Stamski and McNary, Inc.
Engineering - Planning – Surveying
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Board of Appeals Application

Special Permit – Planned Residential Development
Special Permit – Earth Removal
Variance – Building Height

For

Center & Main
A Planned Residential Development
at 1440 & 1450 Main Street
Concord, MA 01742

Applicant: Symes Development & Permitting, LLC
50 Dodge Street
Beverly, MA 01915

Owner: Faye Erhard Hayes
P.O. Box 1262
Concord, MA 01742

Date: July 12, 2018

SM-5776

Town of Concord
Zoning Board of Appeals
141 Keyes Road
Concord, MA 01742
Tel: (978) 318-3295
www.concordma.gov

Zoning Board of Appeals Application

Special Permit** with **Site Plan Review

Town Use Only

Received by Clerk of the Board: Town Clerk Stamped Received

Application Fee:_____ Hearing Date:_____

1 Application Information

This Application is for: ☒ Special Permit ☐ Site Plan Review ☐ Wireless Communications Facilities

☒ Variance ☒ Planned Residential Development ☐ Comprehensive Permit

Sections of the Zoning Bylaw Applicable to Application:

Section 10 - Planned Residential Development
Section 7.5 - Earth Removal
Section 11.6 - Special Permit
Section 11.7 - Variance

2 Property Information

Address:	PRD - 1440, 1450, and 146B Main Street	ANR - 10B Highland Street, portion of 1440 Main St.
Parcel ID #:	PRD - Parcel 2407, 2408, 2409	ANR - Parcel 2423, portion of Parcel 2409
Zoning District	Residence C	Total Land Area PRD - 8.92 ac +/- ; ANR - 0.26 +/- ac
Present Use:	Residential Lots, Vacant land	Lot Frontage: PRD - 657.43' +/- ; ANR - 95' +/-
Proposed Use:	Planned Residential Development	Deed Book & Page #: Book 51940, Page 64

Check all Applicable:

☐ Historic District
☒ Wetlands Conservancy District
☐ Flood Plain Conservancy District
☐ Groundwater Conservancy District
☐ Property Identified in the Open Space Plan
☐ White Pond Advisory Area
☐ Wireless Overlay District
☐ 100' Wetland Buffer Zone
☐ 200' River's Act Area
☐ Property Identified in the Historic Resource Plan

Is any Zoning relief being requested? If yes, explain:

A building height variance is requested for a select amount of dwelling units due to existing topography (See Table H). A special permit for earth removal due to existing topography is also requested in association with this Planned Residential Development.

3 Proposed Project

Provide a brief narrative of the project description:

Center & Main is a proposed Planned Residential Development (PRD) which allows by special permit the development of 36 dwelling units to be served by a private driveway and in part by a private shared sewage disposal system. The PRD will provide common open space, community gardens, a neighborhood park, and trails connecting to the abutting town land and the abutting private open space at Junction Square. The existing dwellings will be razed and a separate dwelling unit will be constructed on an ANR lot on Highland Street.

Ground Coverage by Buildings and Pavement				Gross Floor Area (GFA) (6'8" in height or greater)
Existing:	0.16 AC.	=	2 % of Site	Existing: Two Dwellings to be razed
Additional Proposed:	1.55 AC.	=	17 % of Site	Additional Proposed:
Total Proposed:	1.55 AC.	=	17 % of Site	Total Proposed:

Breakdown of proposed use(s) by GFA

Use: Residential	GFA: See Center & Main - Unit Areas
Use: Unit A	GFA: See Center & Main - Unit Areas
Use: Unit B	GFA: See Center & Main - Unit Areas
Use: Unit C	GFA: See Center & Main - Unit Areas

Describe in terms of any other units of measurement the use of occupancy of the building(s) such as maximum seating capacity, number of employees, number of tables, etc…:

All dwelling units will be two, three, or four-bedroom single family, duplex, or triplex units.

