Pursuant to notice duly filed with the Town Clerk, a public meeting of the Board of Appeals was held on Thursday, May 9, 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

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

Ms. Akehurst-Moore called the meeting to order at 7:30 p.m.

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

Continued Public Hearings:

Military Market, LLC to amend a Special Permit under Section 11.6 of the Zoning Bylaw to delete Condition #43 “No public use of the second floor shall be permitted” at 77 Lowell Road (Parcels #1683-CD, 1685-cd, 1682-2).

Ms. Akehurst-Moore opened the public hearing and stated that due to a lack of quorum for this application, the public hearing will be continued without discussion to the June 13, 2019 meeting at 7:15 pm.

New Public Hearings:

David Stuhlsatz for a Special Permit under Sections 7.1.3, 7.1.5 and 11.6 of the Zoning Bylaw to construct an 1,896 sq. ft. 3-car garage addition that is more than 50% larger than the existing on a non-conforming lot at 648 Annursnac Hill Road (Parcel #541).

Elizabeth Akehurst-Moore opened the public hearing and reviewed the application. David Stuhlsatz appeared for the hearing and explained that there is currently an open building permit for existing renovations and that they are proposing to add a 3-car garage with attached breezeway. The current house is approximately 5,100 sq. ft. and this garage will add approximately 1,800 sq. ft. Mr. Stuhlsatz gave an overview of the site plans and architectural plans. Mr. Brady asked if the Gross floor area calculations had been approved by the Building Commissioner and Mr. Matte confirmed that he reviewed them. Ms. Akehurst-Moore commented that that house existing on the lot prior to the current owners was approximately 4,000 sq. ft.

Elizabeth Akehurst-Moore opened the hearing for public comment.
Janet Rothrock of 618 Annursnac Hill Road spoke in opposition of the project and submitted a letter for the file.

Karen Jourdenais of 66 Upland Road asked if this project was subject to the Tree Bylaw.

Mark Howell of 668 Annursnac Hill Road asked the Board to research the gross floor area of the previous house and spoke about the potential for flooding of neighboring properties.

Janet Rothrock of 618 Annursnac Hill Road commented that the trees were clear cut prior to the sale of the house to the current owner.

Jonathan Smith of 66 Upland Road asked why this building permit would not be subject to the Tree Preservation Bylaw. The Town Planner stated that as part of the Special Permit, the Board can impose conditions that reflect the rules of the Tree Bylaw but that a separate application would not be required.

Pam Howell of 668 Annursnac Hill Road explained the neighborhood makeup and spoke regarding the flooding.

Dave Lebling of 618 Annursnac Hill Road spoke regarding the changes that had been made to the size of the house and the changes to the landscape.

Jennifer Carter of 668 Annursnac Hill Road stated her concerns for the runoff created by the removal of trees on the lot and subsequent road flooding and ice during the winter months.

Ms. Akehurst-Moore asked the Building Commissioner if he could verify the square footage of the pre-existing house and he stated that he felt that the numbers presented were correct but would want to confirm before the next meeting.

Doris Cole Goyette of 593 Annursnac Hill spoke regarding the second floor attic area over the garage.

Cynthia Katz of 20 Conant Street spoke against the project.

Ms. Akehurst-Moore stated that she would like to continue the public hearing and schedule a site visit. Mr. Stuhlsatz asked about what is expected for the site visit. The Town Planner addressed how the drainage could be introduced into the plan. Ms. Akehurst-Moore asked Board Members what they would like to see staked out at the site visit.

Mr. Brady moved to continue the application of David Stuhlsatz for a Special Permit under Sections 7.1.3, 7.1.5 and 11.6 of the Zoning Bylaw to construct an 1,896 sq. ft. 3-car garage addition that is more than 50% larger than the existing on a non-conforming lot at 648 Annursnac Hill Road (Parcel #541) to 7:20 on June 13, 2019 and will schedule a site visit. Mr. Freeland seconded the motion and all VOTED in favor.

Beals Associates, Inc. for a Special Permit under Sections 6.3.2 and 11.6 of the Zoning Bylaw for the creation of a new Hammerhead lot from an existing lot at 209 and 29A Musterfield Road (Parcels #1794-1 & 1795-9).

