



ZONING BOARD OF APPEALS  
TOWN OF CONCORD  
MEETING MINUTES  
MARCH 23, 2023

Pursuant to notice duly filed with the Town Clerk, a virtual public meeting of the Zoning Board of Appeals was held on Thursday March 23, 2023 at 7:00 p.m. using the Zoom meeting platform.

**PRESENT:**

Members:

Elizabeth Akehurst-Moore, Chair

Ravi Faiia

James Smith

Theo Kindermans

Thomas Swaim

Paul Creedon, Building Commissioner

Elizabeth Hughes, Town Planner

Hayleigh Walker-Kurland, Admin Assistant

Chair Akehurst-Moore called the meeting to order at 7:00 p.m. and took a roll call vote.

**Public Hearings:**

***Concord Center for the Visual Arts, for a Special Permit with Site Plan Review under Zoning Bylaw Sections 7.1.3, 7.7.2.12, 11.6 and 11.8 to demolish 564 sq. ft and construct a 2,593 sq. ft. addition to an existing nonconforming structure and relief from parking at 37 Lexington Road (Parcel# 0015).***

Mr. Kindermans moved to continue the application of Concord Center for the Visual Arts, for a Special Permit with Site Plan Review under Zoning Bylaw Sections 7.1.3, 7.7.2.12, 11.6 and 11.8 to demolish 564 sq. ft and construct a 2,593 sq. ft. addition to an existing nonconforming structure and relief from parking at 37 Lexington Road (Parcel# 0015) to the hearing of May 11<sup>th</sup> at 7:00 p.m. Mr. Faiia seconded the motion. The Chair called for a roll call vote; Mr. Faiia, yes, Mr. Kindermans, yes, and Chair Akehurst-Moore, yes. All VOTED in favor.

Documents used: None

***Rebecca Green, for a Special Permit under Zoning Bylaw Sections 7.1.3, 7.1.5 and 11.6 to construct two additions totaling 261 sq. ft with one addition 8.25 ft from the side property line on the existing 1,026 sq. ft nonconforming dwelling at 127 Belknap Street (Parcel# 2768).***

Elise Stone appeared for the hearing on behalf of Rebecca Green. The property at 127 Belknap Street consists of a single-family residence and is located in the Residence C Zoning District. The house is currently nonconforming to the side setback of 4.1 ft. The Applicant is looking to construct two additions and a small deck. The small deck shall have a setback of 17.4 ft and the addition on the east side of the property shall have a setback of 28.9 ft. The rear addition shall be constructed 8.25 ft from the side property line where 15 ft is required. The new addition will not increase the nonconformity as that side of the house is currently 4.1 ft. from the side setback. The proposed square footage is 1,287 sq ft.

Neither the Chair nor the other Board members had any issues with the proposed project.

The Chair opened the hearing for public comment and there was none. However, the Chair did note that they received letters from abutters who were in favor of the proposed changes.

Mr. Smith moved to approve the application of Rebecca Green, for a Special Permit under Zoning Bylaw Sections 7.1.3, 7.1.5 and 11.6 to construct two additions totaling 261 sq. ft with one addition 8.25 ft from the side property line on the existing 1,026 sq. ft nonconforming dwelling at 127 Belknap Street (Parcel# 2768) noting that the reconfiguration of the house reduces the nonconformity by making the minimum setback 8.25 ft as opposed to 4.1 ft. Mr. Kindermans seconded the motion. The Chair called for a roll call vote; Mr. Kindermans, yes, Mr. Smith, yes, and Chair Akehurst-Moore, yes. All VOTED in favor.

Documents used: Existing and Proposed Site Plan.

***Concord Public Schools, for a Sign Variance under Sections 3(c)(2) and 7(a) of the Sign Bylaw to install a sign of more than two square feet in area at the main entrance to 835 Old Marlboro Rd (Parcel# 3010-2-1).***

Steven Ventresca of Nitsch Engineering appeared for the hearing on behalf of the Applicant along with Architect Mike Dowhan of SMMA. The Applicant is seeking a Sign Variance as they are looking to install a sign of more than 2 square feet in a residential Zoning District. Mr. Ventresca reviewed the area of the proposed school, noting that the proposed sign would be installed in a location adjacent to the new driveway entrance. The proposed sign would have two sides and be 4 ft in height from finished grade. Raised, stainless steel letters would be incorporated onto the brick façade which would be capped in concrete. The letters would be backlit with LED lights set on a timer and turned off from 11pm to 7am during the week.

