



ZONING BOARD OF APPEALS  
TOWN OF CONCORD  
MEETING MINUTES  
JANUARY 23, 2025

Pursuant to notice duly filed with the Town Clerk, a hybrid public meeting of the Board of Appeals was held on Thursday, January 23, 2025 at 7:00 p.m. in person at 141 Keyes Road, First Floor Meeting Room and using the Zoom meeting platform.

Meeting ID: 852 6758 5197 Meeting Password: 847758

PRESENT:

Members:

Theo Kindermans, Chair

Ravi Faiia, Vice Chair

Elizabeth Dwyer Leonard, Member

Thomas Swaim, Associate Member

Elizabeth Hughes, Town Planner

Kim Johnson, Admin Assistant

Chair Kindermans called the meeting to order at 7:00 p.m.

Voting Members: Theo Kindermans, Ravi Faiia, Elizabeth Dwyer Leonard

Public Hearings:

**Thoreau Residences LLC, for a Comprehensive Permit under M.G.L. Chapter 40B, §§ 20-23 for a 237-unit multi-family development which is a 13.08-acre portion of the real property known and numbered as 275 Forest Ridge Road (Parcel # 2970-1-5).**

Chair Kindermans opened the public hearing and reviewed the application

The January 23rd Zoning Board of Appeals meeting centered on the comprehensive permit application for Thoreau Residences LLC, a proposed 237-unit multifamily development on a 13-acre site at 275 Forest Ridge Road. The meeting included updates on site plans, sustainability measures, and traffic considerations, following a previous public hearing and a working session with board members, town staff, and peer reviewers.

The applicant, represented by Jim Lambert and Phil Cordeiro, presented revisions to the site plan based on feedback from the board and consultants. Major changes included widening the boulevard entrance for emergency access, adding a roundabout for smoother traffic flow, increasing buffer zones by removing parking near adjacent residences, relocating the dog park and adding a playground, and considering reserve parking that could be added later if needed. Efforts were made to reduce impervious surfaces and preserve existing trees, and a secondary emergency access route for fire vehicles was proposed.

The discussion also touched on the size and placement of recreational areas, with board members requesting more detailed planning for facilities that would accommodate children and adolescents, given the lack of nearby parks. There was also concern about the visual and environmental impact of the wide boulevard entrance, with suggestions for reducing paving and enhancing its appearance.

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Sustainability measures were highlighted by Laila Reilly of MaGrann Associates, who confirmed the project's intent to meet the Passive House standard, known for its rigorous energy efficiency and air quality requirements. The buildings will be all-electric, Pv-ready for future solar installations, and include EV infrastructure. Additional features include enhanced air quality measures, low-emission building materials, and radon mitigation. Questions arose about the current capacity of the local grid to handle more solar energy, which remains an open issue with the Concord Municipal Light Plant.

The board and peer reviewers expressed overall satisfaction with the progress but emphasized the need for further detail on the recreation spaces, stormwater management, and pedestrian connectivity. They also raised the topic of underground parking, which the applicant argued was not financially viable for this project. The applicant committed to responding in detail to peer review comments before the next meeting scheduled in three weeks, ensuring the project stays on track with the town's review timeline.

Cliff Boehmer emphasized that the project's path toward Passive House certification would determine whether on-site solar photovoltaic (PV) installations would be necessary. While the roof is already required by Massachusetts code to be structurally solar-ready, whether the project would need PV to meet energy goals is still uncertain, as Passive House projects can vary significantly in their final energy performance outcomes.

The Chair opened up the hearing for public comment which Ron Whitfield of 67 Whits End Rd raised concerns about the potential loss of significant carbon sequestration from trees that would need to be cleared at the back of the property. He questioned whether the energy efficiency gains of Passive House construction would offset the carbon impact of removing those trees. The board acknowledged these concerns and reiterated their commitment to minimizing tree removal, with plans for an updated site plan that would clarify the tree clearing limits.

