



**ZONING BOARD OF APPEALS  
TOWN OF CONCORD  
Meeting Minutes  
July 9, 2020**

Pursuant to notice duly filed with the Town Clerk, a virtual public meeting of the Board of Appeals was held on Thursday, July 9, 2020 at 7:00 p.m. using the Zoom meeting platform. Meeting ID: 897 2919 6557 Meeting Password: 659339

**PRESENT:**

Members:

James Smith

Elizabeth Akehurst-Moore

Theo Kindermans

Ravi Faiia

Raymond Matte, Building Commissioner

Elizabeth Hughes, Town Planner

Heather Carey, Administrative Assistant

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

Voting Members: James Smith, Elizabeth Akehurst-Moore, Theo Kindermans

**Public Hearings:**

***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 (Parcel #2685, 2686, &2687).***

Chair Akehurst-Moore opened the public hearing and reviewed the application. Dan Gainsboro with Now Communications LLC appeared for the hearing with Danny Carr, Engineer with Stamski and McNary. Mr. Carr gave a review of changes that were made to the plan as requested including an additional soil test witnessed by the Town, confirmation that they are providing access to the open space that is in compliance with Architectural Access Board (AAB) regulations, water main relocation to connect directly to Main Street rather than Riverwalk, and responded to a comment letter from the health department. Mr. Gainsboro commented that they also met with the fire department and updated the plan to eliminate some confusion. Chair Akehurst-Moore questions whether they had received confirmation directly from the AAB and Mr. Carr commented that he confirmed the regulations with the Building Commissioner and not directly with the AAB. Mr. Kindermans commented that he would like to see formal documentation and questioned the interpretation of the AAB code. The Board had further discussion on the interpretation of the code and ultimately decided that the plan was safer with the addition of the sidewalk. Mr. Kindermans disagreed with the interpretation of the code but was willing to move forward. Mr. Smith stated that the Planning Board recommendation was well written and felt that the developer provided an extraordinary plan meeting the requirements of the Planned Residential Development (PRD) with only standard conditions of approval. Town Planner Hughes confirmed that issues with snow storage had been resolved, that site plans will be updated to reflect no parking on Main Street,

that the water and sewer department had approved the plans as amended with standard conditions, and comments had been received from the Health Director stating that the system is likely approvable but will require some design modifications for compliance with Title 5. Mr. Gainsboro commented that the development has been renamed Concord Millrun. Mr. Faiia commented that he did not see conditions pertaining to affordable housing units. Town Planner Hughes explained that she would reach out to the Regional Housing Services Office to determine the appropriate wording for the affordable units and the Board will review the conditions if the Board voted to approve the PRD. Mr. Faiia asked whether solar could be installed on the car barns. Mr. Gainsboro confirmed that they have modified the ridges to allow for the installation of solar panels and are working with the Concord Municipal Light Plant.

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

Chair Akehurst-Moore commented that in the spirit and letter of the PRD this project complies and is in favor of the project.

Mr. Smith moved to approve 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 (Parcel #2685, 2686, &2687) subject to the findings and conditions set forth in the Planning Board Recommendation dated June 24, 2020 with the draft Decision to be reviewed at the August 13, 2020 meeting. Mr. Kindermans seconded the motion and all VOTED in favor.

Documents Used: AAB regulations, site plans

***John Battle, for a Special Permit under Sections 7.1.3 and 11.6 of the Zoning Bylaw to extend a non-conforming side setback by constructing a 388 sq. ft. addition on a non-conforming structure at 44 Devens Street (Parcel #0171).***

Chair Akehurst-Moore opened the public hearing and reviewed the application. John Battle, the architect for the project appeared for the hearing. He explained that the homeowner is proposing to add a master bedroom and although they had the allowable floor area ratio to expand the footprint of the home, they chose to use the existing footprint and expand to the second floor. The Board reviewed the plans and elevations. Mr. Smith questioned the floor area ratio, how it is calculated, and some discrepancies on the application. The Board discussed the calculation and Building Commissioner Matte confirmed that the proposed addition is under the allowable FAR and GFA and that the only item under review is the increase of an existing non-conformity.

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

Mr. Smith commented that he appreciates that the applicant and owners have chosen a modest increase in space and are being thoughtful about the neighborhood.

Mr. Smith moved to approve the application of John Battle, for a Special Permit under Sections 7.1.3 and 11.6 of the Zoning Bylaw to extend a non-conforming side setback by constructing a 388 sq. ft. addition on a non-conforming structure at 44 Devens Street (Parcel #0171) as submitted. Mr. Kindermans seconded the motion and all VOTED in favor.

Documents Used: Existing and proposed floor plans and elevations, GFA/FAR calculations, application

***J.P. Chase Morgan Bank, for a Special Permit and Site Plan Approval under Sections 7.2, 11.6, and 11.8 of the Zoning Bylaw to demolish the existing bank building, construct a new bank building, and perform related site improvements including parking reconfiguration, drive-thru ATM and stormwater management updates in the Floodplain Conservancy District at 1134 Main Street (Parcel #3790-1).***

Chair Akehurst-Moore opened the public hearing and reviewed the Application stating that the applicant has requested to continue the hearing without discussion to the August 13, 2020 meeting.

Mr. Smith moved to continue the application of J.P. Chase Morgan Bank, for a Special Permit and Site Plan Approval under Sections 7.2, 11.6, and 11.8 of the Zoning Bylaw to demolish the existing bank building, construct a new bank building, and perform related site improvements including parking reconfiguration, drive-thru ATM and stormwater management updates in the Floodplain Conservancy District at 1134 Main Street (Parcel #3790-1) to the August 13, 2020 meeting at 7:00 pm. Mr. Kindermans seconded the motion and all VOTED in favor.

Documents Used: none

**Other Business:**

***Approval of Minutes for 2/13, 3/12, 4/9, 5/14, and 6/11:***

The Board agreed they did not have enough time to review and asked to continue the minutes to the August 13, 2020 meeting.

***Warrant Articles:***

The Board had a brief discussion on pending Town Meeting Warrant Articles and asked that the discussion be added to the August 13, 2020 meeting.

There being no further business, the meeting was adjourned at 8:09 p.m.

Respectfully submitted,

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Theo Kindermans, Clerk