



ZONING BOARD OF APPEALS
TOWN OF CONCORD
MEETING MINUTES
JUNE 8, 2023

Pursuant to notice duly filed with the Town Clerk, a virtual public meeting of the Board of Appeals was held on Thursday, June 8, 2023 at 7:00 p.m. using the Zoom meeting platform.

PRESENT:

Members:

Elizabeth Akehurst-Moore, Chair
Theo Kindermans
Ravi Faiia
Thomas Swaim

Paul Creedon, Building Commissioner
Hayleigh Walker, Admin Assistant

Chair Akehurst-Moore called the meeting to order at 7:00 p.m.

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. 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 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 July 13th 2023 at 7:40 p.m. Mr. Faiia seconded the motion. Chair Akehurst-Moore, yes; Theo Kindermans, yes; and Ravi Faiia, yes. All **VOTED** in favor.

Documents Used: None

Elizabeth V. Coty Revocable Trust, for a Special Permit under Zoning Bylaw Sections 7.2 and 11.6 to construct an addition which requires 59 c.f. of fill and 97 c.f. of compensatory flood storage within the Floodplain Conservancy District at 300 Ministerial Drive (Parcel # 2803 and 2802).

Nathaniel Cataldo of Stamski and McNary appeared for the hearing on behalf of the Elizabeth V. Coty Revocable Trust and gave an overview of the proposed work. The Applicant is proposing to remove an existing deck and driveway and construct an addition to the single-family dwelling with a new walkway, deck and driveway. To do this, they will need to alter the existing floodplain which Mr. Cataldo noted is at elevation 127 and runs across most of the property. The proposed work requires 59 c.f. of fill within the 100-year floodplain. To provide compensatory flood volume storage, cuts in the existing surface grade are proposed, which will provide 97 cubic feet of compensatory storage. Mr. Cataldo confirmed that the project had already been approved by the Planning Board as well as the Natural Resources Commission.

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Mr. Kindermans spoke in favor of the project. The plan is compliant, and he was pleased with the proposed compensation.

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

The Board stated that they had no concerns about the proposed project.

Mr. Faiia moved to approve the application of Elizabeth V. Coty Revocable Trust, for a Special Permit under Zoning Bylaw Sections 7.2 and 11.6 to construct an addition which requires 59 c.f. of fill and 97 c.f. of compensatory flood storage within the Floodplain Conservancy District at 300 Ministerial Drive (Parcel # 2803 and 2802) and in doing so, adopt the recommendations and conditions of the Planning Board. Mr. Kindermans seconded the motion. Chair Akehurst-Moore, yes; Theo Kindermans, yes; and Ravi Faiia, yes. All VOTED in favor.

Documents Used: Site plan

Jim and Laura Davidian, for a Special Permit under Zoning Bylaw Sections 7.1.5, 11.6 to construct a 1,015 sq. ft. two-car garage with storage bay attached to an existing nonconforming dwelling with a front yard setback of 29.3 ft at 345 Thoreau Street (Parcel #0211).

Applicants Jim and Laura Davidian appeared for the hearing along with Steve Hart of Hart Associate Architects. Mr. Hart explained that the applicant is looking to a 1,015 sq. ft. two-car garage with storage bay and an enclosed connector to the existing nonconforming dwelling at 345 Thoreau Street. The existing dwelling is located at the edge of Residence A Zoning District. Mr. Hart noted that the current house does not sit within the front yard setbacks of which there are two as it sits at the corner of Thoreau and Laurel Street. They will be staying below the gross floor area and 50% limits.

The Chair stated that the documents provided by the Applicant were very helpful, noting that this is a sensitive design.

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

Building Commissioner Creedon stated that he had no concerns about the proposed project.

Mr. Kindermans stated that he drove by the property and noted that the proposed garage fits with the character of the neighborhood as there is an abutter who has a similar garage.

Mr. Faiia stated that the proposed design is consistent in that it is no more nonconforming than the existing house. He went on to say that he was pleased the proposed project will not increase the impervious pavement.

