



TOWN OF CONCORD

Planning Board

141 Keyes Road - Concord, MA - 01742

Phone: 978-318-3290

January 8, 2020

Mr. James Smith, Chairman
Concord Zoning Board of Appeals
Concord, MA 01742

Re: Recommendation to the Board of Appeals for a Special Permit to develop a 34-unit Planned Residential Development pursuant to Zoning Bylaw Section 7.5 (Earth Removal), Section 10 (PRD), Section 11.6 (Special Permit), and Section 11.7 (Variance) at 1440-1450 Main Street.

Dear Mr. Smith:

At its meeting held on Tuesday, January 7, 2020, the Planning Board voted 7 to 0 to recommend that the Zoning Board of Appeals grant the requested 34-unit Planned Residential Development Special Permit at 1440-1450 Main Street with modifications to the proposed layout and design and subject to recommended conditions of approval.

The Planning Board had previously met with the Applicant and deliberated on this application at meetings in 2018 on September 11th, October 23rd, December 11th and in 2019 on March 19th, April 2nd, August 20th, October 22nd, November 26th, December 10th, and December 26th.

In reaching its recommendation, the Board reviewed a proposed 36-unit plan, the reports and documents submitted by the Applicant, Town staff and Town's outside consultant's comments for stormwater and traffic, as well as numerous letters, emails and statements from the public. Following the Board's review and discussions with the Applicant on those plans, the Applicant subsequently revised the project and presented a 34-unit plan and supporting documentation, which was reviewed by Town staff and outside consultant.

The proposed 34 unit Planned Residential Development project includes the following:

- Demolition of the two existing dwellings;
- Grading of the site, which requires removal of the majority of the site vegetation and approximately 17,625 c.y. of earth that is proposed to be trucked off site;
- Construction of 26 single-family dwellings and 4 duplex units for a total of 34 units within the PRD;
- Access will be from Main Street through a single driveway that will serve 32 units;
- The interior roadway is a 24-foot wide looped roadway;

1440-1450 Main St. PRD
Planning Board Recommendation Letter
January 8, 2019

- Two units will have individual driveways from Highland Street;
- Sewage disposal will be handled with 3 units tied to Town sewer and the remaining 31 units in the PRD served by an on-site sewage disposal system;
- All of the units 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 with 22 units with a two car garage and 12 units with a one car garage:

- 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.

The Applicant has stated that the project will have a Home Energy Rating System (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.

Due to the significant steep slopes, the proposed grading and the method of calculating the maximum height 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).

The Applicant has provided a preliminary trucking plan for the removal of trees and earth 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.

The Board received the following comments from Town staff regarding the proposed 34-unit plan:

1440-1450 Main St. PRD
Planning Board Recommendation Letter
January 8, 2019

The Community Safety Officer notes that 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 reviewed and approved by the Police Chief and a determination made whether police details are required and the frequency of required details.

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.
- Given 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.

In a memo dated January 2, 2020, the Public Works Engineer states the revised plans dated November 12th are in compliance with Concord Public Works standards and recommends six conditions. He does note that CPW Engineering reserves the right to require additional measures, if any, as determined necessary for public safety within the limits of the project.

The Water-Sewer Engineer notes that in reviewing the most recent plan set 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.

The CMLP Engineer has reviewed the revised 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. 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.

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.

The Natural Resources Director stated that the Applicant will be presenting the revised plans at the Natural Resources Commission meeting on January 8, 2020 and Commission will provide a recommendation letter to the Zoning Board of Appeals for the January 9, 2020 meeting.

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 recommended conditions of approval.

In a memo dated December 2, 2019, the Public Health Director notes that the 36-unit 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). Additionally, she notes that 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. The Public Health Director states that 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. She recommends 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. The revised 34-unit plans still need to be reviewed by the Public Health Director.

The Town Planner notes that a name for the development roadway should be approved based upon input from the Historical Commission and the Fire Chief.

