



**ZONING BOARD OF APPEALS  
TOWN OF CONCORD  
Virtual Meeting Minutes  
May 14, 2020**

Pursuant to notice duly filed with the Town Clerk, a virtual public meeting of the Board of Appeals was held on Thursday, May 14, 2020 at 7:00 p.m. using the Zoom meeting platform. Meeting ID: 911 1632 3995 Meeting Password: 060747

**PRESENT:**

Members:

James Smith  
Elizabeth Akehurst-Moore  
Stuart Freeland  
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, James Smith

**Public Hearings:**

*Charles Audi, to amend a Special Permit under Sections 7.7.3.4, 7.7.3.13, 11.6, and 11.8 of the Zoning Bylaw for relief from parking design standards at 143 Sudbury Road (Parcel #0180).*

Chair Akehurst-Moore opened the public hearing and reviewed the Application stating that the applicant was awaiting information from the Architectural Access Board and has requested that the public hearing be continued to the June 14, 2020 meeting.

Mr. Smith moved to continue the public hearing of Charles Audi, to amend a Special Permit under Sections 7.7.3.4, 7.7.3.13, 11.6, and 11.8 of the Zoning Bylaw for relief from parking design standards at 143 Sudbury Road (Parcel #0180) to the June 11, 2020 meeting at 7:00 p.m. Mr. Kindermans seconded the motion and all **VOTED** in favor.

Documents Used: none

*Concord Country Club, for a Special Permit under Sections 7.5, 7.6, and 11.6 of the Zoning Bylaw for the construction of an irrigation pond requiring the removal of 51,258 cubic yards of soil within the Groundwater Conservancy District at 246 Old Road to Nine Acre Corner (Parcel #3079).*

Chair Akehurst-Moore opened the public hearing and stated that the application had many outstanding issues raised by Town Staff and the Applicant has requested a withdrawal without prejudice and will return with a new application when all items can be addressed.

Mr. Smith moved to accept the withdrawal without prejudice for the application of Concord Country Club, for a Special Permit under Sections 7.5, 7.6, and 11.6 of the Zoning Bylaw for the construction of an irrigation pond requiring the removal of 51,258 cubic yards of soil within the Groundwater Conservancy District at 246 Old Road to Nine Acre Corner (Parcel #3079). Mr. Kindermans seconded the motion and all VOTED in favor.

Documents Used: none

***Marybeth Barker, for the renewal of a Special Permit under Sections 5.3.15 and 11.6 of the Zoning Bylaw to operate a tourist home or bed and breakfast at 49 Seymour Street (Parcel #3253).***

Chair Akehurst-Moore opened the public hearing and reviewed the application. Marybeth Barker appeared for the hearing and explained that she received a Special Permit last year to operate a short term rental in her home. Building Commissioner Matte commented that there had not been any complaints. Mr. Smith asked if they could extend the special permit further than one year.

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

Mr. Kindermans moved to approve the application of Marybeth Barker, for the renewal of a Special Permit under Sections 5.3.15 and 11.6 of the Zoning Bylaw to operate a tourist home or bed and breakfast at 49 Seymour Street (Parcel #3253) to expire in 3 years. Mr. Smith seconded the motion and all VOTED in favor.

Documents Used: none

***Habitat for Humanity of Greater Lowell, for a Sign Variance under Sections 3(c)(2) and 7(c) of the Sign Bylaw to install a temporary 32 sq. ft. sign that is greater than the allowed size at 930 Main Street (Parcel #3818).***

Chair Akehurst-Moore opened the public hearing and reviewed the application. Brenda Gould with Habitat for Humanity Greater Lowell appeared for the hearing and presented the application. She explained that Habitat for Humanity is working on a house on Main Street and they are looking for a variance to put up a temporary 32 sq. ft. sign which exceeds the 12 sq. ft. allowed by the Sign Bylaw. Town Planner Hughes asked that the Applicant work with the public works department and community safety officer for the proper placement of the sign.

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

Mr. Kindermans moved to approve the application of Habitat for Humanity of Greater Lowell, for a Sign Variance under Sections 3(c)(2) and 7(c) of the Sign Bylaw to install a temporary 32 sq. ft. sign that is greater than the allowed size at 930 Main Street (Parcel #3818) with the condition that the applicant work with the public works department and community safety officer for proper placement of the sign. Mr. Smith seconded the motion and all VOTED in favor.

