

Chair Akehurst-Moore noted that they received information regarding the trees that have been removed from the bordering cemetery property. Town Planner Hughes confirmed that the Applicant would still need to apply for the Tree Preservation Bylaw and that the previous tree removal on the cemetery land is separate from this proposal. Mr. Evarts explained that they had previously done some clearing work to the property in 2015 and commented that the new structure will be narrower than the existing house and with the removal of the second story on the existing house; less house will be visible from the cemetery. Chair Akehurst-Moore agreed in theory but wanted to see it marked out in the field to confirm. The Board discussed previous grading on the property and how that would affect the height calculations of the new house. Mr. Evarts explained that they have done a lot of landscaping work on the property as a whole to screen the existing house and plan to continue that work along the entire property starting with the fence that they have already installed. Mr. Kindermans asked if a landscaping plan could be submitted showing the extent of the work proposed and a drainage plan showing what has been done to mitigate storm water.

The Commission scheduled a site visit for Thursday, January 21, 2021 at 9:30 am and asked that story pole be added to the back side of the house.

Mr. Faiia moved to continue the application of Comins & Newbury LLP, for a Special Permit under Sections 7.1.3, 7.1.5 and 11.6 of the Zoning Bylaw to demolish 1,974 sq. ft. of the existing 3,675 sq. ft. dwelling and convert it to an accessory structure and to construct a new 4,585 sq. ft. dwelling that is over 50% larger than the existing gross floor area on a non-conforming lot at 18 Windmill Hill Road (Parcel 1225) to the February 11, 2021 meeting at 7:05. Mr. Kindermans seconded the motion and all VOTED in favor.

Documents Used: Site plan, grading plan

***Concord Country Club, for a Special Permit under Sections 7.5 and 11.6 of the Zoning Bylaw for the construction of an irrigation pond requiring the removal of 19,432 cubic yards of soil at 246 Old Road to Nine Acre Corner (Parcel #3079).***

Chair Akehurst-Moore opened the public hearing and reviewed the Application. Town Planner noted that the Applicant wasn't able to put together information for Public Works meeting in January which has delayed their application with this Board.

Mr. Kindermans moved to continue the application of Concord Country Club, for a Special Permit under Sections 7.5 and 11.6 of the Zoning Bylaw for the construction of an irrigation pond requiring the removal of 19,432 cubic yards of soil at 246 Old Road to Nine Acre Corner (Parcel #3079) to the February 11, 2021 meeting at 7:10. Mr. Faiia seconded the motion and all VOTED in favor.

Documents Used: none

**Other Business:**

***Approval of Minutes for December 14, 2020***

Mr. Kindermans moved to accept the minutes for the December 14, 2020 meeting as amended. Mr. Faiia seconded the motion and all VOTED in favor.

There being no further business, the meeting was adjourned at 8:30 p.m.

Respectfully submitted,

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Theo Kindermans, Clerk