Mike Berry, 18 Sweet Birch Lane representing the homeowner's association, requested assurance that adequate screening would be provided between the new development and nearby residences on Sweet Birch Lane. The applicant confirmed their commitment to adding screening, likely a mix of fencing and plantings, and agreed to provide a landscape plan for review in the next three weeks.

The meeting also covered traffic issues, with MDM and GPI providing updates. The project's traffic study concluded that no traffic signal was warranted at the Forest Ridge Road and Main Street intersection, though some safety enhancements, such as improved signage and pavement markings, were recommended. GPI noted that while a sensitivity analysis showed potential for level of service F at the intersection under worst-case conditions, it still functioned adequately due to acceptable volume-to-capacity ratios. Discussions continued about mitigating drainage issues at the Forest Ridge Road intersection, with agreement that some grading adjustments, including a mill and overlay, might be necessary. However, the question of who is responsible for these improvements—whether the developer or the town—remained unresolved and subject to ongoing negotiations among the applicant, local homeowner associations, and Concord's engineering department.

The board expressed ongoing concerns about the amount of paving, particularly for the widened boulevard entrance. Suggestions were made to explore options such as reinforced shoulders or grassed areas for emergency vehicle access to reduce impervious surfaces. The board and consultants agreed to revisit these discussions and coordinate with the fire department.

The meeting concluded with plans to reconvene in three weeks, with expectations for several updates: a finalized landscape plan, a detailed response to architectural peer review comments, further refinement of the traffic mitigation strategy, additional information on recreation spaces

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for children, and a preliminary waiver list to ensure no surprises toward the end of the permitting process.

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**Administrative Items:**

Decision Deliberation - Michael Gresty (Applicant) on behalf of Irina Mladenova (Owner), for a Special Permit under Zoning Bylaw Sections 4.2.2.2 and 11.6 for a 999 sq. ft. detached additional dwelling unit (ADU) at **262 Virginia Road** (Parcel # 4262-5)

The Board began discussing the next administrative item on the agenda, which was deliberation and a vote on a special permit application for a 990-square-foot detached accessory dwelling unit at 262 Virginia Road. The hearing on the application had already been closed, and a draft decision had been circulated and finalized by town counsel. The Board had intended to review and finalize this decision during an executive session earlier in the day.

However, technical difficulties with the Zoom link prevented the executive session from taking place. Without that session, the board was not prepared to vote on the decision that night. The chair expressed a desire to delay the deliberation and vote until after the executive session could be held, suggesting that this occur before the next scheduled meeting on February 13. Although one Board member noted some confusion about the purpose of the executive session, there was general agreement that they wanted to ensure fairness and give proper consideration to the applicant before making a final decision.

Town Planner Elizabeth Hughes confirmed that no formal vote was required to continue deliberation since they were still within the permitted timeframe for filing the decision. The Chair then concluded that deliberation on the Virginia Road permit decision would be postponed until the February 13 meeting, allowing the board time to hold the needed executive session and finalize their thoughts.

An additional administrative item was discussed regarding board membership. Wendy Rovelli, the Select Board liaison, has been actively seeking new members for the board. A new associate member, Steve Newbold, who is an architect, was identified and is expected to be approved soon, likely joining the board at the February 13 meeting.

Theo Kindermans announced that he has petitioned for an additional full three-year term on the board, facilitated through Ms. Rovelli, since he felt his initial ten-month associate term didn't provide enough time to ramp up due to the board's complex work. His request is being taken to the full select board, and he will remain on the board for another three years. Board members expressed strong support for Mr. Kindermans continued involvement, highlighting his depth of knowledge in land development and environmental issues.

The meeting concluded with acknowledgments and a lighthearted motion to adjourn, although a formal motion wasn't required. The session ended on a positive note with thanks exchanged among the participants.

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*Approval of Minutes for March 26, 2024 meeting*

Mr. Faiia moved to accept the minutes for the March 26, 2024 meeting as submitted/amended. Ms. Dwyer Leonard seconded the motion, and all VOTED in favor.

There being no further business, the meeting was adjourned at 8:44 p.m.

Meeting Minutes Approved On: May 8, 2025