



ZONING BOARD OF APPEALS
TOWN OF CONCORD
MEETING MINUTES
MAY 11, 2023

Pursuant to notice duly filed with the Town Clerk, a virtual public meeting of the Board of Appeals was held on Thursday, May 11, 2023 at 7:00 p.m. using the Zoom meeting platform.

PRESENT:

Members:

Ravi Faiia

Theo Kindermans

Thomas Swaim

Paul Creedon, Building Commissioner

Hayleigh Walker, Admin Assistant

Acting Chair Theo Kindermans called the meeting to order at 7:00 p.m and took a roll call vote. Voting members included Chair Kindermans, Thomas Swaim and Ravi Faiia.

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 the existing Coleman Gallery and construct a 2,593 sq. ft. addition to an existing 7,349 sq. ft. nonconforming structure and relief from parking at 37 Lexington Road (Parcel# 0015).

Mr. Faiia 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 the existing Coleman Gallery and construct a 2,593 sq. ft. addition to an existing 7,349 sq. ft. nonconforming structure and relief from parking at 37 Lexington Road (Parcel# 0015) to the meeting of June 8th 2023 at 7:00 p.m. Mr. Swaim seconded the motion. Chair Kindermans, yes; Thomas Swaim, yes; and Ravi Faiia, yes. All **VOTED** in favor.

Documents Used: None

Lloyd and Sharyn Lenhart Price, for a renewal of a Special Permit under Zoning Bylaw Sections 5.3.6.2 and 11.6 for a Special Home Occupation to at 152 Holden Wood Road (Parcel #3536).

Attorney Richard Lane appeared for the hearing on behalf of Lloyd and Sharyn Lenhart Price and presented the application seeking to renew a Special Permit to use a portion of their home for doctor's office.

Mr. Swaim asked if this application was in any way different from the one previously issued. Mr. Lane stated that that the Applicants are both psychiatrists who work out of their home. During the Pandemic, virtual appointments became more prevalent. Now that the Pandemic is over, both wish to have the option for in-person visits.

Building Commissioner Creedon confirmed that the Town had not received any complaints from abutters.

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

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Mr. Faiia moved to approve the application of Lloyd and Sharyn Lenhart Price, for a renewal of a Special Permit under Zoning Bylaw Sections 5.3.6.2 and 11.6 for a Special Home Occupation to at 152 Holden Wood Road (Parcel #3536) adopting the same conditions as the previous Special Permit for a period of five years. Mr. Swaim seconded the motion. Chair Kindermans, yes; Thomas Swaim, yes; and Ravi Faiia, yes. All VOTED in favor.

Documents Used: None

Boynton Brennan Builders, LLC for a Special Permit under Zoning Bylaw Sections 7.1.5 and 11.6 for an amendment to the Special Permit issued on April 13, 2021 for the extension of the nonconforming side yard setback of 5.3 ft at 155 Monument Street (Parcel #1273)

Mark Brennan of Boynton Brennan Builders, LLC appeared for the hearing along with Attorney Richard J. Lane and Architect Ben Nickerson. Mr. Lane explained that the issue at hand relates to the setbacks that were previously approved under the Special Permit that was issued in April 2021 as they did not account for the proposed roof overhang which extends the nonconformity of a side yard setback. Mr. Lane noted that the previously approved elevations do show a 38-inch roof overhang along the south side elevation, across the existing porch and the new porch on the front elevation. However, this was not reflected on the approved Site Plan which measured the setbacks relative to the walls instead of the proposed roof overhang.

Mr. Nickerson stated that the previous Site Plan indicated the proposed addition with the existing roof overhang while the approved plans included increasing the size of the hip roof which resulted in a nonconforming side yard setback of 5.3 ft

Chair Kindermans asked for questions from the Board. The Board stated they had no comments or concerns regarding the request for an amendment to the Special Permit.

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

Chair Kindermans asked Mr. Brennan if they had discussed this matter with the neighbors. Mr. Brennan stated that they had not, and that the roofline had already been constructed.

Building Commissioner Creedon stated that he had no concerns and that he was pleased that the Applicant was rectifying the issue surrounding the proposed roofline.

Mr. Swaim moved to approve the application of Boynton Brennan Builders, LLC for a Special Permit under Zoning Bylaw Sections 7.1.5 and 11.6 for an amendment to the Special Permit issued on April 13, 2021 for the extension of the nonconforming side yard setback of 5.3 ft at 155 Monument Street (Parcel #1273). Mr. Faiia seconded the motion. Chair Kindermans, yes; Thomas Swaim, yes; and Ravi Faiia, yes. All VOTED in favor.

Documents Used: Elevations, Site Plan.