In reviewing the application and proposed 34-unit plan, the Planning Board reviewed the following information provided in the Town Planner's report dated December 10, 2019:

Zoning Bylaw 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 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 has focused its review on the proposed design and the requirements of the PRD Zoning Bylaw, which are delineated below. Overall, the Planning Board is in general support of a PRD at this location and denser development within walking distance to the West Concord Village. The Planning Board believes that subject to the Applicant making the modifications proposed by the Planning Board and complying with the conditions of approval, this proposed PRD is an alternative form of development that preserves open space, provides for a mixture and diversity of housing types at somewhat greater dwelling unit densities without a significant increase in Town-wide population density as compared to a standard subdivision, creates a neighborhood development that appropriately engages with the adjacent Highland Street and will be visually compatible with the character of the neighborhood when viewed from Main Street.

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± square feet

Wetlands and Flood Plain Conservancy District: 48,335± 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 26 single family dwellings and 4 duplex units for a total of 34 units with a mixture of two-bedroom and three-bedroom through nine different styles. The living space will range in size from approximately 2,207 – 3,519 s.f., which excludes unfinished basements and garages. The Applicant has stated that the nine dwelling styles with one and two car garages and the combination of the varied bedroom count and square footage will create a price range of \$790,000 to \$1,150,000. The Planning Board believes that the proposed project meets the diversity in the styles and bedrooms. The Planning Board discussed the stated price range and what qualifies as diversity and based on current sales data, new Residence C single-family construction sales prices average approximately \$1,500,000. Although the Applicant's projected sales price is below that figure, the Planning Board recommends that the overall square footage of the units be reduced with more duplex units or a triplex unit, along with the inclusion of more one car garages to generate more units at the lower price range and create greater diversity. The project is proposing the Basic Density of 34-units and no affordable unit is required.

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 plans (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, as follows:

1440-1450 Main St. PRD
Planning Board Recommendation Letter
January 8, 2019

Unit	Gross s.f.	# of Units
Unit A-1	4,678 s.f.	7
Unit A-2	4,269 s.f.	2
Unit A-3	4,678 s.f.	2
Unit B-1	3,571 s.f.	6
Unit B-2	4,571 s.f.	9
Unit C-1	3,616 s.f.	2
Unit C-2	2,940 s.f.	2
Unit D	4,178 s.f.	2
Unit E	3,111 s.f.	2

The living space will range in size from approximately 2,207 – 3,519 s.f., which excludes unfinished basements and garages. The Planning Board believes that the incorporation of more of the smaller units (C1, C2 & E) with a one car garage and more duplexes or a triplex unit would create a greater variety.

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 from 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 of the new units showing their proposed height based on the existing grades. Due to the significant steep slopes, the proposed grading and the method for calculating the maximum height 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 is 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. To improve the wildlife habitat and create a more natural corridor between the adjacent Town-owned land, the isolated wetland and the adjacent private opens space associated with Junction Square development, the Planning Board recommends that the project be modified to incorporate a 10 to 15 foot natural open space corridor across the rear of the project that connects the Town-owned land and the isolated wetland.

- (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 Planning Board believes that the creation of a 1.163 acre public park adjacent to Main Street is a benefit of the project to the denser West Concord neighborhood area.

- (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 in the area. 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. The Natural Resources Director has commented that a formal constructed 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, but that an informal trail may developed through public use. A public access trail across the private open space to Junction Square would require the condominium association of 15 different owners and mortgage companies to agree to this access and is beyond the scope of this PRD.

- (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 that public access will be available to the adjacent Town land should the development of an informal trail be established with public use.

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. The Planning Board recommends that the public open space restriction for the park be held by the Town through the Select Board or their designee.

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 Planning Board believes that the final mechanism for the restriction of the park area for public access should be held by the Town through the Select Board or their designee and the remaining common open space restriction should be subject to conditions in the Special Permit and enforceable by the Building Commissioner. Both of these open space restrictions should also be specified in the condominium Master Deed.

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. Additionally, the Planning Board recommends that the note also include a statement that no alterations to the size, shape or dimensions of the open space or unit exclusive use areas shall be permitted without an amendment to the Special Permit by the Special Permit Granting Authority.

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 Public Works Engineer states the proposed project is in compliance with Concord Public Works standards and recommends six conditions. He does note that CPW Engineering reserves the right to require additional measures, if any, as determined necessary for public safety within the limits of the project. 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 recommended conditions of 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 did determine that the structure is "Preferably Preserved" and issued a one-year delay on the demolition of the structure, which expired on 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 Public Works Engineer states the proposed project is in compliance with Concord Public Works standards and recommends six conditions. He does note that CPW Engineering reserves the right to require additional measures, if any, as determined necessary for public safety within the limits of the project. 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 recommended conditions of approval.