Elizabeth Akehurst-Moore opened the public hearing and reviewed the application. Lawrence Beals of Beals Associates, Inc. appeared for the project and gave an overview of the property and presented the ANRAD plan to show the wetlands, existing house, and
septic. Mr. Brady asked about a paper street and why driveway access was proposed through one frontage over another.

Elizabeth Akehurst-Moore opened the hearing for public comment.

Michael Solomon of 249 Musterfield Road asked how many hammerheads could be on the lot and asked about a deed restriction required by the Bylaw. The Town Planner explained that the deed restriction would be added as a condition to the Special Permit and that the restriction will also be required to be shown on the ANR Plan creating the lot and endorsed by the Planning Board. She also explained that these lots are not technically hammerhead lots because they were created as part of the subdivision, not as a Special Permit.

Timothy Healy of 191 Musterfield Road asked if the lot would be further divided in the future. The Town Planner explained subdivision rules and confirmed that the deed restriction would restrict the property from being changed in the future.

Michael Solomon 249 Musterfield asked about where the building could be built on the lot and the Town Planner explained where it could be located per the requirements of the Zoning Bylaw.

Steve Carr of 308 Musterfield Road asked where the curb cut would be located for the hammerhead lot.

Michael Solomon of Musterfield Road asked where a fire hydrant could be located. The Town Planner explained that as part of the Special Permit other Town Departments will weigh in for comments on the application and reviewed the requirements of the Bylaw.

Mr. Brady asked for a review of the other potential plans that were created for context. Mr. Beals gave an overview of potential ways that the property could be utilized. Mr. Brady commented that a neighbor had stated significant concerns regarding flooding of his property. Mr. Beals stated that the driveway will be planned around existing trees with minimal tree removal to mitigate any further flooding.

Timothy Healy of 191 Musterfield Road asked if they could create a shared driveway rather than creating a new driveway. The Town Planner commented that requiring a shared driveway is not under the purview of the ZBA.

Mr. Brady moved to continue the application of Beals Associates, Inc. for a Special Permit under Sections 6.3.2 and 11.6 of the Zoning Bylaw for the creation of a new Hammerhead lot from an existing lot at 209 and 29AMusterfield Road (Parcels #1794-1 & 1795-9) to June 13, 2019 at 7:25 pm. Mr. Freeland seconded the motion and all VOTED in favor.

Charles Audi for a Special Permit and Site Plan Review under Sections 7.1.2, 11.6, and 11.8 of the Zoning Bylaw to extend a non-conforming use and to allow for the construction of a 1,056 sq. ft. canopy over the existing gas pumps and a 10 sq. ft. cashiers box at 185 Fitchburg Turnpike (Parcel #3437-2).

Ms. Akehurst-Moore opened the public hearing and stated that the applicant has requested a continuance without discussion to the June 13, 2019 meeting at 7:30 pm.

David Seibel for a Special Permit under Sections 7.2 and 11.6 for the replacement of the existing patio and retaining walls within the Flood Plain Conservancy District at 198 Southfield Road (Parcel #0563).
Elizabeth Akehurst-Moore opened the public hearing and reviewed the application. Paul Kirchner with Stamski and McNary, Inc. appeared for the hearing. He explained that the homeowner is looking to replace a patio and retaining wall within the floodplain. Mr. Brady asked if the compensatory storage area had changed. Mr. Kirchner stated that the fill had changed a bit from the original plan but that they are meeting with the Natural Resources Commission and will receive an Order of Conditions. Mr. Kirchner stated that the Engineering department also requiring the submission of a revised plan.

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

Mr. Brady moved to approve the application of David Seibel for a Special Permit under Sections 7.2 and 11.6 for the replacement of the existing patio and retaining walls within the Flood Plain Conservancy District at 198 Southfield Road (Parcel #0563) in accordance with the Planning Board recommendation and conditions dated May 8, 2019. Mr. Freeland seconded the motion and all VOTED in favor.

**Other Business:**

*Approval of Minutes for April 18, 2019*

Staff commented that the minutes for the April 18, 2019 meeting were not yet complete.

There being no further business, the meeting was adjourned at 9:05 p.m.

Respectfully submitted,

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Elizabeth Akehurst-Moore, Clerk