Maura Torre for a Special Permit under Zoning Bylaw Section 7.1.5 and 11.6 to construct a second story addition over the existing nonconforming structure with a setback of 4.4 ft at 50 Fairhaven Road (Parcel # 0433)

Applicant Maura Torre appeared for the hearing along with her husband Brent Torre to discuss their request to add a second story addition over the existing, nonconforming side yard setback. Mr. Torre explained that they are asking for a Special Permit on the side setback of their home which is in the Residence B Zoning District. The house currently has a side setback of 4.4 ft where 15 ft is required. The new closest point will also be 4.4 ft. The project entails removing the existing detached garage, building a new two-car garage with a bonus room above. The new garage will be attached to the main house with a single-story structure.

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Mr. Faiia reviewed the Bylaw regarding the 15 ft height limit for the side yard setback and stated that the Board needed to confirm that no other reasonable alternatives were available for this project and that the desired relief may be granted without substantial detriment to the neighborhood. Mr. Torre explained that the area of the proposed addition was the only available choice because adding to the proposed first story addition would require that they walk through their child's bedroom to get to the proposed bedroom area.

Mr. Swaim stated that he had no issues with the proposed addition.

Chair Kindermans opened the hearing for public comment and there was none. However, Chair Kindermans acknowledged the letters of support they received from an abutter.

Mr. Faiia stated that he had no issues with the proposed addition, noting that the proposed height is already existing within the setback and will be located in the rear of the home. He agreed that there were no reasonable alternatives available to the Applicant.

Mr. Kindermans felt that the proposed architecture unifies the design.

Mr. Faiia moved to approve the application of Maura Torre for a Special Permit under Zoning Bylaw Section 7.1.5 and 11.6 to construct a second story addition over the existing nonconforming structure with a setback of 4.4 ft at 50 Fairhaven Road (Parcel # 0433). Mr. Swaim seconded the motion. Chair Kindermans, yes; Thomas Swaim, yes; and Ravi Faiia, yes. All VOTED in favor.

Documents Used: Elevations, Floor Plans

Millbrook Tarry Condominium Association Inc., for a renewal of a Special Permit under Zoning Bylaw Sections 11.6 to allow public use of the 2nd floor for classes and functions at 77 Lowell Road (Parcel # 1685-2).

Jim White appeared for the hearing on behalf of Millbrook Tarry Condominium Association Inc. and reviewed their request for a five-year extension of the previously granted Special Permit. They would like to continue public use of the second floor for various functions and meetings.

Mr. Faiia asked Building Commissioner Creedon if he had received any complaints regarding noise, parking etc. Building Commissioner Creedon confirmed that he had not received any complaints.

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

The Board discussed the request and agreed that they had no issues with granting the extension.

Mr. Swaim moved to approve the application of Millbrook Tarry Condominium Association Inc., for a renewal of a Special Permit under Zoning Bylaw Sections 11.6 to allow public use of the 2nd floor for classes and functions at 77 Lowell Road (Parcel # 1685-2) adopting the same conditions as the previous Special Permit for a period of five years. Mr. Faiia seconded the motion. Chair Kindermans, yes; Thomas Swaim, yes; and Ravi Faiia, yes. All VOTED in favor.

Documents Used: none

The Trustees of Reservations, 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).

Michael Busack appeared for the Trustees of Reservations for the hearing and reviewed the details of the revised narrative which outlines the large outdoor events that will be taking place at the Old Manse. Mr. Busack noted they are looking to extend the renewal period from one year to three years.

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Mr. Swaim noted that that the Application that was submitted indicated that the Applicant will not be using portable outdoor toilets. However, one of the conditions in the previously issued permit allowed for such toilets to be used. Mr. Swaim clarified that should they decide to approve this application, they will not include permission for the portable outdoor toilets as requested.

Mr. Busack stated that the Old Manse does not have a public restroom and members of the public are referred to the National Parks comfort stations. They would like to have that included in the Special Permit.

Mr. Faiia and Mr. Swaim stated that they had no issues with the requested renewal.

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

Mr. Faiia moved to approve the application of The Trustees of Reservations, 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) adopting the same conditions as the previous Special Permit for a period of three years. Mr. Swaim seconded the motion. Chair Kindermans, yes; Thomas Swaim, yes; and Ravi Faiia, yes. All VOTED in favor.

Documents Used: Revised Narrative

Administrative Business

Election of Officers

Chair Kindermans suggested continuing the matter to the next meeting as neither Chair Akehurst-Moore nor Town Planner Hughes were present.

Mr. Faiia moved to continue the Election of Officers to the meeting of June 8th under Administrative Business. Mr. Swaim seconded the motion. Chair Kindermans, yes; Thomas Swaim, yes; and Ravi Faiia, yes. All VOTED in favor.

Approval of Minutes for 2/9/23 and 3/23/23

Mr. Faiia moved to accept the minutes for the 2/9/23 and 3/23/23 meetings as submitted. Mr. Swaim seconded the motion. Chair Kindermans, yes; Thomas Swaim, yes; and Ravi Faiia, yes. All VOTED in favor.

There being no further business, the meeting was adjourned at 7:43 p.m.

Minutes Approved On: 7/13/23