

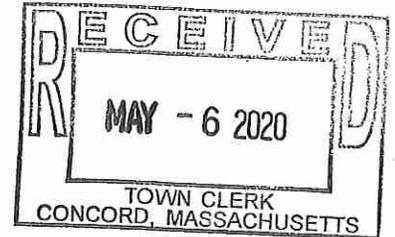


TOWN OF CONCORD

Planning Board

141 Keyes Road - Concord, MA - 01742

Phone: 978-318-3290



Filed with the Town Clerk
May 6, 2020

DECISION ON A PRELIMINARY SUBDIVISION PLAN AND CERTIFICATE OF APPROVAL

**1440-1450 MAIN STREET
Preliminary Plan #246**

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DECISION of the Planning Board (the Board) on the application of Symes Development & Permitting, LLC (Applicant) for properties owned by Faye Erhard Hayes off Main Street and known as 1440, 1450 and 146B Main Street (Assessor Parcels #2409, 2408, 2407).

This decision is in response to a Preliminary Subdivision Plan (the Plan) filed by the Applicant with the Planning Board on March 4, 2020 with a time extension for a public hearing granted by the Applicant to April 24, 2020 and a Declaration by the Concord Planning Board Chair pursuant to Ch. 53 of the Acts of 2020, Section 14(b)(5) that the public hearing on the Preliminary Plan application scheduled for April 21st was rescheduled to a virtual public hearing on April 28th with a decision deadline rescheduled for May 8th.

The Applicant has provided a Conventional subdivision plan showing 16 lots off a new roadway with two cul-de-sacs and 6 lots with frontage on Main Street and/or Highland Street (These six lots are Approval Not Required lots and do not require approval of the subdivision plan to become legal building lots). Stormwater drainage will be handled through the use of catch basins and subsurface drainage system with outfalls directed towards two sediment forebays that will have overflows to the isolated vegetated wetland. All 16 lots within the subdivision will be served by Town water and electric. Three of the lots will be served by Town sewer and 19 lots will have private on-site sewage disposal systems

The Applicant made a presentation to the Board at a virtual meeting on April 28, 2020. The Board received comments from Town Departments and took into consideration the Town Planner's report dated April 16, 2020 and public comments. In a letter dated March 23, 2020, the Board of Health voted to approve the Preliminary Subdivision Plan and provided five conditions.

It is hereby certified by the Board that, after discussion of the project and consideration of the record and comments heard during the meeting, the Board voted 6 to 0 with one abstention to **GRANT** a 22-lot Preliminary Subdivision Plan entitled "The Preliminary Plan Center & Main; 1440 Main Street, Concord, MA" Sheet 1 to 4 dated March 4, 2020 by Williams & Sparages.

In making this decision, the Board adds the following conditions for submission of the Definitive Subdivision Plan:

1. The Preliminary Plan is granted without any waivers and any Definitive Plan will require an Earth Removal Special Permit from the Zoning Board of Appeals.
2. The Preliminary Plan shows a compliant cul-de-sac that appears to be feasible for adequate emergency vehicle access. The Definitive Plan shall include detailed plans showing the road section, proposed curbing, hydrant location, the cul-de-sac turning radius, as well as, information regarding on-street parking in order to make any final determination on whether adequate emergency vehicle access is provided.
3. The Definitive Plan shall be subject to the Town of Concord Stormwater Regulations and demonstrate that the project is constructed with appropriate stormwater Best Management Practices to meet state and local stormwater management standards. The Definitive Plan shall have no increase in stormwater rate or runoff volume for up to and including the 100 year event and also provide water quality treatment at all design points.
4. The Applicant shall provide drainage calculations demonstrating that the groundwater will not impact abutting developed properties or the newly developed properties.
5. The drainage pipe layout does not clearly define whether stormwater from the sediment forebay flows into the underground system or if the underground system flows into the forebay. The Definitive Plan shall clarify this and include inflows, invert elevations and pipe slopes.
6. The Definitive Plan shall define "DVMH" structure.
7. The drainage/infiltration system under the center island in the cul-de-sac presents a maintenance issue for the Town. If the Applicant intends to petition the Town to have the road accepted as a public way, then the system shall be revised to be in full compliance with the Subdivision Rules and Regulations and the Concord Public Works Design Standards. If the roadway and all utilities are intended to remain private, the Applicant shall provide detailed information on the maintenance.
8. The Definitive Plan shall provide the design speed of the roadway so that the roadway dimensions can be confirmed.
9. Pursuant to Subdivision Rules and Regulations Section 6.10.1, sidewalks shall be provided on one side of the street. The Definitive Plan shall show a sidewalk going all of the way around the cul-de-sacs.
10. Pursuant to Subdivision Rules and Regulations Section 6.13.10, where it is necessary to carry drainage across lots within the subdivision, adequate easements shall be provided. The Definitive Plan shall show the location and dimensions of all easements for the stormwater drainage system located on individual lots.