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

The Public Works Engineer states the proposed project is in compliance with Concord Public Works standards and recommends six conditions. He does note that CPW Engineering reserves the right to require additional measures, if any, as determined necessary for public safety within the limits of the project. 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 recommended conditions of approval.

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

The Applicant is proposing to fill 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 an 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 Town's traffic consultant states the development is anticipated to generate approximately 30 vehicle trips during the weekday morning peak hour and 36 vehicle trips during the weekday evening peak hour and concurs with the methodology and results of the trip generation calculations. Additionally, the project is in close proximity to the West Concord Commuter Rail Station and within walking/biking distance to the retail and restaurants provided along Main Street and Commonwealth Avenue within West Concord Center. It is reasonable to assume that a percentage of site generated traffic would walk and/or bike, rather than use personal vehicle travel during commuter hours and other portions of the day. The Traffic Impact Assessment does not take credit for the potential walk and/or bike or transit trips and therefore the projection of site generated traffic is conservative.

The Town's traffic consultant notes that operational characteristics of the intersection of Main Street at Highland Street are not projected to be significantly affected by the project and did not find that additional analysis of the intersection of Main St. and Commonwealth Ave. was warranted based on the documented trip generation levels.

Overall, the Town's traffic consultant concurs that the general impact of the project on the control delay, queue, and level of service along the approaches to the study area intersections is anticipated to be nominal in terms of 'vehicular' traffic. The Town's traffic consultant recommends that the Applicant provide a commitment to implement all transportation related recommendations identified in the Traffic Impact Assessment.

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 (34 minus 2 existing units being demolished). There will

also be a small increase in Town sewer flow associated with the connection of the three dwellings, which the Applicant will be required to pay a sewer improvement fee for the increase. The Applicant estimates water usage will be approximately 12,430 gallons per day based on Title V flows. The Planning Board believes that while there will be an increased demand on public services, that increase is likely not to be significantly higher than a standard subdivision.

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:

PRD Plan Revised Dec. 9, 2019	Area (+/- s.f.)	
Exclusive Use Areas (E.U.A's 1-34)	178,999	46.0%
Streets & Utilities (Access & Utility Easement)	58,474	15.0%
Common Open Space (Easements 1 & 2)	104,072 (50,726 + 53,346)	26.7%
Additional Open Space (Easements 1 & 2)	47,665 (27,567 + 20,098)	12.2%
Total PRD Tract	389,210	100%

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, and as such, the Planning Board does not have sufficient information to make a recommendation on this point. The Planning Board did review data on the number of school-age children in other PRD developments and believe the impact to the schools may be roughly equivalent to a standard subdivision.

It should be noted that because the project is at the Basic Density, the Applicant is not proposing to create any affordable units. Nonetheless, because the PRD is proposed to include 34 dwelling units in comparison to the potential 21 lot subdivision as presented by the Applicant in a preliminary subdivision plan, in order to maintain the 10% affordable housing requirement under MGL. Chapter 40B, the Town will likely incur additional cost under the PRD alternative in order to generate one more unit of affordable housing than would be necessary as a result of the development of a potential subdivision. The Planning Board believes, however, that such additional cost to develop more affordable housing is a consequential cost, and not a direct, current Town cost.

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

The Public Works Engineer and the Town's traffic consultant state that the sight distances at the intersections of the 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;

There are no 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.

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.

There are no open spaces or natural resources located within one hundred (100) feet of the proposed development as identified in the Town of Concord Open Space Plan.

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 14 feet to a level plateau where the two existing dwellings are located. The Site then slopes steeply downwards for approximately 36 feet to a small level area before dropping again 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 believes that the project incorporates a variety of building designs that create a neighborhood surrounding the future public park and common open space. The circular roadway within the development and ADA compliant sidewalk allow for adequate pedestrian and vehicular circulation. The project incorporates a mix of one and two car garages, which the Planning Board finds is more than sufficient parking for a residential development within walking distance to the West Concord Village and the commuter rail station. The Applicant has provided a detailed landscape plan that includes the preservation of specimen trees within the proposed public park. The Planning Board believes that, with recommended modifications, the project creates a neighborhood development that appropriately engages with the adjacent Highland Street and will be visually compatible with the character from Main Street

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 is in general support of the proposed PRD and believes that with some recommended modifications for the incorporation of some smaller units, more duplex or a triplex unit, this alternative form of development provides for a mixture and diversity of housing types at somewhat greater dwelling unit densities without a significant increase in Town-wide population density as compared to a standard subdivision.

