

TOWN OF CONCORD
ZONING BOARD OF APPEALS
TOWN HOUSE

Please take notice that in the matter of the APPLICATION OF NOW COMMUNITIES, LLC for a Special Permit under Sections 10 and 11.6 of the Zoning Bylaw to construct a 14-unit Planned Residential Development on property at 1651 & 1657 Main Street, Concord, Massachusetts (Parcel #2685, 2686 & 2687), the Zoning Board of Appeals has rendered a decision GRANTING said application, and the record therein has this day been filed with the Town Clerk, Town House, Concord, Massachusetts. Appeals, if any, shall be made pursuant to Section 17 of the Zoning Act, Chapter 40A of the Massachusetts General Laws, and shall be filed within 20 days after the date of this notice.

Heather Carey, Administrative Assistant
On behalf of the Zoning Board of Appeals

DATE

**TOWN OF CONCORD
BOARD OF APPEALS**

DECISION of the Zoning Board of Appeals (the Board) on the application of NOW COMMUNITIES, LLC for a Special Permit under Sections 10 and 11.6 of the Zoning Bylaw to construct a 14-unit Planned Residential Development on property at 1651 & 1657 Main Street, Concord, Massachusetts (Parcel #2685, 2686 & 2687).

This decision is in response to an application filed on March 2, 2020 with a time extension to open the public hearing until May 15, 2020. After causing notice of the time and place of the public hearing and of the subject matter thereof to be published in *The Concord Journal* on April 30, 2020 and May 7, 2020, posted and mailed to the Applicant, abutters and other parties of interest as required by law, the public hearing was opened on May 14, 2020 and continued to June 11th, July 9th and August 13th, 2020.

After deliberation and weighing of all the evidence before it, the Board voted 3 to 0, to **GRANT** approval of the Special Permit with conditions based on the following:

The Project Site (Site) is comprised of 3 abutting lots totaling 4.66 acres. The Site runs from Main Street to the Assabet River and slopes gently in a southerly direction from the road to the River. The Site is located in the Residence C Zoning District with areas within the Wetlands and Flood Plain Conservancy District. There are two existing residential buildings on the Site, one of which is currently a converted barn structure (1657 Main St.) and the other is a single-family home (1651 Main St.). To the north, west and east is existing residential properties, including Riverwalk PRD (east) and Westvale Meadow PRD (west). To the south is the Assabet River. All of the properties are within the Residence C District. Town water, sewer, and electric, as well as gas service is available from Main Street

The Project consists of the removal of both existing structures and the construction of ten (10) new detached cottage homes and two (2) duplex buildings for a total of fourteen (14) homes. There will be six 3-bedroom detached dwellings and four 2-bedroom detached dwellings. Each duplex building will contain two 1-bedroom homes. The unit sizes range from 850 square feet to 2,310 sf. The development consisting of a maximum of 30 bedrooms in total.

The Applicant states that the smaller, clustered homes, organized around a common green, emulate a small community, which is designed as a "walkable" neighborhood, exemplifying the ideals of smart growth, sustainability, and energy efficient building design. The dwelling units will have a variety of energy saving and 'green' features:

- High performance building envelopes
- Super-insulated wall and roof assemblies
- High Performance, triple glazed windows
- Ultra-high efficiency HVAC systems
- Water harvesting systems where possible
- Solar-ready roof orientations
- Extensive use of reclaimed/ recycled material
- Fully renewable energy systems
- Low or no VOC paints, sealants and adhesives
- Follow NAHB Green Home Guidelines and be Energy Star Rated
- Net zero potential homes

The Applicant is proposing that two of the units be deed restricted as affordable dwellings; one low income unit at 80% Area Medium Income (AMI), and added to the Town's Subsidized Housing Inventory (Chapter 40B 10%), and the other moderate income unit at 150% AMI.

Two (2) car barns will provide parking for each home; one space will be allocated to every home. Additionally, both car barns will be equipped with necessary utility backbone for Type 2, electric car charging stations (charging device and cable by owners). Sixteen surface parking spaces will provide for additional parking. Access to Site is off Main Street, approximately opposite Old Stow Road and will be a shared drive with the Concord Riverwalk residential project to the east. The existing drive to Concord Riverwalk will be improved to form the entrance drive for both the existing homes of Concord Riverwalk and the proposed Project. The drive for both residential developments is configured as a single entry so, all parking and vehicular traffic will be central to the site. The Site will also share a trash and recycling location with their easterly abutters at Riverwalk. The project will provide a variety of shared common elements for their residents including: a community house for social activities, functions and guest stays; community gardens, and; nature trails.

The Applicant is proposing to connect to Town water to serve all of the homes. A portion of the homes will connect to Town sewer for a total of 1,980 gallons per day (gpd) and the remaining portion of the homes will connect to an on-site sewage disposal system for a total of 1,320 gpd. As part of the project, the Applicant is proposing to loop the proposed project and Concord Riverwalk water services.

The project is designed to maintain the natural surroundings and control runoff and stormwater with Low Impact Development (LID) design strategies. The stormwater management system includes roof drywells for roof runoff, stone treatment trenches, sediment forebays, and infiltration basins.