Mr. Swaim requested the total square footage of the proposed sign. Mr. Ventresca explained that the sign was 15 ft long by 4 ft high, giving it a total square footage of 60 sq ft on each side. Mr. Swaim stated that the Board needs to take a closer look at Sign Bylaw, noting that section 5(g) states that one side may not exceed 12 sq ft. Town Planner Hughes stated that they are considering two signs and the Applicant is requesting a Variance due to their proposed size.

Mr. Faiia thought that 11pm is too late to turn off lights. Mr. Ventresca stated that the hours for the lighting had been discussed with the Building Commissioner who confirmed that those hours were acceptable.

Mr. Swaim encouraged the Board to review the reasons listed under 3(c)(2) that the Board may grant the Variance.

The Board reviewed 3(c)(2) under the Sign Bylaw and discussed reasons to approve the Variance. Both the Chair and Mr. Kindermans noted that the school is in a residential setting and the lot is considerably large with multiple entrances and curb cuts and they thought that having a size sign in scale with the setting was appropriate.

Mr. Smith stressed that not approving the Variance for the sign of this size would be a disservice to the Town since a prominent sign helps direct visitors and locals. He expressed concerns about whether the sign might block sightlines. Town Planner Hughes suggested that the Board add a condition that the final location of the proposed sign be reviewed by the CPW Engineering Division, and that the Applicant provide accurate sight distance information.

Mr. Dowhan stated that their traffic consultant Bryant Associates did sight line distance study for the curb cut in that area. Town Planner Hughes clarified that the Board is concerned for those sitting in cars that are exiting. She noted that the Building Commissioner can approve minor modifications administratively. Mr. Dowhan asked for clarification on pulling back signage. The

Town Planner stated that if it was required, the proposed signage would be pulled back from right-of-way.

The Board discussed the issue of lighting and agreed that 11pm was an acceptable time to turn off the lighting.

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

Mr. Kindermans moved to approve the application of Concord Public Schools, for a Sign Variance under Sections 3(c)(2) and 7(a) of the Sign Bylaw to install a sign of more than two square feet in area at the main entrance to 835 Old Marlboro Rd (Parcel# 3010-2-1) with all the findings and conditions as discussed. Mr. Smith seconded the motion. The Chair called for a roll call vote; Mr. Kindermans, yes, Mr. Smith, yes, and Chair Akehurst-Moore, yes. All VOTED in favor.

Documents used: Plans, Sign Rendering

***WH Walden LLC, for a Special Permit with Site Plan Review under Zoning Bylaw Sections 7.7.2.12, 7.7.3.13, 11.6, and 11.8 for a 2,367 sq. ft. second story addition and relief from parking and parking design standards at 59 Walden Street (Parcel# 0115).***

Mr. Kindermans recused himself from this hearing as he was not present at the previous hearing and did not review the meeting recording.

Attorney Thomas Falwell appeared for the hearing on behalf of WH Walden LLC along with Chris and Edith Hill of Keller Williams Realty, Manager Frank Widmayer, Project Engineer Rich Harrington, Andy Loverud of Design Science, Landscape Architect Deb Howser and General Contractor Mark Lionetta. Mr. Falwell reviewed the history of the application and the findings of the previous meetings as well as those of the Planning Board and the Natural Resources Commission. Mr. Falwell noted that the project received a recommendation for favorable action from the Planning Board.

Richard Harrington reviewed the finished landscape planting and the plan to adjust the pavement. They will be adding additional plantings along Mill Brook, maintaining a counterclockwise circulation through the site, adding an updated electric vehicle charging station, upgrading the utilities for the heat pumps and incorporating 20 parking spaces.