Documents Used: Sign rendering

***Peggy Dowcett, for a Special Permit under Sections 7.1.3, 7.1.5, and 11.6 for the construction of a 1,044 sq. ft. addition on a 1,733 sq. ft. dwelling that will increase the gross floor area by more than 50% on a non-conforming lot at 30 Walden Terrace (Parcel #0316).***

Chair Akehurst-Moore opened the public hearing and reviewed the application. Peggy Dowcett and the architect Elise Stone appeared for the hearing. Ms. Stone explained the project to construct an addition on a house with non-conforming area and frontage. The proposed addition will add a second story to the existing house and will be 177 sq. ft. over what is allowed by right. Mr. Smith asked for clarification the parts of the existing house that will be changing. Ms. Stone clarified that footprint of the existing porch will be part of the addition and they are adding a second story to the main portion of the house and a portico to the front of the house which would still meet all the setback requirements.

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

Mr. Smith commented that the addition adds a modest amount of space over the existing house by adding a second story and maintains the existing footprint which is in keeping with the lot, neighborhood, and existing house.

Mr. Smith moved to approve the application of Peggy Dowcett, for a Special Permit under Sections 7.1.3, 7.1.5, and 11.6 for the construction of a 1,044 sq. ft. addition on a 1,733 sq. ft. dwelling that will increase the gross floor area by more than 50% on a non-conforming lot at 30 Walden Terrace (Parcel #0316). Mr. Kindermans seconded the motion and all VOTED in favor.

Documents Used: Floor Plans and Elevations, existing conditions photos, site plan

***Matthew and Allison Annese, to amend a Special Permit under Sections 7.1.3, 7.1.5, and 11.6 of the Zoning Bylaw to modify previously approved garage plans at 45 Derby Street (Parcel #2464).***

Chair Akehurst-Moore opened the public hearing and reviewed the application. Marshall McLean, the project architect appeared for the hearing with homeowners Matthew and Allison Annese. Mr. McLean explained that they had come before the Board two years ago for renovations to the existing non-conforming house and new garage. He continued explaining that the house renovations were finished in 2019 but the garage has not been built and they are asking for an amendment to the existing special permit to add living space to the second floor of the garage. The updated garage plans will add 2 sq. ft. on to what was previously approved but because they didn't build attic dormers during the house renovations the gross floor area will remain the same as what was originally approved.

The Board discussed the timeline for the previous Special Permit and whether this application should be considered new or an amendment. Chair Akehurst-Moore clarified that they would need to specifically apply for an accessory dwelling to use it as such.

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

Mr. Smith commented that the garage is in keeping with the neighborhood and is not a detriment to the neighborhood.

Mr. Kindermans moved to approve the application of Matthew and Allison Annese, for a Special Permit under Sections 7.1.3, 7.1.5, and 11.6 of the Zoning Bylaw to modify

previously approved garage plans at 45 Derby Street (Parcel #2464) same as previous conditions. Mr. Smith seconded the motion and all VOTED in favor.

Documents Used: floor plans and elevations, site plan

***Donald J. Fox Jr. for a Special Permit under Sections 4.2.2.2 and 11.6 for an additional dwelling unit at 16 Meriam Road (Parcel #4200).***

Chair Akehurst-Moore opened the public hearing and reviewed the application. Donald and Christina Fox appeared for the hearing and explained that they are looking to add a bedroom to the basement for an accessory dwelling unit. The existing house has 3,164 sq. ft. and the additional dwelling unit would be 957 sq. ft. Chair Akehurst-Moore asked for clarification on revised plans that were submitted. Building Commission Matte explained that a common area leading to the elevator was original included in the calculations and that the plans were updated to remove that from the additional dwelling unit calculations. Mr. Faiia asked if they were connected to sewer. Building Commissioner confirmed that the sewer improvement fee had been paid and that the application meets the requirements of the Bylaw.

Chair Akehurst-Moore opened the hearing for public comment and there were none.

Mr. Smith moved to approve the application of Donald J. Fox Jr. for a Special Permit under Sections 4.2.2.2 and 11.6 for an additional dwelling unit at 16 Meriam Road (Parcel #4200) as submitted with the condition that this special permit does not transfer with the sale of the house. Mr. Kindermans seconded the motion and all VOTED in favor.