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 1.163 acre public park preserves an area of open space between developed neighborhoods, and with a modification for a 10 to 15 foot wide natural open space connection between the adjacent Town-owned land and the isolated wetland, will provide a connected wildlife corridor.

(b) Makes available land desirable for future public use; or

The project incorporates a 1.163 acre public park along Main Street that the Planning Board believes is a benefit to the denser West Concord neighborhood area and will provide a pedestrian path to West Concord Village and the commuter rail station.

(c) Conforms to the Town's long-range land use plan.

The Town's current Comprehensive Long Range Plan (the "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. Under "Big Idea 2" as described in the Plan, recommendations include creating more housing choices consistent with town character and sustainability principles (both protecting, creating, and restoring natural ecosystems and reducing or eliminating emissions). The Plan notes that there is demand for new types of developments like Riverwalk, Brookside Square, Black Birch, and Newbury Court, and "there is a parallel opportunity to create policies that support alternative housing types and further the Town's commitment to sustainability and innovation. In particular, adding a range of housing choices including sustainable (passive or net-zero) young family/workforce housing, can set a model for all housing development in the town, and put Concord at the forefront of innovation in this area." The Planning Board believes that with the recommended modifications to the proposed project requiring greater unit diversity and the use of only electric utilities with no provision for fossil fuel tie-ins or utilities, and subject to conditions of approval, the project does reflect elements of the Plan. Further, these recommended modifications directly result from the Planning Board's consideration given to the proposed PRD's impacts on the natural environment as is required under Special Permit Section 11.6.5.

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 believes that with some recommended modifications and conditions of approval, this alternative form of development preserves open space, provides for a mixture and diversity of housing types at somewhat greater dwelling unit densities without a significant increase in Town-wide population density as compared to a standard subdivision, creates a neighborhood development that appropriately engages with the adjacent Highland Street and will be visually compatible with the character from Main Street

10.4.2.6 Recommendation: It is the recommendation of the Planning Board that in order to achieve greater diversity in the type, price and size of the units, reduce the area of impervious surfaces, increase the quantity and quality of the open space, the Special Permit be granted subject to the following modifications:

1. The overall reduction in the total amount of impervious coverage and increase in unit diversity through a combination of the following:
 - a. Smaller unit square footage;
 - b. Incorporation of more one car garages;
 - c. Inclusion of more duplex units, or even a triplex unit
2. The use of only electric utilities with no fossil fuel tie-ins or utilities.
3. A 10 ft. to 15 ft. natural green space corridor connection as part of the open space between the adjacent Town-owned land and the isolated wetland and a note calling for the removal of the existing chain link fence along the Town-owned land.

Furthermore, any Special Permit be subject to the following restrictions and conditions as may be modified by Town Staff and the Board during the public hearing process:

1. **At all times**, the Applicant shall require all construction worker vehicles to park on the Site. Parking of construction worker vehicles on Main Street, Highland Street or any other local Town road is prohibited.
2. **Prior to the commencement of any site work**, the Applicant shall:
 - a. Install the erosion and sedimentation controls and all safety measures.
 - b. Coordinate with the Town Planner a pre-construction meeting with Town staff to review proposed work and safety protocols.
 - c. Provide a construction and inspection schedule two weeks before the pre-construction meeting.
3. **Prior to commencement of any site work**, the Applicant shall meet with Water/Sewer Division to review the proposed scope of water/sewer utility work and sufficiently demonstrate that:
 - a. Water and sewer service infrastructure can be designed and constructed in accordance with the Water/Sewer Division's design and construction standards, and
 - b. water demands can be minimized via demand management tools that may be codified in a water use impact report (conservation plan) and Water Customer Data Sheet, and
 - c. lawn irrigation system(s), if proposed, can be installed in accordance with the Town of Concord Rules and Regulations Governing Water Use and Connection. A lawn irrigation

system is subject to an additional connection fee and shall be registered with the Water/Sewer Division and be operated in accordance with the Town of Concord Water Use Restriction Bylaw.

