

## DEPARTMENT OF PLANNING & LAND MANAGEMENT

Center & Main PRD  
1440-1450 Main Street

Report Date: September 10, 2018  
Prepared by: Elizabeth Hughes, Town Planner

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### GENERAL INFORMATION

Owner	Faye Erhard Hayes P.O. Box 1262 Concord, MA 01742
Applicant	Symes Development & Permitting, LLC 50 Dodge Street Beverly, MA 01915
Engineer:	Stamski & McNary, Inc. 1000 Main Street Acton, MA 01720
Requested Action:	<b>Recommendation to the Board of Appeals</b> for a Special Permit to develop a 36-unit Planned Residential Development pursuant to ZBL Section 7.5 (Earth Removal), Section 10 (PRD), Section 11.6 (Special Permit), and Section 11.7 (Variance).
Location & Project Site Size:	The Project Site (Site) is approximately 9.18 acres and located on the north side of Main Street, at the intersection of Highland Street (Parcels 0972). The site significant steep slopes as it rises up from Main Street and then back down to a non-jurisdictional isolated wetland subject to flooding at the rear.
Zoning/Existing Land Use:	The property is located in the Residence C Zoning District with the rear of the Site within the Wetland Conservancy District. The Fitchburg Commuter Rail line abuts the northern property boundary ( <i>See GIS Aerial Map</i> ). Site is developed with two single family dwellings.
Surrounding Land Uses/(Zoning):	To the south, west and east is existing residential properties, including the Center Village PRD and are located in the Residence C Zoning District. Across the Commuter Rail line to the north is the Conant Street mixed use residential/commercial development and Rideout Playground. To the northeast is the Junction Square, a commercial and professional office complex in the West Concord Business Zoning District.
Utilities:	Town water, sewer, and electric, as well as gas service is available from Main Street.

### **I. Proposed Project**

The proposed project is a 36-unit Planned Residential Development that includes the following:

- Demolition of the two existing dwellings;
- Grading of the site requires removal of the majority of the site vegetation and 17,625 c.y. of cut that is proposed to be trucked off site;

- Construction of 13 single family dwellings, 10 duplex units, and 1 triplex unit for a total of 36 units within the PRD and a single family dwelling on a separate ANR lot off Highland St.;
- Access will be off Main Street through a one-way drive in and a separate one-way drive out;
- The interior roadway is 22 feet wide and consists of two separate dead-end roads;
- Sewage disposal will be handled with 9 units and the separate ANR lot tied to Town sewer and the remaining 27 units in the PRD served by an on-site sewage disposal system;
- All of the units and the ANR lot are proposed to be served by Town water;
- Due to the significant topography of the site, the Applicant is requesting a variance to the 35-foot height limitation for 15 of the units;
- Stormwater drainage is to be handled through a series of area drains, roof drains, catchbasins and subsurface infiltration systems;

The proposed project includes three different floor plan (Unit A, B & C) that range in gross square footage, including basement and garage, of 3,158 s.f. (Unit A), 4,490 (Unit B) and 3,199 s.f. (Unit C) (See Application Unit Area Chart and Floor Plans). Due to the significant steep slopes and the proposed grading, the Applicant is requesting a variance to the 35-foot height limit for Units 11 through 19, 23, 24 and 26 through 36 because the maximum height is calculated from existing grade (See Application Table H).

## **II. Staff Comments**

### **A. Police Department**

The Community Safety Officer has concerns with the extensive volume of earth to be removed from the site (17,625 c.y.) A standard tri-axle dump truck holds approximately 20 c.y. of earth. This represents approximately 881 vehicles entering and leaving the site on a very busy main roadway corridor that handles significant amounts of morning and evening commuter traffic and is in a densely developed area for pedestrians. There is a weight restriction on the Commonwealth Avenue bridge at Warner's Pond that will exclude loaded trucks for utilizing this direction. The Applicant should be required to provide a detailed site operations plan that shows how all construction vehicles and earth moving equipment can be accommodated completely on the site and a detailed truck route plan with the number of vehicles and time of day they will be entering and exiting the site.

### **B. Fire Department**

The Assistant Fire Chief noted that it is the Department's preference that the roadway be a looped. However, given the current proposed design and topography, the Applicant has stated this is not feasible. For the submitted plans, the Department provides the following comments:

1. The Applicant needs to provide a Swept Path analysis for the terminus of the roadways that utilizes the Concord Fire Department ladder truck template. Reinforced turf may be required at the roadway terminuses to accommodate this turning movement.
2. Due to the topography, density, close proximity of the units, the project should include low voltage fire alarm monitoring system in each of the units tied to a monitoring company.
3. The triplex unit will be required to have a fire sprinkler system and the plans need to be modified to show a dedicated fire suppression water service.

