



ZONING BOARD OF APPEALS  
TOWN OF CONCORD  
MEETING MINUTES  
SEPTEMBER 8, 2022

Pursuant to notice duly filed with the Town Clerk, a virtual public meeting of the Zoning Board of Appeals was held on Thursday September 8, 2022 at 7:00 p.m. using the Zoom meeting platform.

**PRESENT:**

Members:

Ravi Faiia  
James Smith  
Theo Kindermans  
Thomas Swaim

Paul Creedon, Building Inspector  
Hayleigh Walker-Kurland, Admin Assistant

Vice Chair Kindermans was the Acting Chair for the meeting and called the meeting to order at 7:00 p.m.

**Public Hearings:**

***Lyn Wilson, for a Special Permit under Sections 5.3.4 and 11.6 of the Zoning Bylaw for the stabling or boarding of horses in a residential district at 28 Cambridge Turnpike (Parcel# 0241).***

The Applicant requested a continuance to the October 13<sup>th</sup> meeting.

Mr. Smith moved to continue the application of Lyn Wilson, for a Special Permit under Sections 5.3.4 and 11.6 of the Zoning Bylaw for the stabling or boarding of horses in a residential district at 28 Cambridge Turnpike (Parcel# 0241) to the hearing on October 13<sup>th</sup> at 7:00 PM. Mr. Faiia seconded the motion. The Chair called for a roll call vote; Mr. Kindermans, yes, Mr. Faiia, yes, and Mr. Smith, yes. All **VOTED** in favor.

Documents Used: None

***45 Coburn Hill Rd LLC, for a Special Permit under Sections 7.1.3, 7.1.5 and 11.6 of the Zoning Bylaw to demolish the existing 1,804 sq. ft. dwelling and construct a 5,140 sq. ft. dwelling that is over 50% larger than the existing gross floor area on a non-conforming lot at 45 Coburn Hill Road (Parcel# 1863).***

Chair Kindermans opened the public hearing. Ben Finnegan, the owner of 45 Coburn Hill Rd LLC, appeared for the hearing. He confirmed that several changes were made to the project based on neighborhood input. He noted that the gross floor area had been reduced from 5,296 sq. ft. to 5,140 sq. ft. Additionally, they removed the third-floor livable area, reduced the height of the dwelling by 3.5 ft, reduced the width of the structure from 77 feet to 61, and added a front facing gable to break up the continuous roofline. Mr. Finnegan confirmed that he spoke with the neighbors who were pleased with the changes made.

Chair Kindermans stated that he reviewed the revised plans and the letter from the abutters Susan Miller (56 Coburn Hill Road), Carol Neville (46 Coburn Hill Road) and Jane Torpie (55 Coburn Hill Road) who spoke in favor of this project and the changes made. The previous plan was too imposing while the new one is more appropriate for the street.

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

Mr. Faiia stated that he appreciated that Mr. Finnegan reached out to the neighbors and was responsive to their concerns. His concerns about the massing have been addressed by the new elevations.

Mr. Smith stated that this application serves as an example of the process working as its intended to. The builder created a house that was acceptable to the neighborhood and fit in with the surrounding properties. This is a good project with a good outcome.

Chair Kindermans echoed the comments of Mr. Smith. He was initially concerned about the bulk, massing and architectural detailing and the revised plan addressed those concerns

Mr. Faiia moved to approve the application of 45 Coburn Hill Rd LLC, for a Special Permit under Sections 7.1.3, 7.1.5 and 11.6 of the Zoning Bylaw to demolish the existing 1,804 sq. ft. dwelling and construct a 5,140 sq. ft. dwelling that is over 50% larger than the existing gross floor area on a non-conforming lot at 45 Coburn Hill Road (Parcel# 1863). Mr. Smith seconded the motion. The Chair called for a roll call vote; Chair Kindermans, yes, Mr. Faiia, yes, and Mr. Smith, yes. All VOTED in favor

Documents Used: none

***Quarry North Rd LLC, for a Special Permit under Sections 10, 11.6 and 11.8 of the Zoning Bylaw for a Planned Residential Development for six units at 48Y Fitchburg Turnpike (Parcel# 3419).***

The Applicant requested a continuance to the October 13<sup>th</sup> meeting.

Chair Kindermans recused himself from the project. Mr. Smith as Clerk acting as Chair and Mr. Swaim participated as a voting member.