4. **Prior to commencement of any site work**, the Applicant shall 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.
5. **Prior to the commencement of any site work**, the Applicant shall provide a copy of the EPA's Notice of Intent General Permit and executed Stormwater Pollution Prevention Plan (SWPPP), and the Erosion Control Plan (ECP), to the CPW - Engineering for review and approval. Both a hard copy and electronic (pdf) copy shall be provided to CPW-Engineering. The Applicant shall be required to have an environmental monitor on site to ensure proper operations of all sediment and erosion control measures throughout the duration of the project. The site evaluation/inspection reports generated by an environmental monitor shall be provided to CPW-Engineering and the Natural Resources Director, at the frequency detailed in the SWPPP (i.e. Weekly, after storms). The Applicant shall work with CPW-Engineering and Natural Resources Director to establish an approved monitoring protocol and to ensure that all noted staff is being provided with the information above.
6. **Prior to the commencement of any site work**, the Applicant shall submit a performance bond acceptable to the Concord Public Works to secure the condition of Main Street from any identifiable damage due to construction vehicles associated with the earth removal.
7. **Prior to the commencement of any site work**, the Applicant shall submit to the Town Engineer, Town Planner and Community Safety Officer for review and approval a Construction Sequencing and Safety Plan for the site. The plan shall include the location of construction material delivery and laydown areas, location of construction employee parking areas, locations where construction vehicles will enter and exit the site, and safety protection measures employed to protect the movement of pedestrians and vehicles within the site and along the adjacent public ways. The plan shall be developed for all phases required during construction.
8. **Prior to the commencement of any site work and at any time during site work or construction**, the Applicant shall coordinate with the Police Department on the use of police details for construction vehicle activity on Main Street if it has been determined necessary by the Police Department.
9. **Prior to the commencement of any site work or issuance of a Building Permit**, the Applicant shall provide to the Building Commissioner a copy of the Army Corps of Engineers permit authorizing the filling of the isolated wetland.

10. **Prior to the commencement of any site work or issuance of a Building Permit**, the Applicant's contractor shall file a Right-of-Way (ROW) permit with the CPW Engineering Division for the proposed work within Main Street ROW. All work within ROW shall conform to the Concord Public Works Design & Construction Standards & Details (CPW-Standards).
11. **Prior to the commencement of any site work or issuance of a Building Permit**, the Applicant shall revise the Plans to include the approved roadway name and record the Special Permit Decision and Plans with the Middlesex South Registry of Deeds.
12. **Prior to back-filling infiltration units**, the applicant shall request and have CPW-Engineering conducted an inspection to verify that the installation of all infiltration units was conducted in a manner consistent with the approved plans. Per CPW Design and Construction Standard 2.2.3.E.5 and Standard 3 of the Massachusetts Stormwater Handbook soils information from test pits within the footprint of all proposed Stormwater management facilities shall be documented. Soils information shall include but not be limited to soil descriptions, depth to seasonal high groundwater, depth to bedrock, and percolations rates. Soils information shall be based on deep holes and percolation tests logged by a Massachusetts Registered Soil Evaluator and witnessed by CPW Engineering.
13. **Prior to issuance of any Building Permit**, the Applicant shall submit to the Water/Sewer Division for review and approval, an application for the proposed water and sewer main/service installation. The application shall include the following:
 - a. Identification of a Water/Sewer Division licensed "drain layer" who will be responsible for water and sewer utility installation activities.
 - b. Two full size copies of the approved water/sewer utility plan. (Note: separate applications must be provided for the common water main as well as each individual dwelling unit proposed to be served by Town water and sewer.)
 - c. For each separate building proposed to be served by Town water, a plumbing plan shall be provided including:
 - i. Design Data Sheets for all required cross-connection control devices. The devices shall not be installed without approval from the Water/Sewer Division.
 - d. An approved water use impact report and conservation plan which will determine sizing of water meters and the water system connection fee.
 - e. The approved Title 5 Building Review (Form S) and associated Finding - demonstrating right to connect to the municipal sewer system, and payment of any associated Sewer Improvement Fee.
14. **Prior to the issuance of any Building Permit**, the Applicant shall submit a Tree Protection and Removal Permit for review and approval.
15. **Prior to the issuance of any Building Permit**, the Applicant shall provide CMLP with a detailed electrical load letter including proposed service size in order to properly size the transformer.