4. The Applicant needs to incorporate a snow storage plan on the drainage and landscape plan to ensure the roadway is clear at all times for fire apparatus.
5. For safety and emergency vehicle response, it is recommended that the roadway be a name road with the address for the units off that road.
6. A hydrant needs to be included at each roadway terminus and then approximately spaced throughout the development.
7. A number of the retaining walls between the units are 6 to 10 feet in height and in areas that are not readily accessible by emergency personnel. This represents a significant fall safety issue. The Applicant should revise the plans to show fall prevention measures. In general, the Department has significant concerns with the access around many of the units and the limited area for maneuverability of personal and equipment.
8. There should be no parking on one side of the roadways and appropriate signage installed.
9. The plans should be revised to show that the roadway terminus turnaround areas are striped as a Fire Lane with “no parking allowed” signage installed.

#### C. CPW – Engineering Division

In a memo dated September 7, 2018, the Public Works Engineer raises the following issues:

1. The Site Development Plans should provide a location and details for a community bus stop within the PRD site at an area that will not impact the traffic patterns along Main Street and provide a safe environment for the children.
2. The Site Development Plans should accommodate the maneuvering and parking of commercial vehicles (e.g. landscape trucks, delivery trucks, etc) within the PRD site in order to prevent negative impacts on the traffic patterns along Main Street.
3. Include a note on the Site Development Plans to remove the existing driveway aprons to the site and install granite edging, grass strips, and continue the existing sidewalk.
4. Provide details of the driveway openings demonstrating that the proposed driveways are in conformance with the dimensional guidelines outlined in the CPW Driveway Permit Application.

The Public Works Engineer notes that following the submission of the storm water peer review for this project from the consultant, CPW may have additional comments pertaining to storm water.

#### D. CPW – Water & Sewer Division

In a August 22, 2018 memo, the Water & Sewer Engineer notes that the site plan shows a single sewer service connection from the municipal sewer main to the proposed development serving 9 of the proposed buildings within the development. The Sewer Rules & Regulations allow a parcel of real property that abuts a public or private way in which a public sewer has been laid to have a single service connection that shall be dedicated to a single building on that parcel. In accordance with these Rules & Regulations, as the proposed PRD incorporates 3 parcels that would otherwise be eligible for municipal sewer service, the PRD is eligible for only 3 separate building sewer service connections. The Applicant should submit a revised plan in conformance with the Rules & Regulations.

#### E. Concord Municipal Light Plant

The CMLP Engineer stated they met with the Applicant to review issues and concerns with the proposed utility plan and notes the plans should be revised to address the following issues:

1. The proposed underground electric and broadband shall rise up on pole 135 Main St, instead of Main St and Highland St).
2. The “backyard” utility construction of electric and broadband facilities, including services shall be eliminated. Electric service shall terminate on the front or side of units and all meter and sockets shall be accessible to CMLP staff.
3. The underground electric system shall be looped at the northwest side of property between the two roadways.
4. The proposed electric and communication trench shall be approximately 24 inches wide and may incorporate the following utilities: CMLP Electric, CMLP Broadband, Comcast, and Verizon. The plans shall be amended to adjust the proposed electric and communication trench location where applicable to maintain proper clearances with other utilities including, but not limited to, sewer, water, gas, and drainage.

#### F. Building Inspections Division

In a September 6, 2018 memo, the Building Commissioner notes the following issues and concerns:

1. The Applicant should provide documentation that the proposed exterior lighting is in conformance with Section 7.7.3.11 Lighting requirements of the Town of Concord Zoning Bylaw.
2. Please indicate on plans, the accessible areas, slope, etc. or provide a variance from the Massachusetts Architectural Access Board regarding the proposed open spaces, public areas and trails.
3. Applicant must provide basement floor plans and identify the use of all rooms.

#### G. Health Division

The Public Health Director commented that The engineering plans submitted with the application do not show sufficient detail to determine if the on-site sewage disposal system will adequately serve the proposed number units and can be accommodated given the significant competition for space for underground utilities.

#### H. Natural Resources Division

In a September 7, 2018 memo, the Natural Resources Director notes the following issues and concerns:

1. In accordance with Section 10.2.9 of the Concord Zoning Bylaw (ZBL), at least 25% of the area not covered by buildings, roads, parking areas or service areas, or which are not set aside as yards, patios, gardens, or similar areas for exclusive or shared use by the residents, shall be common open space. The proposed common open space consists of two open space areas totaling 26% of the total PRD area: Open Space Area 1 (99,686 sq. ft.) is on the northern site boundary and contains an isolated wetland confirmed by the Natural Resources Commission to be non-jurisdictional under the state Wetland Protection Act and the Concord Wetlands Bylaw. Open Space Area 1 extends largely as a 10-foot wide strip along the western boundary and a portion of the southern boundary with Main Street. Open Space Area 2 (1,570 sq. ft.) consists of a 10-foot wide strip along a portion of the southern boundary with Main Street.
2. In accordance with Section 10.2.9.1 of the ZBL, common open space shall have the shape, dimension, character, and location suitable to ensure a shared use by at least all residents of the PRD. The Applicant has proposed that the common open space will be open to the public, which

is supported by the NRC. However, as currently laid out, none of the dwellings have exclusive use areas that would typically provide private yard space for individual PRD residents and it is unclear how the open space configuration encourages a shared use by all PRD residents and the public. As noted above, portions of Open Space Area 1 and all of Open Space Area 2 consist of a 10-foot wide strip around the perimeter of the site. In addition, several of the proposed dwellings are less than 10 feet from the common open space. Three of the dwellings have what appear to be decks or patios at the open space boundary; two additional dwellings have decks or patios less than five feet from the open space boundary. The Applicant should explain how the proposed common open space provides a benefit to all residents of the PRD and the public, while not conflicting with the desires of the individual PRD residents to enjoy a private yard area.

3. In accordance with Section 10.2.9.3 of the Bylaw, a perpetual restriction of the type described in MGL chapter 184 §131 shall be placed on common open space. The Applicant should clarify what type of restriction will be placed on the land. Common open space placed under a Conservation Restriction (CR) held by the Natural Resources Commission is intended to be preserved in its natural, scenic, and open condition. If the Applicant intends to convey a CR to the Natural Resources Commission, the development should be reconfigured to provide undisturbed open space a sufficient distance from anticipated yards of all dwellings to ensure that CR-restricted lands are not subject to encroachment and PRD residents have private space available for yards. The proposed community garden and any sheds and compost areas should not be included within the area proposed for a CR. Plans should include monumentation of CR boundaries. The homeowner association documents should include language that the CR land must remain undisturbed and that dumping of leaf, yard, and community garden debris is prohibited.
4. Several portions of the roadway and some driveways are less than five feet from proposed open space. Snow storage is not permitted within CRs held by the NRC. The development should be reconfigured to ensure that no snow storage will be within the CR. A snow removal plan should be submitted to demonstrate that adequate storage can be provided onsite, outside the Conservation Restriction and not over proposed stormwater management structures.
5. The stormwater system is proposed as an underground system with no overflows shown on the plans. The Operations and Maintenance Plan should identify the responsible party for maintenance of the stormwater management system to ensure that it functions as designed. The Stormwater Management Report notes that all runoff remains onsite within the isolated wetland. This wetland constitutes the majority of the common open space, and the Applicant should confirm that this area will infiltrate runoff from the proposed development so that the common open space is available to residents and the public and does not function as a retention pond.
6. The plans indicate a proposed trail within Open Space Area 1. Town conservation land (151X Main Street) lies to the west of the proposed development and the Board should consider requesting trail improvements on this parcel to connect to the trail on the development parcel. To the east is privately owned land (Junction Square Condominium Association). The plans show a proposed trail connection to this parcel and the Applicant should confirm that the adjacent trail is also open to the public. The homeowner association documents should identify parties responsible for trail maintenance.

#### I. Planning Division

The Town Planner provides the following items for discussion by the Board:

1. The Site Development Plans do not show the limits of any exclusive use areas.
2. The Applicant needs to provide detailed information for the basements for each unit to accurately determine the bedroom mix of the development.
3. There is no sidewalk in the location of Unit 11 to 15.
4. It is recommended that the Applicant provide a north-south and east-west topographical cross-section of the site showing the extent of cut.
5. It is recommended that the Applicant provide an architectural rendering of the proposed Main Street perspective of the development as it relates to the surrounding neighborhood given the density of the project and the significant alteration of the natural topography.
6. The Landscape Plan does not indicate the number of plantings to be used.
7. The plans do not show the location of a centralized mailbox with a vehicle pull-off area. This should be shown on the plan since the level of development is such that it may be difficult to locate along with a school bus waiting and landscape contractor area.

### **III. Zoning Bylaw Review**

#### **Section 7.5 Earth Removal**

*7.5.3 Removal of earth subject to Board approval. The removal of earth in excess of one thousand (1,000) cubic yards may be permitted by the Board after notice and a public hearing if the Board finds that:*

*7.5.3.1 The volume proposed for removal does not exceed the minimum practical removal required to accomplish the construction, development, or improvement in accordance with the plans therefor;*

*7.5.3.2 The plans submitted in connection with the removal are designed to minimize changes in existing contours to enhance attractive land utilization, effective drainage, suitable road gradients, access or other design considerations; and*

*7.5.3.3 Effecting the removal will not be detrimental or injurious to abutters or the neighborhood, either by the alteration of existing topography or by a substantial change in the use of the streets in the neighborhood.*

The Applicant is proposing the removal of 17,694 cubic yard of earth from the site. The Planning Board should discuss whether this amount of earth removal is 1) the minimum practical removal required to accomplish the construction, development, or improvement in accordance with the plans; 2) minimizes changes in existing contours to enhance attractive land utilization, effective drainage, suitable road gradients, access or other design considerations, and; 3) is not detrimental or injurious to abutters or the neighborhood, either by the alteration of existing topography or by a substantial change in the use of the streets in the neighborhood.