Effect of the project on public services, such as water, sewer, schools, police, fire, waste disposal, and recreational facilities:

The increase of dwelling units will require an increase in water, sewer, police, fire, and other public services from the town. The development will be partially on town sewer and partially on a private septic system. 3,000 GPD will discharge to town sewer from the proposed PRD. ANR lot also to connect to town sewer on Highland Street.

4	Supplemental Information

Parking Spaces				Loading Spaces	
Existing:	2 per unit	=	% of Site	Existing:	N/A
Additional Proposed:	2 per unit	=	% of Site	Additional Proposed:	N/A
Total Proposed:	72 spaces total	=	% of Site	Total Proposed:	N/A

How many vehicles are used for business and parked on site:

Estimated traffic flow within the Site	Estimated traffic flow on streets adjacent to the Site
A.M. Peak: See traffic report	A.M. Peak: See traffic report
P.M. Peak: See traffic report	P.M. Peak: See traffic report
Proposed Water Supply: Public	If Town water, estimated demand (gals/day): 12,430 GPD

Are water conservation measures provided? ☐ Yes ☒ No

If Yes, explain:

Proposed Sewage Disposal: Town and Private	If Town sewer, estimated demand (gals/day): 3,000 GPD

Amount of grading (cubic yards): (See Cut/Fill Report) cut 17,600+ fill

Will the project require the removal of soils from the site? ☒ Yes ☐ No

If Yes, how many cubic yards and where is soil being relocated:

A special permit is required since the volume to be removed exceeds 1,000 cubic yards. 17,600+ cubic yards is proposed to be relocated at a location to be determined.

Does Project require the removal of any trees greater than 2' or major screening vegetation? ☒ Yes ☐ No

If Yes, explain:

A landscape plan has been provided. The site preparation for siting the proposed dwellings with associated driveways and stormwater requires removal of the majority of the site vegetation.

Is work located within? ☐ 25' or ☐ 100' of a wetland and/or ☐ 200' of a river or stream

If Yes, explain how and what measures are taken to mitigate impacts:

Isolated vegetated wetland does not have a buffer zone, therefore a permit under Chapter 131 WPA is not required.

Has a permit been applied for under M.G.L. Chapter 131 Wetlands Protection Act? ☐ Yes ☒ No

5 Property Owner/Applicant Information

The undersigned hereby certifies that he/she has read and examined this application, the Board of Appeals Procedures and Checklist and that the proposed project is accurately represented in this Application and supporting documentation, and hereby requests a hearing before the Board of Appeals with reference to the above application.

Property Owner(s) Name: Faye Erhard Hayes

Address: P.O. Box 1262, Concord, MA 01742

Phone: 978-369-3803 | E-Mail: fayeerhard@aol.com

Signature: J Rhuda, Manager Faye Erhard Hayes | Date: 6/28/18

Property Owner(s) Name:

Address:

Phone: | E-Mail:

Signature: | Date:

Applicant(s) Name: Symes Development & Permitting, LLC Attn: Jeff Rhuda

Address: 50 Dodge Street, Beverly, MA 01915

Phone: 978-815-0129 | E-Mail: jrhuda@symesassociates.com

Signature: J Rhuda, Manager | Date: 6/28/18

Applicant is: ☐ Owner ☐ Tenant ☐ Agent/Attorney ☒ Purchaser

Applicant(s) Name:

Address:

Phone: | E-Mail:

Signature: | Date:

Applicant is: ☐ Owner ☐ Tenant ☐ Agent/Attorney ☐ Purchaser

6 Building Inspections Division Review

To avoid project delays, this Application and all supporting documentation should be reviewed by a Concord Building Inspector prior to filing with the Town Clerk. It is the Applicant's responsibility to schedule an appointment to meet with a Building Inspector at least two weeks before the application submission deadline. Incomplete applications will not be signed by a Building Inspector.

This completed Application has been reviewed by a Concord Building Inspector.