16. **Prior to the issuance of any Building Permit**, the Applicant shall provide CMLP a digital copy of the site plans in AutoCAD format. This will allow CMLP to issue an electric and Town fiber communication design, and issue an estimate for CMLP's portion of the construction costs.
17. **Prior to the issuance of any Building Permit**, the Applicant shall receive approval from the Board of Health for an on-site sewage disposal system designed in complete conformance with 310 CMR 15.00, The State Environmental Code, Title 5, and Concord Board of Health regulations.
18. **Prior to the issuance of a Building Permit**, the Applicant shall provide to the Board of Appeals for approval a performance guarantee for the construction of the roadway and municipal utilities in a manner similar to MGL Ch. 41, Sec. 81-U.
19. **Prior to the issuance of a Building Permit**, the Applicant shall submit to the CPW-Engineering for review and approval a revised Landscape Plan showing public shade trees planted within 6 to 10 feet of the existing sidewalk on Main Street with root barriers to prevent the uplift of the existing sidewalk by the growing root system.
20. **Prior to the issuance of a Building Permit for each unit**, all proposed metering will require approval from the CMLP Meter Supervisor.
21. **Prior to the issuance of a Building Permit for each unit**, the Applicant shall provide the Building Commissioner and the Sustainability Director for review and approval a projected HERS score for the unit. The Applicant shall maintain and submit with each unit a tabular sheet on the aggregate average projected HERS rating, which shall be at 50 with at least 10 homes being built on speculation with specific energy conservation measures for a HERS rating of 36.
22. **Prior to the issuance of a Building Permit for each unit**, the Applicant shall incorporate a monitored low voltage fire alarm system in each unit to be reviewed and approved by the Fire Department.
23. **Prior to the issuance of a Building Permit for each duplex unit**, the Applicant shall incorporate a residential sprinkler system in each unit to be reviewed and approved by the Fire Department.
24. **Prior to issuance of the Disposal System Construction Permit**, the applicant shall submit the Condominium Master Deed, specifying that the maximum number of bedrooms allowed in all units connected to the on-site sewage disposal system collectively may not exceed 87 bedrooms. Per 310 CMR 15.203, the total number of bedrooms in the condominium must be as specified in the Master Deed.
25. **Prior to the issuance of any Certificate of Occupancy**, the Applicant shall submit to the Town Planner and Public Health Director for review and approval the final Condominium Master Deed. The Condominium Master Deed shall contain at a minimum language to address the following:

- a) Provisions to allow the Town to enter onto the site to maintain or repair stormwater measures if the determination is made that these measures (i.e., swales, detention basins) are not being properly managed or maintained, and the Condominium Association shall be responsible for reimbursing the Town for the expense of such work.
 - b) Statement that snow storage shall be managed to ensure that there are no adverse impacts to landscape trees and a requirement that snow shall be trucked off-site when the snow storage areas are at capacity or in the event that stormwater management systems are adversely compromised.
 - c) Statement that the roadway will remain a private way now and in the future with no obligation placed upon the Town in terms of maintenance, repairs, plowing or acceptance as a public way.
 - d) Statement that the maximum number of bedrooms allowed in all units connected to the on-site sewage disposal system collectively may not exceed 87 bedrooms.
 - e) Statement regarding the perpetual public access within the Common Open Space Easement.
 - f) Responsibilities and maintenance of the stormwater drainage as specified in the Long Term Operations and Maintenance Plan (LTOMP) and referenced in Condition #43.
 - g) Responsibilities for the on-site sewage disposal system, including inspections and reporting.
 - h) No parking along one side of the roadway.
 - i) Responsibilities for the maintenance and care of the Site landscaping.
 - j) Development shall utilize all electric utilities and prohibit fossil fuel tie-ins or utilities.
26. **Prior to the issuance of any Certificate of Occupancy**, the Applicant shall submit to the Water/Sewer Division a full size record drawing (Arch D), created in accordance with Division standards, for review prior to finalizing the drawing. Once the draft is approved, the Applicant shall submit to the Water/Sewer Division a full-size (Arch D) hard copy of the final record drawing along with electronic copies in the form of CAD and pdf files.
27. **Prior to issuance of any Certificate of Occupancy**, the Applicant shall enter into a Water and Sewer Service Connection Agreement with Concord Public Works for the purpose of clarifying the terms of service including ownership, operations, inspection, maintenance and future replacement provisions for related infrastructure. The agreement shall be signed by the owner, executed by the Director and recorded by the applicant.
28. **Prior to the issuance of any Certificate of Occupancy**, the Applicant shall furnish to the Water/Sewer Division a Water Demand Minimization Affidavit(s) to demonstrate work was performed in accordance with the approved demand mitigation measures.
29. **Prior to the issuance of any Certificate of Occupancy**, CMLP will require a suitable utility easement for the proposed underground electric distribution system including Town fiber communication system where located outside of the Town Right-of-Way. The easement shall be reviewed and approved by CMLP prior to recording. All easements shall be recorded with the Middlesex South Registry of Deeds by the applicant and shall provide