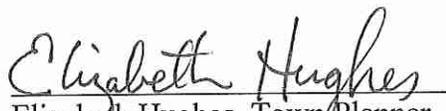
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11. The Engineering Divisions reserves the right to comment on future submittals related to any new or previously submitted information provided to the Town for review including the Definitive Subdivision Plan and supporting documentation.
12. The Applicant is advised that the proposed water and sewer service connections shown on the plan do not meet the requirements of the Water and Sewer Use Rules and Regulations, and the Water and Sewer Design and Construction Standards, and Subdivision Rules and Regulations. Any deviations from the Water/Sewer Divisions Rules and Regulations, requires review and approval by the Public Works Commission. Public Works Commission review will only be considered at such time that the proposed development has received support through approvals from other Concord Town Boards.
13. The Subdivision Rules and Regulations 6.14.3 requires reasonable provisions be made for extension of the water main to adjoining property, including easements, as necessary. The Water Use Rules and Regulations require that for a lot to be eligible for water service the lot must front a water main in a public or private way. A Subdivision seeking connection to the municipal water system will require the applicant to submit an application for a Water Main Extension in order to create frontage to a water main. Any approval of a water main extension will require that a water system loop be created. The proposed common water main shown on the plan set "dead ends" in each of the two proposed cul-de-sac's and does not provide a system loop.
14. The Applicant will be required to submit to the Concord Board of Health a Request for Title 5 Building Review (Form S) to identify any potential increase in wastewater flow and associated Sewer Improvement Fee. Based on existing wastewater capacity constraints, flow increases over 1,000 gallons per day will be administratively denied by the Water/Sewer Superintendent. An appeal may be made to the Public Works Commission seeking relief for an increase in flow over 1,000 gallons per day.
15. The Applicant shall provide to the Fire Department for review three alternative names for the new subdivision road. All homes that front on the roadway shall have their own street address, separate from Main Street.
16. The Definitive Plan shall incorporate the proper amount of hydrants and/or hydrants appropriately placed throughout the development.
17. The Applicant shall provide the Fire Department for review and approval a NFPA 241 construction safety plan. This standard shall apply to structures in the course of construction, alteration, or demolition, including those in underground locations. This standard is intended to prescribe minimum safeguards for construction, alteration, and demolition operations in order to provide reasonable safety to life and property from fire during such operations.
18. The Definitive Plan shall require approval from the Army Corps of Engineers, or documentation that the Army Corps of Engineers has determined the isolated wetland is not jurisdictional as a federally isolated wetland.
19. Individual sewage disposal systems shall be designed, permitted and constructed in accordance with:

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- a. Title 5 of the State Environmental Code, 310 CMR 15.000, *Standard Requirements for the Siting, Construction, Inspection, Upgrade and Expansion of On-site Sewage Treatment and Disposal Systems and for the Transport and Disposal of Septage*, and
 - b. Concord Board of Health regulation, *Minimum Requirements for the Disposal of Sanitary Sewage in Unsewered Areas*.
20. Town water shall be available.
 21. Any wells for domestic water, irrigation purposes, or heat pump use, shall be designed, permitted and constructed in accordance with the Concord Board of Health regulation, *Minimum Sanitation Standard for Private and Semi-Public Water Supply*.
 22. No underground fuel storage systems shall be installed without a variance granted by the Board of Health in accordance with Section 4 of the *Underground Storage Tank Bylaw* adopted by the April 1993 Town Meeting.
 23. Tree stumps and wood wastes generated by land-clearing operations shall not be buried on site. (DEP's solid waste regulations 310 CMR 16.05(3) (d) and 310 CMR 19.013(1) (h) prohibit stump dumps on lots being developed for sale.)
 24. All proposed lots as part of the subdivision shall comply with the Town's Underground Utility By-Law.
 25. Prior to the submission of the Definitive Plan, the Applicant shall coordinate with CMLP to determine which pole or poles the new underground duct bank will rise and connect to the existing overhead system.
 26. The Definitive Plan, as depicted in the plan set dated March 4, 2020, shall be designed in full conformance with CMLP standard requirements.

On Behalf of the CONCORD PLANNING BOARD


Elizabeth Hughes, Town Planner

cc: Owner: Faye Erhard Hayes, P.O. Box 1262, Concord, MA 01742
Applicant; Symes Development & Permitting, LLC, 50 Dodge Street, Beverly, MA 01915
Applicant's Engineer; Rich Harrington, Williams & Sparages, 189 North Main St., Suite 101, Middleton,
MA 01949
Town Plan Review Staff