Signature of Building Inspector: Laurie Lunn Date: 6.28.18

PROPOSED PLAN FOR 1440, 1450, 146B MAIN STREET
PLANNED RESIDENTIAL DEVELOPMENT

Development Team

Applicant	Symes Development & Permitting, LLC 50 Dodge Street Beverly, MA 01915
Engineer/ Surveyor	Stamski and McNary, Inc. 1000 Main Street Acton, MA 01720
Architect:	The MZO Group 335 Main Street, Suite 201 Stoneham, Massachusetts 02180
Landscape: Design	Kim Ahern Landscape Architects 40 Foster Street Littleton, MA 01460
Legal Counsel	Latham Law Offices LLC 643 Main Street Reading, MA 01867
Location:	The property is comprised of multiple parcels on Main Street and Highland Street. Map 10D Parcels 2407, 2408, 2409 & 2423
Size of Tract:	Total = 399,933± square feet (PRD = 389,124; ANR = 10,809)
Zoning:	The site is located in the Residence C District; a portion of the site is located within the Wetland Conservancy District.
Utilities:	The existing dwellings are served by town water, town electric, gas, and town sewer. Less than 3,000 GPD will be discharged to town sewer for PRD. All utilities along the frontage are underground with the exception of the electric service to the existing dwellings from Highland Street.

SECTION 10. PLANNED RESIDENTIAL DEVELOPMENT (PRD)

10.1 Purpose

The applicant is proposing a thirty-six unit Planned Residential Development on the 389,124± square foot parcel. The goal for this project is to establish a neighborhood with a community feeling within already densely populated West Concord. Each unit will have access to common open space, community gardens, a neighborhood park, and trails connecting to abutting town land and the abutting private open space at Junction Square.

The proposed project will provide 36 two-bedroom, three-bedroom, and four-bedroom dwelling units with a mix of detached single-family dwellings, two-family dwellings, and one three-family dwelling. One affordable unit will be provided, unless Board is in support of donation to affordable housing in lieu of on-site affordable unit with 36 market units. Other consideration is a reduction of one unit down to 35 basic market rate units.

10.2 Standards

10.2.1 *Minimum Tract Size:*
389,124± square feet provided. Required in Residence C is 10,000 square feet.

10.2.2 *Maximum Permissible Density:*
Two times the basic density, as calculated below, is allowable
(2 x 35 = 70 units maximum)
36 units are proposed

10.2.2.1 *Basic Density:*
Zone C:
Total Tract: 389,124± square feet
Wetlands and Flood Plain Conservancy District: 48,335± square feet

$$\frac{(389{,}124-48{,}335) + [(.25)(48{,}335)]}{10{,}000} = 35.3 = 35 \text{ Units } (\textit{rounds down per 10.2.2.2})$$

10.2.3 *Diversity of Dwelling Units*
The proposed dwellings will consist of (36) two-bedroom, three-bedroom, and four-bedroom units. The living space will range in size from approximately 1,876 – 2,985 square feet of living space excluding basements and garages.

10.2.3.1 *Low income dwelling units*
The Applicant is proposing an affordable dwelling unit under subsection 10.2.3.1 to meet the requirement of subsection 10.2.3 for increase in units above the basic density.

10.2.3.1 *Low income dwelling units*

The Applicant proposes to make one (1) dwelling unit available to the Concord Housing Authority, or other entity as the Board may direct.

10.2.3.2 *Low income dwelling units*

10.2.3.3 *Unit sizes*

The dwelling unit area exceeds 400 square feet minimum (See architectural plans).

10.2.3.4 *Exterior Design*

The low-income dwelling unit will be designed to be indistinguishable from a similar market-rate unit. Each unit has a proposed full or half front porch.

10.2.4.1 *Permitted Uses*

The ten single-family detached dwellings will be below the 80% (28%) maximum allowable for buildings of the same type within a PRD.

