

DEPARTMENT OF PLANNING & LAND MANAGEMENT

Center & Main PRD
1440-1450 Main Street

REVISED Report Date: December 10, 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 34-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 **34-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 30 single family dwellings and 4 duplex units for a total of 34 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 32 units;
- The interior roadway is a 24-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 31 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 (finished and unfinished areas) and garage, of Unit A-1 & A-3 is 4,678 s.f., Unit A-2 is 4,269 s.f., Unit B-1 is 3,571.5 s.f., Unit B-2 is 4,571 s.f., Unit C-1 is 3,616 s.f., Unit C-2 is 2,940 s.f., Unit D is 4,178 s.f. and Unit E is 3,111 s.f. (See Floor Plans and Basement 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 19 of the units (Units 14 through 30 and 32 through 34).

II. Staff Comments

A. Police Department

The Applicant has stated that fill from the site will be taken to a site off Knox Trail, approximately 1.7 miles west on Main Street to Acton. There are no weight restrictions between the site and Knox Trail. The Applicant needs to provide a more detailed Site Construction and Safety Plan and Traffic Management Plan prior to any site work that addresses vehicle movement in and out of the site and pedestrian safety along the sidewalk on Main Street. This information will be review and approved by the Police Chief and a determination made whether police details are required and the frequency of required details.

B. Fire Department

The Assistant Fire Chief has reviewed the revised plans and the Applicant has addressed all issues and concerns. It is recommended that 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 states that the original comment from September 12, 2019 has not been addressed. The underground chamber systems are intended to satisfy the recharge requirement, but do not attenuate peak flows. To prevent storm damage and downstream off-site flooding, BMPs that slow runoff rates through storage and gradual release, such as LID techniques, extended dry detention basins, and wet basins, must be provided to meet MA Stormwater Management Standard 2.

D. CPW – Water & Sewer Division

In reviewing the most recent plan set submitted for the proposed Center and Main PRD having a revision date of November 12, 2019, the applicant conceptually demonstrates conformance to the Water and Sewer Division’s Rules and Regulations Governing Water Connections and Use by proposing to install a water main system loop. The applicant also demonstrates conformance with the Division’s Sewer Rules and Regulations by proposing to install a private common sewer service within the property limits of the PRD that will utilize the existing single sewer service connection currently serving 1440-1450 Main Street, which confirms with the Division’s policy of one sewer service connection per parcel. The applicant further proposes to connect a total of three, 3 bedroom units to this sewer service connection which most likely will result in an increase of flow of less than 1,000 GPD.

At this time, based on the conceptual information provided, a future application for water and sewer service would be able to be approved administratively once a final design is provided for review by the Division, and a Form S is submitted to the Concord Board of Health a Request for Title 5 Building Review to identify any potential increase in wastewater flow and associated Sewer Improvement Fee. The applicant is advised that if they change their concept at any time during design and those changes result in a deviation from the Division’s Rules and Regulations, and/or the Form S determines that there is a flow increase of more than 1,000 gpd, their application will be administratively denied by the Water/Sewer Superintendent. Any deviations from the Water and Sewer Division Rules and Regulations must be approved by the Public Works Commission.

E. Concord Municipal Light Plant

The CMLP Engineer has reviewed the review plans and stated that the Applicant has addressed all issues and concerns. He notes that given the proximity of all of the various utilities, careful consideration will be required during construction. Should the Planning Board move forward with a recommendation for approval, CMLP will provide standard conditions, as well as specific conditions to address the proximity of all of the various utilities and the installation of solar panels for individual units.

F. Building Inspections Division

In a memo dated December 4, 2019, the Building Commissioner notes that the revised plans submitted for the proposed PRD Development meet the required Dimensional regulations for a lot located in a Residential C Zoning District:

G. Health Division

In a memo dated December 2, 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) Per 310 CMR 15.212: Depth to Groundwater, a groundwater mounding analysis must be conducted to determine high groundwater elevation.
- (b) 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.
- (c) 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 August 1, 2019 comments to the Planning Board, it was recommended that a generator be installed to power the septic system pump chamber in the event of a power failure. The revised plan shows a generator will be installed.

2. As noted in comments dated August 1, 2019, the space available for the septic system 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. The revised plan shows one of the units in this area has been removed from the design, which will improve access to construct or repair the system. The reserve area for each SAS is located in the same area as the primary SAS. 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. Large equipment would be forced to drive over Zone B of the SAS to access Zone A, which could potentially damage Zone B.
- (b) Portions of SAS Zone A 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.

