

DEPARTMENT OF PLANNING & LAND MANAGEMENT

Center & Main PRD
1440-1450 Main Street

Report Date: August 20, 2019
Prepared by: Elizabeth Hughes, Town Planner

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:	Recommendation to the Board of Appeals 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 8.93 acres and located on the north side of Main Street, at the intersection of Highland Street. The site has 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. 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 approximately 17,625 c.y. of cut that is proposed to be trucked off site;

- Construction of 26 single family dwellings and 5 duplex units 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 single driveway that will serve 34 units;
- The interior roadway is a 22-foot wide looped roadway;
- Two units will have individual driveways off Highland Street;
- Sewage disposal will be handled with 3 units and the separate ANR lot tied to Town sewer and the remaining 33 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;
- Stormwater drainage is to be handled through a series of area drains, roof drains, catchbasins and subsurface infiltration systems;

The proposed project includes nine different floor plan (Unit A-1, A-2, A-3, B-1, B-2, C-1, C-2, D & E) that range in gross square footage, including basement and garage, of 4,502.5 s.f. (Unit A-1 & A-3), 3,006.11 s.f. (Unit A-2), 3,417.5 s.f. (Unit B-1), 4,571 s.f. (Unit B-2), 2,940 s.f. (Unit C-1), 3,616 s.f. (Unit C-2), 4,178 s.f. (Unit D) and 3,111 s.f. (Unit E) (See Floor Plans). Due to the significant steep slopes, the proposed grading and the way the maximum height is calculated from existing grade, the Applicant is requesting a variance to the 35-foot height limit for 21 of the units (Units 14 through 28 and 31 through 36).

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 the Applicant still has not submitted a snow removal plan, which should be discussed given the space constraints on the Site. The Department recommends the following conditions be part of any decision to grant the Special Permit:

- Due to the size of Department apparatus, parking on one side of the road shall be prohibited.
- With the density of the project, a monitored low voltage fire alarm system shall be installed in all units.
- Due to the density and proximity of the buildings, a residential sprinkler system shall be installed in all duplex units.
- The Department would like to work with the Applicant on the potential to conduct various training exercising when the existing homes are demolished.

C. CPW – Engineering Division

The Public Works Engineer has reviewed the Town’s outside consultant comment letter dated August 2, 2019 and agrees with all of the issues and concerns raised in the letter. The Town’s outside consultant will be at the August 20, 2019 Planning Board meeting to answer questions.

D. CPW – Water & Sewer Division

In an August 9, 2019 memo, the Water & Sewer Engineer notes that the Utility Plan conceptually demonstrates conformance to the Water and Sewer Division’s Rules and Regulations Governing Water Connections and Use, and to the Sewer Rules and Regulations. The revised plans lack sufficient detail for the Water/Sewer Division to determine sewer connection eligibility, specifically:

- a. Wastewater capacity: The application narrative submitted with the revised plans states on Page 2 under the section regarding “effect of project on public services” that, “*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*”. Drawing 5.1 (sheet 5 of 12), shows three buildings (labeled as Unit 1, Unit 2, and Unit 4) proposed to be connected to the Town sewer system via one sewer service connection. Applicant shall specify how many bedrooms are proposed in each of the three units being proposed for connection to the Town sewer system. Further, the applicant is required to submit to the Concord Board of Health a Request for Title 5 Building Review (Form S) to identify any potential increase in wastewater flow and associated Sewer Improvement Fee. Based on existing wastewater capacity constraints, flow increases over 1,000 gallons per day will be administratively denied by the Water/Sewer Superintendent. An appeal may be made to the Public Works Commission seeking relief for an increase in flow over 1,000 gallons per day.
- b. Constructability: While detailed design documents for the proposed water and sewer utilities are not required until the applicant submits an application for Water/Sewer Service for review and approval by the Division, the applicant shall provide some minimum information to show that the proposed sewer service configurations can be designed to conform to the Division’s Design and Construction Standards (i.e. approx. elevations, service size, service slope, etc.)

The applicant is advised that the existing water and sewer services to all parcels included within the proposed PRD, and to 10B Highland Street, are greater than 50 years in age and shall be replaced, to their respective mains, as a result of the proposed significant site redevelopment/improvements.