10.2.4.2 Not applicable

10.2.5 *Lot Area, Frontage and Yard Requirements:*

Lot Area – - No Minimum
Lot Frontage - No Minimum
Yard Setbacks - No Minimum, except for:
Residence C – (20) Twenty feet to public way or PRD boundary line.

10.2.6 Access to the Tract:

Access to the tract is through the existing frontage on Main Street. The applicant is proposing a 22' wide private driveway. The proposed driveway will provide two access ways off of Main Street, a one-way entry and one-way egress.

10.2.7 *Height:*

A variance has been requested for structures that may not comply with the thirty-five feet maximum permitted height due to topography.

10.2.8 *Areas of Residential Development:*

Residential Use shall not exceed 50% of Total Area.
The area developed for residential use which consists of the dwellings, access driveway, sidewalk, individual driveways, walks and patios is < 50% of the total site.

10.2.9 *Common Open Space:*

Open Space must equal at least twenty five percent (25%) of Total PRD Area.
(389,124 s.f. x 0.25) = 97,281 square feet; >100,000 s.f. provided.

10.2.9.1

The public open space proposed for this PRD, is of a shape, dimension, character and location suitable for its use as conservation land, a community garden, a neighborhood park, and trails connecting the existing network of walking paths for the benefit of all residents. This future public open space abuts the existing Town of Concord Conservation Land.

(a) The Open Space includes conservation land, community gardens and a trail. A neighborhood park is additional public open space.
(b) The Open Space is not currently in agricultural use. A community garden is proposed on the northwestern portion of the Open Space.
(c) The Open Space will be used as a connection between the two parcels abutting the property.
(d) The entire site is outside of any designated Recharge Area of Concord's current and future municipal wells or other highly favored aquifer areas.
(e) The Open Space is proposed as a Conservation Restricted. A path is proposed to provide a connection between the abutting properties.
(f) The Open Space will provide buffer areas, and a missing link to the trail connection from Conant Street to Junction Square.
(g) This parcel does not enhance any scenic views.
(h) The Open Space extends along the rear of the site in order to connect the two abutting sites and to protect onsite isolated wetland.

10.2.9.2

The common open space will be readily accessible for the enjoyment of all unit owners and the public. The open space area will be owned by the condominium association, or otherwise as the Board may direct.

10.2.9.3

A perpetual conservation restriction will be provided of the type described in G.L. c. 184, sec 31 which shall run with the land. Such recordable restriction shall provide that the common open space easement be retained in perpetuity for conservation use community gardens, a public park, and trails connecting the existing network of walking paths as described above. Such restriction shall also contain additional restrictions on the development and use of the common open space which will allow for the use of the land as shown on the plan.

10.2.10 *Limitation of Subdivision.*

A note prohibiting further subdivision of this tract of land shown as required by the section has been provided on the Record Plan.

SECTION 7.5. EARTH REMOVAL

7.5.1

The removal from soil is incidental to and in connection with the construction of a PRD authorized by this bylaw under a special permit.

7.5.2 N/A

7.5.3.1

Volume to be removed shall be conducted in accordance with the approved Planned Residential Development Plan.

7.5.3.2

The Planned Residential Development Plan set has been graded to be suitable driveway gradients, access to dwellings, effective drainage, onsite sewage disposal, and walkway connections to existing streets and abutting properties.

7.5.3.3

The proposed grading will be regulated with a suitable ground cover including a Landscape Plan to respect abutting properties.

7.5.4.1

The applicant seeks removal in excess of one thousand (1,000) cubic yards of earth and has filed a written application for a special permit to the board.

(a) A Cut and Fill volume analysis and plan has been provided.

(b) See Planned Residential Development Plan set and Landscape Plan showing finished grades and treatments.

(c) The estimated quantity is shown in the table. The removal of earth will follow standard hours and days of operation as discussed and outlined in the Zoning Board of Appeals decision. Slope stabilization and dust control shall be provided. The trucking routes and type of vehicles(s) to be used on any street is to be determined in accordance with typical industry standards.