Mr. Smith moved to continue the application of Quarry North Rd LLC, for a Special Permit under Sections 10, 11.6 and 11.8 of the Zoning Bylaw for a Planned Residential Development for six units at 48Y Fitchburg Turnpike (Parcel# 3419) to the hearing on October 13<sup>th</sup> at 7:05 PM. Mr. Faiia seconded the motion. The Chair called for a roll call vote; Mr. Swaim, yes, Mr. Faiia, yes, and Mr. Smith, yes. All VOTED in favor

Documents Used: None

***Michael Carucci, for a Special Permit under Sections 7.1.3, 7.1.5, 11.6 and 11.7 of the Zoning Bylaw to construct a 2,597 sq. ft. two car garage with second story addition at 309 Garfield Road (Parcel #3460-9)***

The Applicant requested a continuance to the October 13<sup>th</sup> meeting.

Mr. Faiia moved to continue the application of Michael Carucci, for a Special Permit under Sections 7.1.3, 7.1.5, 11.6 and 11.7 of the Zoning Bylaw to construct a 2,597 sq. ft. two car garage with second story addition at 309 Garfield Road (Parcel #3460-9) to the hearing on October 13<sup>th</sup> at 7:10 PM. Mr. Smith seconded the motion. The Chair called for a roll call vote; Chair Kindermans, yes, Mr. Faiia, yes, and Mr. Smith, yes. All VOTED in favor.

Documents Used: none

***New Life Community Church, for a Sign Variance under Sections 8(b)(3) of the Sign Bylaw for an additional freestanding sign that exceeds the 25 sq. ft. limit at 221 Baker Avenue (Parcel# 3806)***

Chair Kindermans opened the public hearing. Stephen Meister appeared for the hearing on behalf of New Life Community Church and discussed the project to install an additional freestanding sign. They are located on a dead-end street and are unable to place a sign directly in front of their property. They are requesting to place a new freestanding sign 10.5 sq. ft. over the 25 sq. ft. limit so their sign can be seen at the intersection of 221 Baker Ave and the Baker Ave Extension. There is no access to their property from Route 2, only Baker Ave. They are looking to have their sign installed on the small island where Baker Ave dead ends. Mr. Meister noted that the Church has a good relationship with the animal hospital and the office building next door, and he didn't believe they would have any issue with the placement of the sign.

Mr. Smith asked if the island was owned by the Church. Mr. Meister stated that the Church purchased the island from the Elks Club. They have always had access to it, but he was not sure where the road boundaries were located. The crux of the matter is they are looking to have a sign that is large enough and attractive enough so that people can see it from the intersection and continue driving.

Chair Kindermans confirmed that the island was located in the public right of way. It is not owned by the Church. He asked the Board if they thought this application involved two variances which would include the additional sign and the request to exceed the 25 sq. ft. limit. Mr. Meister stated that it was his understanding that because there was no access to the Church from Route 2 that the sign view from Route 2 would not be considered a freestanding sign. Chair Kindermans reviewed Sections 8(b)(3) of the Sign Bylaw.

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

Mr. Swaim inquired if the Town would be able to provide guidance about the location of the sign as it relates to the public way. Mr. Kindermans noted that the proposed location for the sign is outside the property line. Mr. Smith inquired if the Town, acting through its Public Works Department, could issue a license to allow the Church to install the sign. Chair Kindermans stated it may be possible though the Bylaw clearly states that signs shall not extend into the public way.

Mr. Smith stated that this sign acts as a public service. There is a safety benefit to consider as it helps direct people to the Church and diverts them if they are looking to go elsewhere. However, he was concerned about the issue of the sign being placed in the public right of way. The project is a good idea, but they must make sure it gets executed in the right way. He cannot give his approval to place a sign on a property that does not belong to the Applicant. One alternative would be to have the Town place a sign in that location on behalf of the Applicant.

Mr. Swaim considered the option of the Town relinquishing that portion of Baker Ave. However, noted that this option may not be practical for either party.

The Board and Mr. Meister discussed other options for signage.

Mr. Smith moved to continue the application of New Life Community Church, for a Sign Variance under Sections 8(b)(3) of the Sign Bylaw for an additional freestanding sign that exceeds the 25 sq. ft. limit at 221 Baker Avenue (Parcel# 3806) to the hearing on October 13<sup>th</sup> at

7:15 PM. Mr. Faiia seconded the motion. The Chair called for a roll call vote; Chair Kindermans, yes, Mr. Faiia, yes, and Mr. Smith, yes. All VOTED in favor.

Documents Used: Plans, photos and proposed renderings.