copies of the recorded documents to CMLP and the Town Planner. It should be noted that the individual underground electric services are owned and maintained by the property owner(s) and will require approval from the Town of Concord Electrical Inspector.

30. **Prior to issuance of any Certificate of Occupancy**, the Applicant shall submit an as-built plan to CPW Engineering, CMLP, Town Planner and Building Commissioner of the site including grading, elevations of all drainage infrastructure (i.e. inverts, rims, measurement from finished grade down to the bottom of the sump for all CDS and Stormceptor units, etc.), driveway/parking grades, pavement, pavement marking, signage, utilities, structures, building elevations, and other pertinent information. The plan must be stamped by a Professional Engineer. A certification letter signed by a Professional Engineer shall outline any deviations from the design plans and certify that there will be no negative impacts as a result of those deviations. This submittal should be provided a minimum of two weeks prior to applying for occupancy to ensure adequate review time. One hard copy and one electronic copy, in the form of both AutoCAD and PDF Files, shall be provided to CPW-Engineering. Additionally, to ease in review, the as-built items shall be bold while all other plan items shall be screened down.
31. **Prior to issuance of any Certificate of Occupancy**, the Applicant shall provide to CPW-Engineering review and approval the Long Term Operations and Maintenance Plan (LTOMP) in both a hard copy and electronic (pdf) copy. At the time the (LTOMP) is submitted for review, the applicant shall also provide draft deed or homeowners association documents which outline permanent maintenance responsibilities in perpetuity. Any inspection or monitoring reports required in the (LTOMP) shall be submitted to the CPW-Engineering and the Natural Resources Director annually.
32. **Prior to the issuance of the first Certificate of Occupancy**, the Applicant shall submit to the Town Planner for review and approval the documentation and materials used for the training of Condominium Association Trustees on the responsibilities of a trustee. The documentation shall include a draft affidavit that is to be signed by each trustee following the completion of the training.
33. **Prior to the issuance of the first Certificate of Occupancy**, the Applicant shall construct the central mailbox facility.
34. **Prior to the issuance of the first Certificate of Occupancy for a unit tied to the on-site sewage disposal system**, the Applicant shall provide to the Health Division the Certificate of Compliance for the on-site sewage disposal system.
35. **Prior to the issuance of each Certificate of Occupancy**, all drainage and utilities applicable to the unit being occupied shall be installed and the roadway completed to binder course to access the unit to the satisfaction of Concord Public Works and CMLP.
36. **Prior to the issuance of each Certificate of Occupancy**, the Applicant shall install to the satisfaction of the Fire Department, a monitored low voltage fire alarm system.
37. **Prior to the issuance of each Certificate of Occupancy for a duplex unit**, the Applicant shall install to the satisfaction of the Fire Department, a residential sprinkler system.
38. **Prior to the issuance of each Certificate of Occupancy**, the Building Commissioner shall confirm that all exterior lighting is consistent with the Zoning Bylaw.