*7.5.4 Procedure for review by the Board.*

*7.5.4.1 Any person who desires to remove in excess of one thousand (1,000) cubic yards of earth shall submit a written application for a special permit to the Board. Each such application shall be accompanied by plans and specifications prepared by a registered professional engineer or registered land surveyor as follows:*

- (a) *A plan of the area from which removal is proposed and a strip one hundred (100) feet wide surrounding said area, showing all manmade features, lot lines, zoning boundaries, vegetative cover, soil characteristics and existing topography;*

The Applicant has provided plans showing the lot lines, vegetative cover and existing topography of the whole site.

- (b) *A plan of the area showing the finished grade and treatment of the site after the proposed completion of the excavation;*

The Applicant has provided a plan that shows the final grade of the proposed site and a landscape plan that shows the treatment of the site upon completion.

- (c) *The estimated quantity of materials to be removed and topsoil to be stripped and replaced, together with a detailed statement of the hours and days of operation, the trucking route and type of vehicle to be used on any street for the removal of earth, the treatment of the site during operations to reduce dust and mud and, where appropriate, the proposed form of bond, and;*

The Applicant has not provided any information regarding of the hours and days of operation, the trucking route and type of vehicle to be used on any street for the removal of earth, the treatment of the site during operations to reduce dust and mud and, where appropriate, the proposed form of bond.

- (d) *Such additional information as the Board may determine.*

The Planning Board should discuss whether they need additional information.

## **Section 10 Planned Residential Development**

*10.1 Purpose - The Planned Residential Development allows by special permit from the Board [of Appeals] an alternative pattern of residential land development. It is intended to encourage the conservation of open space, while at the same time providing for a mixture and diversity of housing types in the Town at somewhat greater dwelling unit densities than is otherwise permitted without a significant increase in Town-wide population density. In a PRD, dwelling units should be constructed in appropriate clusters that are harmonious with neighborhood development and will not detract from the ecological and visual qualities of the area. The overall site design and amenities should enhance the quality of living for the residents of the development, the immediate neighborhood and the Town generally. Attention, however, shall be given by the Board as to whether the proposed site design, development layout, number, type and design of housing constitute a suitable development for the neighborhood within which it is to be located.*

The Applicant states that the goal for the 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 it is determined by the Town that a donation to affordable housing in lieu of on-site affordable unit is preferable.

The Planning Board is required to prepare a recommendation to the ZBA on the issues raised in the purpose of the PRD section above. The Planning Board should focus its review on the proposed design and the requirements of the PRD Zoning Bylaw, which are delineated below. The Planning Board should determine whether the proposed development is “harmonious with neighborhood development and will not detract from the ecological and visual qualities of the area” and “is suitable development for the neighborhood” or in what ways the design might be modified to better meet the purpose and criteria for a PRD.

## 10.2 Standards

*10.2.1 Minimum Tract Size: Planned Residential Developments shall be permitted upon a single tract, in one ownership with definite boundaries ascertainable from a recorded deed or recorded plan, which has an area of not less than four (4) times the minimum lot area of the zoning district within which it is situated (Residence C: Ten thousand (10,000) square feet).*

The Site is 389,124± square feet and meets the requirements of the Residence C Zoning District.

*10.2.2 Maximum Permissible Density: Maximum permissible density within a PRD tract shall not exceed two times the total number of dwelling units obtained through application of subsection 10.2.2.1 (basic density) in all residential districts and in the Business district. In no case shall that portion of a PRD which lies outside the Flood Plain and Wetlands Conservancy districts contain less than five thousand (5,000) square feet of upland area for each dwelling unit.*

Two times the basic density is  $2 \times 35 = 70$  units maximum

*10.2.2.1 Basic density: The basic density of the PRD shall not exceed the number of units obtained by applying the following calculation:*

*The number of dwelling units obtained by dividing the sum of (1) the area of the tract exclusive of land situated within the Flood Plain or Wetlands Conservancy districts, and (2) twenty-five percent (25%) of the area of land situated within the Flood Plain or Wetlands Conservancy districts by the minimum lot size permitted in the zoning district(s) within which the tract is located.*

Zone C:

Total Tract: 389,124± square feet

Wetlands and Flood Plain Conservancy District: 48,335± square feet

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

*10.2.3 Diversity of Dwelling Units: A mix of diverse housing opportunities shall be provided in all Planned Residential Developments. Such diversity shall consist of the following mix:*

*(a) the number of bedrooms available;*

*(b) the price or rental rates of the units; and*

*(c) two of the three styles of units: single-family, two-family or multi-family.*

*If all the units proposed in the Planned Residential Development are market-rate units, then only the basic density shall be permitted. Increases beyond the basic density within the Planned Residential Development may be authorized by the Board only if at least ten percent (10%) of the units are made*

*available as described in subsection 10.2.3.1 and 10.2.3.2. If only one unit is required, it shall be made available as described in subsection 10.2.3.1, and if two or more units are required, then at least 50% of the affordable units shall be made available as described in subsection 10.2.3.1. Any increases in density permitted by the Board shall not exceed the limits contained in subsection 10.2.2 and shall be based upon the degree to which the proposed PRD provides a range of low income and affordable dwelling units, in addition to the mix of diverse housing opportunities.*

The Applicant states that 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.

The Town Planner questions this unit mix and square footage since the basements have been excluded. Given the fact that many of the units will have full walk-out basement, those areas are more easily used as bedrooms and habitable space. Additionally, gross square footage that includes the basements has been consistently used in calculating the square footage diversity for other PRD projects. The Planning Board should discuss whether this bedroom mix meets the intent of this Section.

The Applicant is requesting authorization from the Board to increase beyond the basic density from 35 units to 36 units which requires at least one of the units be affordable as a low income dwelling unit and be counted towards the DHCD's Subsidized Housing Inventory. The Planning Board should discuss with the Applicant which unit will be designated as the affordable unit to ensure it not the least desirable unit location.

*10.2.3.1 Low income dwelling units: Those units made available to the Concord Housing Authority, or other entity as the Board may direct, either for purchase within the cost limits allowed by the Commonwealth of Massachusetts Department of Housing and Community Development (DHCD), or for lease under federal or state rental-assistance programs, or through a long-term contractual agreement; which can be counted toward the DHCD's Subsidized Housing Inventory.*

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

*10.2.3.3 Unit size: A variety of units shall be provided within the PRD, which may include dwelling units of one, two, three or more bedrooms; with a minimum gross floor area of not less than four-hundred (400) square feet.*

The Applicant states that the dwelling units will range in size from 1,876 - 2,985 square feet of living space excluding basements and garages as noted below:

Center & Main - Unit Areas			
	Unit A	Unit B	Unit C
Conditioned Area:			
1st Floor	1,261	1,743	1,011
2nd Floor	1,456	710	865
Total	2,717	2,453	1,876
Unconditioned Area:			
Basement	1,177	1,596	903
Garage	441	441	420
Mechanical	-144	-144	-144
Total	1,474	1,893	1,179

As noted above, given the fact that many of the units will have full walk-out basement, those areas are more easily used as bedrooms and habitable space. Additionally, gross square footage that includes the basements has been consistently used in calculating the square footage diversity for other PRD projects. The Planning Board should discuss whether this bedroom mix meets the intent of this Section.

*10.2.3.4 Exterior design: The exterior of low income and affordable dwelling units shall be designed to be indistinguishable from the market-rate units; however it is recognized that these units may be smaller and have fewer features than market-rate units. Any low income units and affordable units proposed shall be integrated into the PRD development.*

The Applicant states that the low-income dwelling unit will be designed to be indistinguishable from a similar market-rate unit and that each unit has a proposed full or half front porch. The Planning Board should take this into consideration when discussing which will be the affordable unit.

*10.2.3.5 Long-term availability: The Board, as a condition of a special permit, shall impose appropriate limitations and safeguards to insure the continued availability of the below market-rate units for a minimum of forty (40) years. Such limitations and safeguards may be in the form of deed restrictions, resale monitoring, requirements for income verification of purchasers and/or tenants, rent level controls or other method as the Board may direct.*

The affordable unit will be required to be in perpetuity to be counted towards the Town’s Subsidized Housing Inventory.

*10.2.5 Lot Area, Frontage and Yard Requirements: There shall be no minimum lot area, frontage or yard requirements within a PRD. However, no building shall be erected within twenty (20) feet of a public way or boundary line of the PRD in the Residence C and B districts, and within thirty (30) feet in the Residence A and AA districts.*

The proposed project meets the 20-foot boundary line setback requirements for the Residence C Zoning District.