Mr. Kindermans moved to approve the application of Jim and Laura Davidian, for a Special Permit under Zoning Bylaw Sections 7.1.5, 11.6 to construct a 1,015 sq. ft. two-car garage with storage bay attached to an existing nonconforming dwelling with a front yard setback of 29.3 ft at 345 Thoreau Street (Parcel #0211). Mr. Faiia seconded the motion. Chair Akehurst-Moore, yes; Theo Kindermans, yes; and Ravi Faiia, yes. All VOTED in favor.

Documents Used: Elevations, Floor Plans, Plot plan

Keith Huss and Stephanie E. Fitch, for a Variance under Zoning Bylaw Sections 6.2.7 and 11.7 to construct a 585 sq. ft. addition set back 10.2 ft where 15 ft is required at 225 Elm Street (Parcel # 3945-2).

Kevin Keiler of Brady Built Sunrooms appeared for the hearing on behalf of the Applicants. Mr. Keiler stated that the Applicants are looking to construct a sunroom structure to enclose a pool and explained that the pool is being installed for its therapeutic benefits and easy access to onsite

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exercise. During the permitting process, it was discovered that the proposed structure would sit too close to the side lot line and so they revised the plans to decrease the width of the structure to the bare minimum to minimize the relief needed. They are proposing a 15 ft x 39 ft and 4 inch structure to the west side of the existing home noting that installing it in front of the home would impact the overall look of the house and require uprooting mature trees. The dimensional requirements for the side setback in the Residence A Zoning District require 15ft and the proposed structure would require a 4.8 ft variance to be allowed. Mr. Keiler explained that Variance is necessary due to the highly irregular shape of the lot and noted that the Applicants have received letters of support from abutters.

The Chair stated that she understood the issue. However, she noted that the Applicant defeated the Variance point by stating that the pool could be installed at the front of the home. The issue does not rise to the level of a Variance and, legally, the Board cannot grant one.

Mr. Faiia stated that he agreed with the Chair. The substantial hardship standard of the Variance has not been met.

Mr. Keiler asked why the Board doesn't feel like they have the legal standing to grant the Variance. Mr. Swaim noted that a Variance cannot be granted as the proposed project doesn't rise to the level of special circumstance when it comes to the shape of the lot. There is no hardship.

The Chair reiterated that the Board does not have the legal ability to grant the Variance and they do not want to set a precedent for future Applicants seeking Variances.

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

The Chair asked Building Commissioner Creedon if there has been any change in the Bylaws regarding Variances and Building Commissioner Creedon confirmed that no changes have been made.

Mr. Swaim stated that the Applicant would have to reapply to have the application be changed to a Special Permit. However, that could only be done two years from the date of the original application. Mr. Swaim also explained that the Applicant would have the option to withdraw without prejudice.

Mr. Keiler stated that they would be withdrawing the application without prejudice.

Mr. Faiia moved to approve the withdrawal of the application of Keith Huss and Stephanie E. Fitch, for a Variance under Zoning Bylaw Sections 6.2.7 and 11.7 to construct a 585 sq. ft. addition set back 10.2 ft where 15 ft is required at 225 Elm Street (Parcel # 3945-2) without prejudice. Mr. Kindermans seconded the motion. Chair Akehurst-Moore, yes; Theo Kindermans, yes; and Ravi Faiia, yes. All VOTED in favor.

Documents Used: Plot Plan, Elevations, Proposed renderings.

Administrative Business

Election of Officers

The Board discussed the matter of election, and it was decided that Mr. Kindermans would be promoted to the role of Chair, Mr. Faiia would be promoted to the role of Vice Chair, and Ms. Akehurst-Moore would serve as Clerk.

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Mr. Kindermans moved to approve the Election of Officers with Mr. Kindermans serving as Chair, Mr. Faiia serving as Vice Chair, and Ms. Akehurst-Moore serving as Clerk. Mr. Faiia seconded the motion. Chair Akehurst-Moore, yes; Theo Kindermans, yes; and Ravi Faiia, yes. All VOTED in favor.

Approval of Minutes for 4/13

Mr. Kindermans moved to accept the minutes of 4/13 as submitted. Mr. Faiia seconded the motion. Chair Akehurst-Moore, yes; Theo Kindermans, 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: 8/10/23