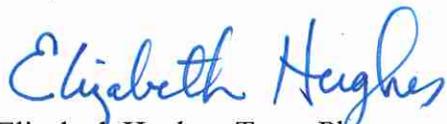
39. **Prior to the issuance of each Certificate of Occupancy**, the Applicant shall provide to the Building Commissioner the confirmed HERS rating and a tabular sheet on the aggregate average confirmed HERS rating for all units, which shall be at 50 with at least 10 homes being built on speculation with specific energy conservation measures for a HERS rating of 36.
- 3940 **Prior to the issuance of the Certificate of Occupancy for the last unit**, the Applicant shall provide evidence to the Town Planner that the Condominium Association budget has been established with sufficient funds to continue the annual maintenance of all on-site utilities, the snow plowing of the driveway, the stormwater drainage, on-site sewage disposal system and landscaping in common areas and replacement of landscaping if found to be dead or dying as specified in Condition #46.
41. **Prior to the issuance of the Certificate of Occupancy for the last unit**, the Town Planner shall verify that all plantings shown on the approved Landscape Plan have been installed. Any proposed minor modification or substitutions shall be reviewed and approved by the Town Planner prior to installation. If the Applicant provides documentation to the Town Planner that it would be detrimental to complete weather dependent aspects of the landscaping, the Town Planner may require a performance guarantee to ensure compliance. In such case, the Applicant shall submit to the Town Planner for review and approval a performance guarantee covering the cost of the landscaping and installation and a temporary certificate of occupancy shall be issued until all landscaping work is completed.
42. **Prior to the issuance of the Certificate of Occupancy for the last unit**, the Applicant shall place an open space restriction over the 1.163 acres identified as "Common Open Space Easement" on the plans. To be considered complete, the open space restriction must be reviewed and signed by the Select Board and recorded at the Registry of Deeds. The open space restriction shall run to the benefit of the Town of Concord acting by and through its Select Board or its designee in perpetuity and exclusively for open space purposes as specified in the restriction.
43. **Prior to the issuance of the Certificate of Occupancy for the last unit**, the Long Term Operations and Maintenance Plan (LTO&M Plan) approved by CPW Engineering shall be incorporated by reference into the condominium Master Deed. The Trustees of the condominium Trust shall have permanent maintenance responsibilities in perpetuity of all elements of the on-site Stormwater drainage system, including all catch basins, infiltration chambers with isolator rows, drainage manholes, Contech stormceptor unit, pipes and all appurtenances thereto. Per the LTO&M Plan, the Trustees agree to perform the operational maintenance on all the Stormwater drainage structures as follows:
- I. CB1 thru CB14 sediments shall be inspected and/or cleaned once per year or when the depth of deposits is greater than equal to one half the depth from the bottom of the sump or one half the depth of the invert of the outlet pipe.
 - II. Contech CDS System (CB15+ CDS 1P, 4P, 5P, 6P, 7P and 8P) shall be inspected and/or cleaned at least four times per year.
 - III. Isolator Row – Subsurface Infiltration Chambers (SWMA- 1P, 4P, 5P, 6P, 7P and 8P) shall be cleaned per the most recent available manufacture's operation manuals.

The Trustees of the Condominium Trust shall also be responsible to provide CPW Engineering reports of each visual inspection and cleaning performed on the drainage structures. The reports shall ascertain that the system components are in working order and that there are no blockages or obstructions in the inlet and separation screen. The reports shall also quantify the accumulation of hydrocarbons, trash, and sediment in the system, and shall also include measurement from finished grade down to the bottom of the sump floor. Those reports shall be in accordance with the terms approved in the LTO&M Plan.

44. **Prior to the final release of the Performance Guarantee**, the Town Planner shall verify that all plantings shown on the approved Landscape Plan have been installed. Any modification or substitutions not consistent with the approved plans shall be reviewed and approved by the Planning Division.
45. **Prior to the final release of the Performance Guarantee**, the Applicant shall provide copies of all executed Trustee training affidavits.
46. Three years following the issuance of the Certificate of Occupancy for the last unit, the Condominium Association shall submit a report to the Town Planner noting viability of the established landscaping shown on the approved Landscape Plan. Any landscaping found to be dead or dying shall be replaced.

Please contact me if you have any questions or require further clarification.

On behalf of the Concord Planning Board,



Elizabeth Hughes, Town Planner

cc: Town Staff: Town Manager, Building Commissioner, Public Health Director, Natural Resources Director, CPW Engineer, CPW Water/Sewer Engineer, CMLP Engineer, Community Safety Officer, Assistant Fire Chief
Applicant: Symes Development & Permitting, LLC, 50 Dodge St., Beverly, MA 01915
Engineer: Williams & Sparages, 189 North Main St., Suite 101, Middleton, MA 01949
File Copy