10.2.6 Access to the Tract: *Access to the tract shall be provided from an existing public or private way and shall be through the existing frontage on such public or private way.*

Access to the Site is from Main Street, which is an existing public way. 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: *The maximum permitted height of any structure within a PRD shall be 35 ft.*

The Applicant has provided a detailed height analysis to the new units showing their proposed height based on the existing grades. Due to the significant steep slopes and the proposed grading, the Applicant is requesting a variance to the 35-foot height limit for Units 11 through 19, 23, 24 and 26 through 36 because the maximum height is calculated from existing grade (See Application Table H).

10.2.8 Area of Residential Development: *The area developed for residential use, including buildings, parking and other areas paved for vehicular use, shall not exceed fifty (50) percent of the total area of the PRD tract. Foot and bicycle paths and recreational facilities, including buildings wholly devoted to recreation, shall not be counted in calculating the fifty-percent limitation.*

The Applicant states that 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. However, a detailed breakdown has not been provided. It is recommended that this detailed breakdown be provided.

10.2.9 Common Open Space: *All land within the PRD tract which is not covered by buildings, roads, driveways, parking areas or service areas, or which is not set aside as yards, patios, gardens, or similar areas for exclusive or shared use by the residents, shall be common open space. The area of the common open space shall equal at least twenty-five (25) percent of the total area of the PRD tract. At least 50% of the area of common open space shall be upland (land that is not within the Flood Plain Conservancy District or freshwater wetlands as defined under the Wetlands Protection Act and the Town's Wetlands Bylaw).*

Open Space must equal at least twenty five percent (25%) of Total PRD Area.

$(389,124 \text{ s.f.} \times 0.25) = 97,281 \text{ s.f.}$  required

The Applicant has stated the following:

Buildings, drives & common area =	265,109 s.f. or 68%
Neighborhood park easement =	22,759 s.f. or 6%
Common Open Space =	101,256 s.f. or 26%
Total PRD Area =	389,124 s.f. or 100%

10.2.9.1 *The common open space shall have a shape, dimension, character and location suitable to assure its use for park, recreation, conservation, or agricultural purposes by at least all the residents of the Planned Residential Development. In determining whether the intent of this section has been satisfied, the Board shall consider the extent to which land having one or more of the following characteristics is included in the proposed open space:*

- (a) *Land abutting the Concord, Assabet or Sudbury Rivers, their tributaries, Elm Brook, or ponds of significant public interest, which enhance or protect wetlands or flood plain, or*

*which provide public access to the water body, or which enhance or provide significant scenic vistas or views, or which provide water- related recreational opportunities;*

The Site does not abut any rivers or ponds of significant public interest.

- (b) Land which currently is in agricultural use or land which is suitable in size, location and soil characteristics for agricultural use;*

The Site is not currently in agricultural use or suitable for agricultural use. The Applicant is proposing a small community garden for the residents of the PRD.

- (c) Land which provides a significant wildlife habitat or which is a unique natural area;*

A significant portion of the proposed common open space land is an isolated wetland. The Planning Board should discuss whether this is a significant wildlife habitat or unique natural area.

- (d) Land which provides recharge to Concord's current or future municipal wells and highly favored aquifer areas;*

The proposed common open space is not recharge to Concord's current or future municipal wells and highly favored aquifer areas.

- (e) Land which is to be developed for active recreational use including playing fields, boat launching areas, playgrounds, and neighborhood parks;*

The proposed common open space does not include any active recreational uses. The Applicant is proposing public access to a neighborhood green space area being created above the on-site sewage disposal system.

- (f) Land which preserves existing trail networks or land on which new trails will be developed as part of the PRD for integration into an existing trail network;*

The Applicant is proposing a trail across the proposed common open space at the rear of the property to connect Conant Street with Junction Square. However, it is not known whether those are feasible trail connections given the extent of the existing wetlands towards Conant Street and Junction Square is private property.

- (g) Land which enhances scenic views;*

The proposed common open space does not enhance any scenic views.

- (h) Land providing desirable public access to existing Town or State recreational or conservation land.*

The proposed common open space does not provide public access to existing Town or State recreational or conservation land.

*10.2.9.2 Provision shall be made so that the common open space shall be readily accessible to at least all of the owners and occupants of the units in the Planned Residential Development, and owned by:*

- (a) a membership corporation, trust or association whose members are all the owners and occupants of the units;*

- (b) by the Town; or*

- (c) otherwise as the Board may direct.*

The Applicant is proposing that the condominium association own the common open space, but that public access will be permitted.

*10.2.9.3 In all cases, a perpetual restriction of the type described in G.L. c. 184, sec. 31 (including future amendments thereto and corresponding provisions of future laws) running to or enforceable by the Town shall be recorded in respect to such land. Such restriction shall provide that the common open space shall be retained in perpetuity for one or more of the following uses: conservation, agriculture, recreation, or park. Such restriction shall be in such form and substance as the Board shall prescribe and may contain such additional restrictions on development and use of the common open space as the Board may deem appropriate.*

The Applicant is proposing to place the proposed common open space under a perpetual restriction.