The Chair stated that the design is an improvement for the site. The Board discussed the possibility of incorporating a condition to require that the Applicant repair the existing driveway aprons as recommended by CPW Engineering Division. Town Planner Hughes noted that there was some hesitancy on the part of the Planning Board to have the Applicant repair the aprons as it may then trigger additional ADA issues within the road right-of-way that are beyond the scope of the proposed project. Town Planner Hughes reviewed the conditions noted in the Planning Board's recommendation letter to address CPW Engineering Division's recommendation.

Mr. Smith noted that the parking is based on use by the current tenant. He asked Town Planner Hughes what would be required of a new tenant if there was a change of occupancy. Town Planner Hughes stated that the Special Permit would not extend to any other use. She went on to say that the Board could make it a condition that the Special Permit extends only to the current Applicant and the current use.

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

Mr. Faiia moved to approve the application of WH Walden LLC, for a Special Permit with Site Plan Review under Zoning Bylaw Sections 7.7.2.12, 7.7.3.13, 11.6, and 11.8 for a 2,367 sq. ft. second story addition and relief from parking and parking design standards at 59 Walden Street (Parcel# 0115) and accept the findings and conditions as outlined in the Planning Boards March 22<sup>nd</sup> letter and discussed by the Board. Mr. Smith seconded the motion. The Chair called for a roll call vote; Mr. Faiia, yes, Mr. Smith, yes, and Chair Akehurst-Moore, yes. All VOTED in favor.

**Administrative Business:**

***Quarry North Rd LLC, for a Special Permit under Zoning Bylaw Sections 10, 11.6 and 11.8 for a Planned Residential Development for six units at 48Y Fitchburg Turnpike (Parcel# 3419)***

Chris Claussen appeared for the hearing on behalf of Quarry North Rd LLC along with attorney William Henchy.

Town Planner Hughes reviewed the recent edits to the Special Permit Decision and clarified certain sections for the Board. Corrections were made to the square footage as the project has progressed and changed through the hearing process. She went on to say that the Applicant had requested flexibility regarding the floor plans and various architectural details of each house as noted in section 10.2.3.3 which outlines unit size. Town Planner Hughes explained that the actual square footage and placement of the houses would not change.

Mr. Smith asked if the flexibility extended to the height of the homes and Town Planner Hughes stated that it did not.

The Chair requested that a condition be incorporated into the decision which outlines explicitly that the requested flexibility shall not extend to height. Mr. Henchy noted that request was already fulfilled in a separate section.

Town Planner Hughes stated that Section 10.2.3.3 deals with unit size, so she did not believe it was necessary to clarify the height in that portion of the Decision.

Mr. Faiia asked for clarification about the footprint of the buildings themselves. Mr. Henchy stated that the footprints were shown on the revised plans they submitted and were referenced in the Decision.

The Board and Town Planner discussed revision to various Sections and conditions to address this concern.

Condition 33 was removed as it was a duplicate Condition.

Mr. Smith moved to accept the written decision with conditions as amended for the application of Quarry North Rd LLC, for a Special Permit under Zoning Bylaw Sections 10, 11.6 and 11.8 for a Planned Residential Development for six units at 48Y Fitchburg Turnpike (Parcel# 3419) and to authorize the Town Planner to execute and file the decision on behalf of the Board. Mr. Faiia seconded the motion. The Chair called for a roll call vote; Mr. Faiia, yes, Mr. Smith, yes, and Chair Akehurst-Moore, yes. All VOTED in favor.

Documents used: Special Permit Decision Draft for 48Y Fitchburg Turnpike.

*Approval of Minutes for February 23<sup>rd</sup> 2022*

Mr. Smith moved to accept the minutes for the February 23<sup>rd</sup>, 2023 meeting as amended. Mr. Kindermans seconded the motion. The Chair called for a roll call vote; Mr. Kindermans, yes, Mr. Smith, yes, and Chair Akehurst-Moore, yes. All VOTED in favor.

There being no further business, the meeting was adjourned at 8:05 p.m.

Approved by the ZBA: 5/11/23