Wetlands on-site have been delineated by a qualified Wetlands Scientist and the site has already received an Order of Resource Area Delineation. No construction activity is proposed within jurisdictional wetland or floodplain resource areas.

The Project is based on the premise of a walkable, easily accessible neighborhood where the primary owners typically own only one vehicle and tend toward the use of alternative transportation. The Applicant estimates a net gain of no more than 99.4 vehicle trips per day (based on conventional, single-family homes (10 homes) and townhomes (4 homes)). A sight distance analysis was performed which shows the westbound travel direction stopping sight distance is 362 feet; eastbound stopping sight distance is 326 feet at the proposed driveway. The Applicant's engineer believes these distances are adequate for design speeds of 45 miles per hour and 42 miles per hour respectively based on AASHTO standards. The speed limit posted for the westbound direction is 25 miles per hour and it is 30 miles per hour in the eastbound direction.

In reaching its decision, the Board reviewed the application, a written recommendation from the Planning Board dated June 24, 2020, supporting material, and plans, and made the following analysis and findings pursuant to ZBL Section 10 and Section 11.6 in agreement with the Planning Board:

Section 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 205,685± 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 $2 \times 12 = 24$ units maximum. The Applicant is proposing 14 units.

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: 205,685± square feet

Wetlands and Flood Plain Conservancy District: 119,690± square feet

$$\frac{(205,685 - 119,690) + [(0.25)(119,690)]}{10,000} = 11.59 = 12 \text{ Units (rounds down per 10.2.2.2)}$$

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

- (a) the number of bedrooms available;*
- (b) the price or rental rates of the units; and*
- (c) two of the three styles of units: single-family, two-family or multi-family.*

If all the units proposed in the Planned Residential Development are market-rate units, then only the basic density shall be permitted. Increases beyond the basic density within the Planned Residential Development may be authorized by the Board only if at least ten percent (10%) of the units are made available as described in subsection 10.2.3.1 and 10.2.3.2. If only one unit is required, it shall be made available as described in subsection 10.2.3.1, and if two or more units are required, then at least 50% of the affordable units shall be made available as described in subsection 10.2.3.1. Any increases in density permitted by the Board shall not exceed the limits contained in subsection 10.2.2 and shall be based upon the degree to which the proposed PRD provides a range of low income and affordable dwelling units, in addition to the mix of diverse housing opportunities.

The Project consists of the removal of both existing structures and the construction of ten (10) new detached cottage homes and two (2) duplex buildings for a total of fourteen (14) homes. There will be six 3-bedroom detached dwellings and four 2-bedroom detached dwellings. Each duplex building will contain two 1-bedroom units. The unit sizes range from 850 square feet to 2,310 sf. The development consists of a maximum of 30 bedrooms in total.

The Applicant is proposing a total of 14 units; two units more than the Basic Density of 12 units. As required under subsection 10.2.3.1, the Applicant is proposing one unit be deed restricted at 80% AMI. The second unit is to be deed restricted pursuant to subsection 10.2.3.2(b) at 150% AMI.

The Applicant states that the anticipated sale price is \$500,000 to \$800,000 or more for the twelve market rate units. The most recent sale of a Riverwalk unit in 2019 was \$800,000.

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

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

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

The cottages will contain two (2) and three (3) bedrooms. Each duplex building will contain two 1-bedroom homes. The unit sizes range from 850 square feet to 2,310 sf. There will be six 3-bedroom homes, four 2-bedroom homes and four 1-bedroom homes in the duplexes with the development consisting of a maximum of 30 bedrooms in total.

Unit Number	Dwelling Style	# of Bedrooms	Total Gross Square Footage
#1, #3, #4, & 8 to 12 (8 units)	Cottage Type A	2 or 3	2,160 to 2,310 s.f. (includes attached garage or finished basement)
#2 & 5 (2 units)	Cottage Type B	2	2,085 s.f.
#6A & 7A (2 units)	Flat Type A	1	967 s.f.
#6B & 7B (2 units)	Flat Type B	1	850 s.f.

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

The Applicant states that one affordable unit will be in Flat Type A and the other in Flat Type B and have been designed to be indistinguishable from the similar market rate units.

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

The affordable units will be required to be in perpetuity and the low income unit will be counted towards the Town's Subsidized Housing Inventory.

10.2.4.1 Permitted Uses: Single family detached and semi-detached dwellings, two-family dwellings, and multi-unit dwellings of all types without regard to dwelling unit configuration or form of ownership; however, no multi-unit dwelling shall contain more than eight (8) dwellings units. No more than eighty percent (80%) of the dwelling units within the PRD shall be in buildings of the same type.

For the 14 total units, there are four styles of homes proposed- Cottage A, Cottage B, Flat A, and Flat B. The most prevalent proposed is Cottage A, at 8 of the 14 units. The eight (8) Cottage A style dwellings will be below the 80% (57.1 %) maximum allowable for buildings of the same type within a PRD.

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 setback requirements for the Residence C Zoning District.