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

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. The Applicant must provide basement floor plans and identify the use of all rooms.
3. The Applicant should discuss with the Board an appropriate name for the new roadway

G. Health Division

In a memo dated August 19, 2019, the Public Health Director offers the following comments relative to construction of the proposed shared on-site sewage disposal system that will serve the 33 units:

1. The plans submitted with the application do not show sufficient detail to determine if the on-site sewage disposal system will conform with all requirements of 310 CMR 15.000 (Title 5)
Specifically, the following information will be needed:
 - (a) No reserve area is shown. Is the reserve area designed in between the proposed primary leaching trenches?
 - (b) Approximately 800 ft. of sewer line runs from Unit 5 to the septic tank over an elevation drop of approximately 20 ft. Sewer manholes are shown approximately every 100 ft. Will these manholes be used as drop manholes to accommodate for elevation changes? The slope of each sewer line segment between manholes must be shown to meet the requirements of 310 CMR 15.222: Building Sewers
 - (c) Per 310 CMR 15.212: Depth to Groundwater, a groundwater mounding analysis must be conducted to determine high groundwater elevation.
 - (d) Based on the elevation of the nearby isolated wetland, it is likely that the septic tanks and pump chamber may be located in groundwater. If so, invert elevations for these tanks must be above estimated seasonal high groundwater and buoyancy calculations must be provided.
 - (e) It is recommended that a generator be installed to power the septic system pump chamber in the event of a power failure. The septic system design requires sewage to be pumped to the SAS for pressure distribution. The pump chamber as designed provides storage capacity for two days of system design flow. In the absence of a generator, residents will not be able to dispose of any wastewater after two days of power loss.
2. The septic system as proposed will be significantly challenging to construct and maintain, as the space available is highly constrained due to the number of units, significant competition for space for underground utilities, topography, and other site constraints. Health Division staff have the following concerns:
 - (a) The SAS is located in an open area in the middle of most of the units. Once the dwelling units are constructed, there will be limited access for large construction equipment to get

into this area should repairs to the SAS be needed. If the reserve area is located in the same area as the primary SAS, and if the primary SAS fails or needs repair, large areas of the SAS will need to be excavated, and clean soil brought in to construct a new SAS. Once the dwelling units are constructed, there will be restricted access for large equipment and no area to stockpile excavated soil or clean soil being brought in. Large equipment would be forced to drive over Zone B of the SAS to access Zone A, which could potentially damage Zone B.

- (b) The SAS will be constructed 20 ft. from the foundations of some of the units. If repairs or replacement of the SAS is required, maneuvering heavy equipment to excavate and repair the SAS in close proximity to building foundations will be challenging
- (c) Due to the site density and competition for space to provide for utilities and stormwater drainage, if the final design of the septic system does meet 310 CMR 15.000, there will be limited options for re-design and relocation of the system.

It should be noted that the septic system is designed for 90 bedrooms with a design flow of 9,900 gpd. If the design flow was 10,000 gpd or above, permitting of the system would be done by MA DEP who would require a Groundwater Discharge Permit. As part of this permit, DEP would likely require an advanced wastewater treatment unit be constructed in recognition that effluent must be treated to a higher level to prevent impacts to groundwater when high volumes of effluent are being applied to the ground in a small area. Adding one bedroom to the current design would put design flow above 10,000 gpd.

The Applicant has provided a response to the Public Health Director's comments, which she has not had time to evaluate.

H. Natural Resources Division

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

Comments not addressed from September 7, and October 24, 2018 are included, along with new or revised comments. The Applicant should provide a written response to each of the numbered questions/concerns outlined below.

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. A significant portion of the proposed open space does not appear to allow for a shared use by all PRD residents and the public.

1. Along the western project boundary, slopes within the proposed common open space are up to a 60% slope, precluding the ability to establish trails. The Applicant should describe how this area provides a shared use by PRD residents and members of the public.
2. The northern portion of the common open space consists largely of an isolated wetland. Up to 5,000 square feet of the isolated wetland will be filled for the proposed development and approval from the Army Corps of Engineers will be required. The basin serves as the overflow for the underground stormwater management system. The Applicant should describe how the wetland provides a shared use by PRD residents and members of the public.

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.

1. 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 Applicant should provide a written description of how the proposed exclusive use areas provide adequate space for normal backyard activities by residents, and will not foster encroachment into adjacent common space.
2. No structures are permitted within the CR parcel, including the area drains currently proposed in the common open space. 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 other debris is prohibited.
3. A provision for snow removal in the Stormwater Management Report notes that snow storage will be within front and side yard setbacks as space allows. A snow removal plan identifying snow storage locations should be provided and included within the homeowner association documents. Snow storage over stormwater management structures, or within an area deeded to the Natural Resources Commission as a Conservation Restriction, is prohibited.
4. 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 plans indicate two sections of proposed trail, one connecting to Town conservation land (151X Main Street) west of the proposed development and the second connecting to privately owned land (Junction Square Condominium Association) to the east. The Board should consider requesting trail improvements to the Town parcel to connect to the trail on the development parcel.

1. The Applicant should confirm that the adjacent trail on the Junction Square parcel is open to the public. The homeowner association documents should identify parties responsible for trail maintenance on the subject parcel.

I. Planning Division

The Town Planner has concerns with the area of the development being defined as common open space when it is either a 50% slope along the western property line or an isolated wetland along the northern property line. Neither area provides an open space benefit to the residents of the PRD or the Town. Other than a small area being devoted to a public park that will remain generally in its current state, every other portion of the site is competing for space in some manner to be able to accommodate this proposed development and all of the infrastructure, grading, landscaping and dwellings. There is no meaningful location for snow storage, which means snow will have to be trucked off-site. Additionally, the proposed tree plantings along the steep western slope are likely to cause future concern to PRD residents, based on their close proximity to several units.