3. The revised plans show that the septic system will be designed for 90 bedrooms with a design flow of 9900 gpd. If the design flow was 10,000 gpd or above, a permit for construction of the on-site system would be issued 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 Planning Board may wish to require the installation of an Alternative Treatment Unit (as defined in 310 CMR 15.282) which provides secondary wastewater treatment as an additional component of the Title 5 system. A unit of this type should contribute to the longevity of the SAS.

H. Natural Resources Division

The Natural Resources Director stated that the Applicant will be presenting the revised plans at the Natural Resources Commission meeting on December 18, 2019 and Commission will provide a recommendation letter to the Zoning Board of Appeals for the January 9 2020 meeting.

I. Planning Division

An attempt has been made to try to update as many sections of this report based on the plans and

information submitted last week and yesterday.

The Applicant has revised the plans to:

- Reduce the number of units below the basic density;
- Increase the public park along Main Street to 1.163 acres and preserves four additional trees ranging in size from 14" to 24".
- Incorporated a total of 12 units with one-car garages;
- Provided further separation from the exclusive use areas of the rear units and the Common Open Space Easement Area 2 and the isolated wetland subject to flooding;
- Reorientate some of the units to provide larger snow storage areas;
- Committed to reducing the HERS rating on an aggregate average basis to 50 with at least 10 homes being built on speculation with specific energy conservation measures for a HERS rating of 36.

Should the Planning Board move forward with a recommendation for approval, the Board should discuss with the Applicant an appropriate name for the roadway and receive input from the Historical Commission and the Fire Chief.

J. Outside Stormwater Drainage Consultant

In a memo dated December 9, 2019, the Outside Consultant has reviewed the revised plans and stormwater drainage report and notes that the Applicant has addressed the previous outstanding peer review comments. The Outside Consultant offers additional comments for various conditions should the Planning Board move forward with a recommendation for approval.

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 provided a preliminary trucking plan that states the following conditions will be adhered to:

1. All pickups to and from the construction site shall be made on the actual jobsite property, there will be no parking on Main Street or Highland Street.

2. Soil and timber hauling would not be before 9:00AM or after 3:00PM.

3. No deliveries or pickups shall be made on Sundays or Federal Holidays.

4. Delivery and/or trucking vehicles shall shut off their engines whenever practical. No idling on site for more than 10 minutes shall be permitted.

5. All vehicles entering and exiting the property shall take reasonable measures to reduce dust and dirt from tires and roadway.

6. All delivery vehicles shall be mindful and respectful of the surrounding neighborhood at all times and obey posted speed limits.

7. All soil & timber hauling in Concord would be restricted to Route 62 and Route 2.

Should the Planning Board move forward with a recommendation for approval, the Applicant will need to provide a more detailed Site Construction and Safety Plan and Traffic Management Plan prior to any site work that addresses vehicle movement in and out of the site and pedestrian safety along the sidewalk on Main Street. This information will be reviewed and approved by the Police Chief and a determination made whether police details are required and the frequency of required details. The Engineering Division will also review

this information to determine if a roadway performance bond is required. The required Stormwater Pollution Prevention Plan will provide specific details regarding the treatment of the site during operations to reduce dust and mud.

(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 and a neighborhood park. The proposed project will provide 34 two-bedroom, three-bedroom, and four-bedroom dwelling units with a mix of detached single-family dwellings and two-family dwellings.

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 389,210± 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
Area outside of WCD = $340,875 \text{ s.f.} / 5,000 \text{ s.f. per unit} = 68$ 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: $389,210 \pm$ square feet

Wetlands and Flood Plain Conservancy District: $48,335 \pm$ square feet

$$\frac{(389,210 - 48,335) + [(.25)(48,335)]}{10,000} = 35.29 = 35 \text{ Units}$$

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 30 single family dwellings and 4 duplex units for a total of 34 units within the PRD. The Applicant states that the proposed dwellings will consist of two-bedroom, three-bedroom, and the potential for three four-bedroom units. The 31 units that will be connected to the on-site sewage disposal system will be limited to a total of 87 bedrooms. The living space will range in size from approximately $2,207 - 3,519$ s.f., which excludes unfinished basements and garages.

The Applicant is proposing a mix in the pricing of the units based on the combination of the varied bedroom count and square footage between the nine dwelling styles with a price range of $\$790,000$ to $\$1,150,000$.