Documents Used: Revised Floor Plans

***Matthew Beaulac, for a Special Permit under sections 7.1.3, 7.1.5, and 11.6 of the Zoning Bylaw to construct a 2,562 sq. ft. addition on a 1,750 sq. ft. dwelling that will increase the gross floor area by more than 50% on a non-conforming lot at 649 Cambridge Turnpike (Parcel #4067-1).***

Chair Akehurst-Moore opened the public hearing and reviewed the application. Matthew and Kira Beaulac appeared for the hearing. Mr. Beaulac explained that they are proposing to construct a 2,562 sq. ft. addition with two car garage to the existing 1,750 sq. ft. house. The lot is non-conforming because of the setback at the southern corner of the lot. Building Commissioner Matte confirmed that the house meets all the setbacks and is under the 35 ft. height restriction, has had Board of Health review and has submitted the tree preservation application.

Chair Akehurst-Moore opened the hearing for public comment.

Pamela Dritt of 1304 Concord Greene asked why the proposed house is so big.

Mr. Smith thought that this was a significant increase in size but that it was well within the range of the houses on the street. He asked if the houses on the street were conforming and the Building Commissioner confirmed the lots in the neighborhood are conforming. Mr. Faiia commented that the house is non-conforming because of a small corner of the house that is too close to the property line. Chair Akehurst-Moore stated that she understands and believes that the other houses in the neighborhood could also be enlarged without a special permit so the Board doesn't have an ability to shape the neighborhood by keeping the houses small. Town Planner Hughes commented that the

house does not currently have a garage and that directly affects the square footage which is not living space.

Mr. Smith moved to approve the application of Matthew Beaulac, for a Special Permit under sections 7.1.3, 7.1.5, and 11.6 of the Zoning Bylaw to construct a 2,562 sq. ft. addition on a 1,750 sq. ft. dwelling that will increase the gross floor area by more than 50% on a non-conforming lot at 649 Cambridge Turnpike (Parcel #4067-1). Mr. Kindermans seconded the motion and all VOTED in favor.

Documents Used: Site Plan, plans and elevations

***Now Communities LLC, for a Special Permit under Sections 10 and 11.6 of the Zoning Bylaw for a 14-unit Planned Residential Development at 1651, 1657, and 165X Main Street, (Parcels 2685, 2686, & 2687).***

Chair Akehurst-Moore opened the public hearing and reviewed the application stating that the applicant has requested a continuance to the June 11, 2020 meeting. Town Planner Hughes gave a status update on their progress with the Planning Board.

Mr. Kindermans moved to continue the application of Now Communities LLC, for a Special Permit under Sections 10 and 11.6 of the Zoning Bylaw for a 14-unit Planned Residential Development at 1651, 1657, and 165X Main Street, (Parcels 2685, 2686, & 2687) to the June 11, 2020 meeting at 7:05 p.m. Mr. Smith seconded the motion and all VOTED in favor.

Documents Used: none

**Other Business:**

***Decision Deliberation – 1440 Main Street PRD***

Mr. Smith commented that he wanted to make sure that the Decision reflected the ZBA's findings and its interpretation of the Planning Board recommendation, which was that if the Planning Board had understood that the Applicant would not accept a material portion of Planning Board's conditions, then the Planning Board would have noted not to recommend the PRD. He also noted that the proposed Planned Residential Development didn't seem to provide much additional benefit to the Town as compared with a standard subdivision. Mr. Faiia wanted to clarify that when the applicant committed to removing fossil fuels, they revoked their commitment to meet the HERS rating and also asked for propane tanks to be available which one member of the public had objected to. The Board discussed further edits to the Decision.

Mr. Smith moved to approve the Decision as amended for Symes Development & Permitting, LLC for a Variance, Special Permit, and Site Plan Review under Sections 7.5, 10, 11.6, and 11.7 of the Zoning Bylaw for a 34-unit Planned Residential Development at 1440, 1450, 146B Main Street (Parcels #2409, 2408, 2407). Mr. Kindermans Seconded the motion and all VOTED in favor.

There being no further business, the meeting was adjourned at 8:28 p.m.

Respectfully submitted,

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Theo Kindermans, Clerk