***Sarah and William Murphy, for an amendment to a Special Permit under Sections 7.1.3, 7.1.5 and 11.6 of the Zoning Bylaw to allow an additional 176 sq. ft. second story addition to the previously granted 1,198 sq. ft. two car garage with a connecting side entry, mudroom and first floor addition to an existing 1,494 sq. ft. nonconforming dwelling which increases the gross floor area by more than 50% at 368 Old Marlboro Road (Parcel# 3767-2)***

Chair Kindermans opened the public hearing

Chair Kindermans opened the hearing for public comment. Ms. Elise Stone appeared for the hearing on behalf of Sarah and William Murphy. Mr. Murphy was also present. Ms. Stone reviewed the project. At the hearing on June 9th, 2022, the owners received approval to construct a 1,198 sq. ft. addition on the existing 1,494 sq. ft. non-conforming dwelling. This time, they are asking for the approval of a 176 sq. ft. second story addition to the previously granted 1,198 sq. ft. two car garage with a connecting side entry, mudroom and first floor addition. This work would maintain the previously approved 11.3 ft side setback.

Chair Kindermans asked for confirmation that the previously approved footprint would be maintained. Ms. Stone confirmed that was the case and that they are just extending the master bedroom over the new family room extension.

Mr. Smith asked why this work had been applied for in parts. Mr. Murphy explained that they were initially trying to save money but, after further review, they determined that they should apply again so that the work outlined in both applications could be completed simultaneously.

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

Mr. Smith reiterated that the project is a minor change to the work that was previously approved and doesn't affect the appearance from the street.

Mr. Faiia moved to approve the application of Sarah and William Murphy, for an amendment to a Special Permit under Sections 7.1.3, 7.1.5 and 11.6 of the Zoning Bylaw to allow an additional 176 sq. ft. second story addition to the previously granted 1,198 sq. ft. two car garage with a connecting side entry, mudroom and first floor addition to an existing 1,494 sq. ft. nonconforming dwelling which increases the gross floor area by more than 50% at 368 Old Marlboro Road (Parcel# 3767-2). Mr. Smith seconded the motion. The Chair called for a roll call vote; Mr. Kindermans, yes, Mr. Faiia, yes, and Mr. Smith, yes. All VOTED in favor.

***Concord Academy, for a Special Permit with Site Plan Review under Sections 6.2.11, 7.2, 7.7.2.8, 11.6 and 11.8.7 to construct a Centennial Arts Center, relocate and rehabilitate two existing dwellings (220 Main St. and Ides Cottage), convert existing attached garage at 238 Main St into a dwelling unit and other associated site improvements at 166 Main Street (Parcel# 1706).***

The Applicant requested a continuance to the October 13<sup>th</sup> meeting.

Mr. Smith moved to continue the application of Concord Academy, for a Special Permit with Site Plan Review under Sections 6.2.11, 7.2, 7.7.2.8, 11.6 and 11.8.7 to construct a Centennial Arts Center, relocate and rehabilitate two existing dwellings (220 Main St. and Ides Cottage), convert existing attached garage at 238 Main St into a dwelling unit and other associated site

improvements at 166 Main Street (Parcel# 1706) to the hearing on October 13<sup>th</sup> at 7:20 PM. Mr. Faiia seconded the motion. The Chair called for a roll call vote; Chair Kindermans, yes, Mr. Faiia, yes, and Mr. Smith, yes. All VOTED in favor.

***Concord Public Schools, for a Special Permit under Sections 4.3.1, 6.2.11, 7.6, 7.7 and 11.6 to demolish the existing Sanborn Middle School, construct a new Middle School which includes a height waiver, relief from parking, impervious coverage greater than 15% in the Groundwater Conservancy District at 835 Old Marlboro Road (Parcel# 3010-2-1).***

The Applicant requested a continuance to the October 13<sup>th</sup> meeting.

Mr. Smith moved to continue the application of Concord Public Schools, for a Special Permit under Sections 4.3.1, 6.2.11, 7.6, 7.7 and 11.6 to demolish the existing Sanborn Middle School, construct a new Middle School which includes a height waiver, relief from parking, impervious coverage greater than 15% in the Groundwater Conservancy District at 835 Old Marlboro Road (Parcel# 3010-2-1) to the hearing on October 13<sup>th</sup> at 7:25 PM. Mr. Faiia seconded the motion. The Chair called for a roll call vote; Chair Kindermans, yes, Mr. Faiia, yes, and Mr. Smith, yes. All VOTED in favor.

### **Administrative Business**

#### ***Approval of Minutes for August 11, 2022***

Mr. Smith moved to accept the minutes for the August 11, 2022 meeting as amended. Mr. Faiia seconded the motion. The Chair called for a roll call vote; Chair Kindermans, yes, Mr. Faiia, yes, and Mr. Smith, yes. All VOTED in favor.

There being no further business, the meeting was adjourned at 7:51 p.m.

Approved by the ZBA: 10/13/22