This does not seem to be in keeping with the spirit and intent of a Planned Residential Development, which is to encourage the conservation of open space and create an overall site design and amenities that enhance the quality of living for the residents of the development. There will likely be a significant cost to the residents for snow removal and the maintenance of such a complex subsurface stormwater drainage system.

The Town Planner believes that the Board needs to focus their initial discussion on the issues and concerns raised by Town staff and the Town's outside consultant, the requirements specified under Section 10 and begin to develop their recommendation to the Zoning Board of Appeals.

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 approximately 17,625 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, 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 and two-family dwellings. 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 389,201± 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: 389,201± square feet

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

$$\frac{(389,201 - 48,335) + [(0.25)(48,335)]}{10,000} = 35.89 = 36 \text{ Units}$$

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 project consists of 26 single family dwellings and 5 duplex units for a total of 36 units within the PRD. The Applicant states that the proposed dwellings will consist of two-bedroom, three-bedroom, and four-bedroom units. The 33 units that will be connected to the on-site sewage disposal system will be limited to a total of 90 bedrooms. The living space will range in size from approximately 1,703 - 2,855 s.f., which excludes basements and garages.

Given the fact that 21 of the 36 units will have 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.

10.2.3.1 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: 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 proposed project includes nine different floor plan (Unit A-1, A-2, A-3, B-1, B-2, C-1, C-2, D & E) that range in gross square footage, including basement and garage, of 4,502.5 s.f. (Unit A-1 & A-3), 3,006.11 s.f. (Unit A-2), 3,417.5 s.f. (Unit B-1), 4,571 s.f. (Unit B-2), 2,940 s.f. (Unit C-1), 3,616 s.f. (Unit C-2), 4,178 s.f. (Unit D) and 3,111 s.f. (Unit E) (See Floor Plans). 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 roadway off Main Street that loops around the site. A total of 33 units will be served by this roadway. Two units will have individual driveways off Highland Street, which is an existing public way.

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, the proposed grading and the way the maximum height is calculated from existing grade, the Applicant is requesting a variance to the 35-foot height limit for 21 of the units (Units 14 through 28 and 31 through 36).

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 residential driveways and residential buildings for a total of 125,147 s.f. or 32.2% of the Site. It is not clear whether the roadway and patios have been included in this calculation. 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.

$(389,201 \text{ s.f.} \times 0.25) = 97,281 \text{ s.f. required}$

The Applicant has stated the open space totals 131,839 s.f. or 33.8%.

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.

- (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 park located adjacent to Main Street. The other areas of common open space have either a 50% slope or is an isolated wetland.

- (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;*

There is no existing trail network. The Applicant is proposing a trail stub on either side of the Site to adjacent Town land to the west and private common open space at Junction Square to the east. 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 State recreational or conservation land. it is not known whether those are feasible trail connections given the extent of the existing wetlands towards Conant Street.

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. The Natural Resources Director has raised questions on how the Applicant intends to meet this requirement.

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 Town's outside consultant has reviewed the stormwater drainage report and will be at the Planning Board meeting to discuss the issues and concerns.

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 Town's outside consultant has reviewed the stormwater drainage report and will be at the Planning Board meeting to discuss the issues and concerns.

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

The Town's outside consultant has reviewed the stormwater drainage report and will be at the Planning Board meeting to discuss the issues and concerns.

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

The Applicant is proposing the filling of 4,900 s.f. of the isolated wetland to accommodate the development. This will require approval from the Army Corps of Engineers.

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 October 19, 2018 memo, the outside consultant notes many of the previous points that the Applicant needed to clarify, address and/or provide further information has been done. The remaining issues appear to be minor and may be further addressed with the latest revision to the plans. The Town's traffic consultant has not reviewed the revised plans at this time.

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 a small increase in Town sewer to connect three dwellings. The Applicant estimates water usage will be approximately 12,430 gallons per day based on Title V flows.

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 the Board needs to focus their initial discussion on the issues and concerns raised by Town staff and the Town's outside consultant, the requirements specified under Section 10 and begin to develop their recommendation to the Zoning Board of Appeals.

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 the Board needs to focus their initial discussion on the issues and concerns raised by Town staff and the Town's outside consultant and develop their recommendation to the Zoning Board of Appeals as to whether 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.

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.

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, the proposed grading and the way the maximum height is calculated from existing grade, the Applicant is requesting a variance to the 35-foot height limit for 21 of the units (Units 14 through 28 and 31 through 36).

IV. Town Planner's Recommendation

It is recommended that the Applicant present an overview of the proposed revisions to the plans, the Board review the issues and concerns raised in this report, discuss the issues and concerns raised by the Town's outside consultant regarding the stormwater drainage and begin to develop their recommendation to the Zoning Board of Appeals.