*10.2.10 Limitation of Subdivision: No lot shown on a plan for which a permit is granted under this section may be further subdivided, and a notation to this effect shall be shown on the plan.*

A note to this effect shall be included on the Record Plan.

*10.4.1.1 Development Statement - A written statement meeting the requirements of a Site Evaluation statement under the Subdivision Rules and Regulations by the Planning Board, as applicable:*

*a) Impact of the project upon surface and groundwater quality and level;*

The stormwater drainage plans and report are being reviewed by the Town's outside consultant, which has not been completed at this time. The Planning Board should withhold discussing stormwater drainage until this report is received and reviewed by the Engineering Division.

*b) Effects upon important wildlife habitats, outstanding botanical features, scenic or historic sites or buildings;*

There are no Estimated and Priority habitat of Rare Wildlife or outstanding botanical features on the Site. The existing dwelling at 1440 Main Street was built in 1880. The Applicant intends to demolish the structure as part of the proposed project. The Concord Historical Commission has determined that the structure is "Preferably Preserved" and no demolition permit will be issued for the total demolition of the structure until after December 18, 2018.

*c) Capability of soils, vegetative cover, and proposed erosion control measures to support proposed development without erosion, silting or other instability;*

The stormwater drainage plans and report are being reviewed by the Town's outside consultant, which has not been completed at this time. The Planning Board should withhold discussing stormwater drainage until this report is received and reviewed by the Engineering Division.

*d) Estimated increase of peak run-off caused by altered surface conditions, and methods to be used to return water to the ground;*

The stormwater drainage plans and report are being reviewed by the Town's outside consultant, which has not been completed at this time. The Planning Board should withhold discussing stormwater drainage until this report is received and reviewed by the Engineering Division.

*e) Description of proposed alterations of wetlands or flood plain areas;*

The Applicant is not proposing any alterations of wetlands or floodplain areas.

*f) A report estimating the traffic flow at peak periods in relation to existing traffic on the streets in and adjacent to the subdivision, and the effect of the project on the public services such as water, sewer, schools, police, fire, waste disposal, and recreational facilities;*

The Applicant has provided a traffic report for the proposed project, which has been reviewed by the Town's outside consultant. In a September 6, 2018 memo, the outside consultant has identified 39 points that the Applicant needs to clarify, address and/or provide further information. The Planning Board may wish to discuss these points with the Applicant to better understand the potential impacts of the development.

There will be an increase in demand on public services for water, schools, police, and fire for the addition of a total of 34 units (two existing units being demolished). There will also be an increase in Town sewer depending on how many units will be connected to the Town's system. The Applicant estimates water usage will be approximately 12,430 gallons per day based on Title V flows. The Applicant has not provided any information as to whether an irrigation well will be installed to support the community garden.

*g) A summary tabulation of the total area being developed, the total area of all lots, the total area dedicated for streets and drainage or utilities, and the total area reserved for recreation, parks or other open land;*

The Applicant has stated the following:

Buildings, drives & common area =	265,109 s.f. or 68%
Neighborhood park easement =	22,759 s.f. or 6%
Common Open Space =	101,256 s.f. or 26%
Total PRD Area =	389,124 s.f. or 100%

The Applicant should provide the total area of any exclusive use areas for each of the units and the total area dedicated for streets and drainage or utilities.

*h) A projection of the direct, current Town costs and revenues associated with this development;*

The Applicant has not provided any information related to the projection of the direct, current Town costs and revenues associated with the proposed development.

*i) An analysis of the sight distances at the intersections of the proposed street(s) with any other street(s);*

The Public Works Engineer states that the sight distances at the intersections of the two proposed roadway with Main Street are adequate.

*j) Impact of the development on any historical or cultural resources located within one hundred (100) feet of the proposed development as identified in the Survey of Historical and Architectural Resources and Historic Resources Master Plan;*

The proposed project will not have an impact on any historical or cultural resources located within 100 feet.

*k) Impact of the development on any open space or natural resources located within one hundred (100) feet of the proposed development as identified in the Town of Concord Open Space Plan.*

The proposed project will not have an impact on any open space or natural resources located within 100 feet.

10.4.1.2 Development plans - The Applicant has submitted full Development Plans that include site plans, building elevations, floor plans, and landscape plans.

10.4.1.3 Low income and affordable dwelling unit marketing program - The Applicant will be required to work with the Town's Regional Housing Services Office to develop a marketing plan that includes eligibility and preferences for the affordable unit and proposed methods of ensuring long-term availability for the affordable dwelling unit. The affordable unit will be priced at 80% AMI.