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 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 (finished and unfinished areas) and garage, of Unit A-1 & A-3 is 4,678 s.f., Unit A-2 is 4,269 s.f., Unit B-1 is 3,571.5 s.f., Unit B-2 is 4,571 s.f., Unit C-1 is 3,616 s.f., Unit C-2 is 2,940 s.f., Unit D is 4,178 s.f. and Unit E is 3,111 s.f. (See Floor Plans and Basement Plans). The living space will range in size from approximately 2,207 – 3,519 s.f., which excludes unfinished basements and garages. This unit diversity includes two and three bedroom units with the possibility of some four bedroom units if more two bedroom units are built. The Planning Board should discuss whether this bedroom mix meets the intent of this Section.

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. The Applicant is proposing setbacks greater than 20 feet for all buildings shown along the site boundary (Unit 5 thru 26).

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 20 to 24-foot wide private roadway off Main Street that loops around the site. A total of 32 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 19 of the units (Units 14 through 30 and 32 through 34).

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 124,716 s.f. or 32% of the Site.

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.

$(389,210 \text{ s.f.} \times 0.25) = 97,302 \text{ s.f.}$ required

The Applicant has stated the common open space totals 104,072 s.f. or 26.7% and the additional open space easement areas total 47,667 s.f. (12.2%)

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 1.163 acres park located adjacent to Main Street.

- (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, the Natural Resources Director has commented that a formal trail across the adjacent Town land to Conant Street is likely not feasible due to the slopes and what appears to be a vernal pool. It is also unlikely that a public access trail across the private open space to Junction Square would not be feasible because the condominium association is made up of 15 different owners and mortgage companies.

- (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. The plan does show a public access will be available to the adjacent Town land, but the Natural Resources Director has commented that a formal trail across the adjacent Town land to Conant Street is likely not feasible due to the slopes and what appears to be a vernal pool.

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. The final mechanism for the restriction of the park area and the remaining common open space needs to be further refined. It is possible that the restriction on the public access to the park be held by a Town entity and the open space restriction for the remain common space be subject to conditions in the Special Permit and enforceable by the Building Commissioner.

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;

In a memo dated December 9, 2019, the Outside Consultant has reviewed the revised plans and stormwater drainage report and notes that the Applicant has addressed the previous outstanding peer review comments. The Outside Consultant offers additional comments for various conditions should the Planning Board move forward with a recommendation for approval.

- 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;

In a memo dated December 9, 2019, the Outside Consultant has reviewed the revised plans and stormwater drainage report and notes that the Applicant has addressed the previous outstanding peer review comments. The Outside Consultant offers additional comments for various conditions should the Planning Board move forward with a recommendation for approval.

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

In a memo dated December 9, 2019, the Outside Consultant has reviewed the revised plans and stormwater drainage report and notes that the Applicant has addressed the previous outstanding peer review comments. The Outside Consultant offers additional comments for various conditions should the Planning Board move forward with a recommendation for approval.

However, the Public Works Engineer states that the original comment from September 12, 2019 has not been addressed. The underground chamber systems are intended to satisfy the recharge requirement, but do not attenuate peak flows. To prevent storm damage and downstream off-site flooding, BMPs that slow runoff rates through storage and gradual release, such as LID techniques, extended dry detention basins, and wet basins, must be provided to meet MA Stormwater Management Standard 2.

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

The Applicant is proposing the filling up to 5,000 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 32 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.

This report has not evaluated the revised plans to update this section.

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.

10.4.2 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 Applicant has increase the size of the public park along Main Street to 1.163 acres.** 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 Applicant has increase the size of the public park along Main Street to 1.163 acres.** 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.

After a presentation by the Applicant on the revised plans, the Board should review any remaining issues and concerns raised in this report and deliberate on 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.

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.

After a presentation by the Applicant on the revised plans, the Board should deliberate on their position on the application and provide direction to the Town Planner for the drafting of a recommendation to the Zoning Board of Appeal to be reviewed and voted on at the January 7, 2020 meeting.

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 Planning Board should discuss whether there are any adverse effects of this alternative pattern of residential land development 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 based on the specified criteria under Section 10 Planned Residential Development.

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 19 of the units (Units 14 through 30 and 32 through 34).

IV. Town Planner's Recommendation

It is recommended that the Applicant present the revised plan, the Board review any remaining issues and concerns raised in this report, deliberate on their position on the application and provide direction to the Town Planner for the drafting of a recommendation to the Zoning Board of Appeal to be reviewed and voted on at the January 7, 2020 meeting.