*10.4.2 Planning Board Report and Recommendations: The Planning Board shall review the development statement and plans and shall submit in writing to the Board its report and recommendations upon the technical quality of the proposed development, and at least the following:*

*10.4.2.1 General descriptions of the natural terrain of the PRD tract and surrounding areas, and of the neighborhood in which the tract is situated.*

The Site is generally flat along Main Street and then begins to slope upwards for approximately 100 feet to a level plateau where the two existing dwellings. The Site then slopes steeply downwards for approximately 80 feet to a small level area before dropping again slightly to the isolated wetland at the rear of the Site. The Site is generally wooded, becoming denser towards the rear. The surrounding area is a mixture of developed single family dwellings and an adjacent Planned Residential Development to the west.

*10.4.2.2 A review of the proposed development, including the design and use of buildings and of the open spaces between and around them, of pedestrian and vehicular circulation, of the location and capacity of parking, and of the provisions for grading, landscaping and screening.*

The Planning Board should discuss the proposed development and whether it adequately addresses these issues or whether modifications are needed.

*10.4.2.3 An evaluation and opinion upon the degree to which the proposed PRD provides a range of diversity and the size of the units as it relates to increased density that may be permitted by the Board.*

The Planning Board should discuss whether the proposed project satisfactorily addresses these issues in a manner that supports the increased density.

*10.4.2.4 An evaluation and opinion upon the degree to which any land intended to be conveyed to, or restricted for the benefit of, the Town:*

*(a) Provides or will in the future provide an addition to areas of open space between developed sections of the Town; **The Planning Board should discuss whether the proposed land intended to be available to the public satisfactorily provides open space between developed sections of Town.***

*(b) Makes available land desirable for future public use; or **The Planning Board should discuss whether the proposed land intended to be available to the public would be desirable for public use.***

*(c) Conforms to the Town's long-range land use plan. **The Comprehensive Long Range Plan talks about promoting cluster development that concentrates the impact of building on the land and leaves open space and wildlife corridors that meet a range of goals including land conservation, sustainability, and social connectivity. The Planning Board should discuss whether the size and shape of the land intended to be available to the public meets this goal.***

*10.4.2.5 Its opinion as to whether the proposed site design, development layout, number, type and design of housing constitute a suitable development for the neighborhood within which it is located.*

The Planning Board should discuss with the Applicant these aspects of the project and provide guidance on whether they feel it constitutes a suitable development for the neighborhood.

*10.4.2.6 Recommendations for the granting or denial of the special permit, including recommendations for modifications, restrictions or requirements to be imposed as a condition of granting the special permit.*

The Town Planner believes that additional information is required at this time and the Planning Board should withhold their recommendation.

### **Section 11.6 Special Permit**

*Special permits shall be granted by the Board or the Planning Board, unless other criteria are otherwise specified herein, only upon the written determination of either board, as applicable, that the adverse effects of the proposed use will not outweigh its beneficial impacts to the public interest, the town and the neighborhood, in view of the particular characteristics of the site, and of the proposal in relation to that site. In addition to any other specific factors that may be set forth in this Bylaw, the determination shall include consideration of each of the following:*

*11.6.1 Impacts on economic or community needs;*

*11.6.2 Traffic flow and safety concerns, including parking and loading;*

*11.6.3 Adequacy of utilities and other public services;*

*11.6.4 Impacts on neighborhood character;*

*11.6.5 Impacts on the natural environment; and*

*11.6.6 Fiscal impacts, including impacts on town services, the tax base and employment.*

The Town Planner believes that there are sufficient outstanding issues and concerns and additional information required that the Planning Board is not in a position to make any recommendation regarding these required findings.

### **Section 11.7 Variance**

*A variance from the specific requirements of this Bylaw, including a variance authorizing a use or activity not otherwise permitted in a particular zoning district, may be authorized by the Board only where, after notice and a public hearing, the Board specifically finds that, owing to circumstances relating to the soil conditions, shape or topography of land or structures, and especially affecting such land or structures but not affecting generally the zoning district in which it is located, a literal enforcement of the provisions of this Bylaw would involve substantial hardship, financial or otherwise, and that desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of this Bylaw.*

### **Section 11.7 Variance**

The Applicant has not provided any written statement regarding the request for a variance and the required findings for a variance.

## **IV. Town Planner's Recommendation**

It is recommended that the Applicant present an overview of the proposed PRD, the Board review the issues and concerns raised in this report, comment on additional information that may be desired and hear public comment. It is recommended that discussion or questions regarding the stormwater drainage

system be postponed until the Town's outside consultant has provided their review. This item should then be continued to a future meeting date that allows sufficient time for the Applicant to address all of the issues, provide the required information and allow Town staff and the outside consultant to review and comment on the material.

The Planning Board should also discuss whether members would like to visit the site individually or as a full Board.