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

Access to the Site is proposed through the existing private way from the adjacent Concord Riverwalk development, which will be modified to the west slightly to better accommodate both developments and emergency vehicle turning.

10.2.7 Height: The maximum permitted height of any structure within a PRD shall be 35 ft.

The Applicant has provided a height analysis for the proposed units that show all of the units will meet the 35-foot height requirement. The Building Commissioner has recommended that a condition be incorporated requiring certification of the height prior to sign-off on the framing for each unit.

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

The Applicant states that the area developed for residential use which consists of the dwellings, access driveway, sidewalk, individual driveways, walks and patios is approximately 60,145 square feet.

$$(60,145 \text{ s.f.} / 205,685 \text{ s.f.}) \times 100 = 29.2\%$$

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 with at least 50% of the area is upland:

$$(205,685 \text{ s.f.} \times 0.25) = 51,421 \text{ s.f.}$$

$$(51,421 \text{ s.f.} \times .50) = 25,711 \text{ s.f.}$$

The Applicant has stated the 145,540 s.f. of Total Common Open Space with 25,850 s.f. of upland area.

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 abut the Assabet River and the Applicant states that public access will be provided.

- (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.

- (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 adjacent to the Assabet River that connects to other permanently protected unique natural areas along the River. The strip of open space along the western property line includes a sediment forebay that will be planted in a manner to enhance the habitat for pollinators.

- (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 a recharge area 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 given its location in the floodplain and proximately to the Assabet River, which is a designated Wild and Scenic River.

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

The Applicant is proposing a trail across the proposed common open space at the rear of the property to the Assabet River, which has the potential to connect to a larger trail network along the River.

- (g) *Land which enhances scenic views;*

The proposed common open space is land which enhances the scenic views to the Assabet River.

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

The proposed common open space will provide desirable public access to existing permanently protected conservation land on both sides of the Site.

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 common open space easement will be readily accessible for the enjoyment of all unit owners and the public from dusk to dawn. The open space easement will be owned by the condominium association. The condominium documents will ensure that the unit owners and the public have readily accessible access.

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 a perpetual conservation restriction will be provided of the type described in G.L. c. 184, sec 31, which shall run with the land, and that the common open space easement is retained in perpetuity for conservation use and uses as shown on the plan.

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

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

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

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

The Applicant states that there will be no impact upon the surface quality or groundwater quality due to the proposed PRD. The proposed drainage system includes roof drywells, sediment fore bays, and infiltration basins. The bottom of infiltration areas and Title 5 septic system meet the recommended offsets to groundwater and recommended setbacks to surface water. With due diligence during construction, the Applicant should not cause an impact to the surface or groundwater quality. In a June 3, 2020 letter, the Assistant Town Engineer notes that the Applicant has addressed most of the previous issues and concerns with the revised plans and that other minor outstanding comments can be addressed as conditions of approval.

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

The Applicant states that the location of the dwellings will protect a significant portion of the property along the wetlands and Assabet River located on the southern part of the site. No proposed work is within any wetland or other jurisdictional wetland resource area.

The Historical Commission has reviewed both properties under the Demolition Review Bylaw in November 2019 and found both existing structures Historically Significant and Preferably Preserved and placed a one year delay on the demolition to October 7, 2020. During the public hearing the Commission did express their disappointment that neither building was being preserved and incorporated into the proposed development. The Applicant has stated that the existing converted barn, which contains some amazing wood beams and flooring, will be dismantled, and not demolished, and used in various components of the project; such as the small community building.

On June 11, 2020, the Commission reviewed a request from the Applicant to waive the remaining demolition delay period and agreed to waive the remainder of the delay period under the following conditions:

1. The applicant submits a modified Historic Structures Report on both 1651 and 1657 Main Street to include, photo documentation of the interior and exterior of the structures, floorplans, elevations, and a narrative of the building's history and significance;
2. The applicant submits language to be used on the interpretive signage on the site;
3. The applicant has made an effort to use design elements from the two structures being demolished in the new buildings on the site.

Upon receipt of the above items, Planning staff and the Chairperson of the Historical Commission will need to review and approve them prior to the official waiver of the remainder of the delay period.

The Commission also expressed concerns regarding the name of the development during their meeting. The Historical Commission feels strongly that the name of the development should reflect the history of the Damon Mills and/or Westvale. The Applicant has since proposed Millrun Commons for the roadway name, which the Fire Department does not have any issues or concerns with this name.

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

The Applicant states that the on-site soils are well drained sands with percolation rates below two minutes per inch and that all proposed disturbed areas within the limit of work will receive six inches of loam and seeded to improve upon the sites capability to prevent against erosion and siltation. A Stormwater Pollution Prevention Plan has been prepared to ensure construction phase stability and permanent vegetation will provide long term stabilization. In a June 3, 2020 letter, the Assistant Town Engineer notes that the Applicant has addressed most of the previous issues and concerns with the revised plans and other minor outstanding comments can be addressed as 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 Applicant states that stormwater calculations submitted with the application indicate that, with the proposed drainage design, there will be no increase in peak runoff due to development. The methods used to return water to the ground include infiltration basins and roof drywells. The calculations show that recharge of groundwater meets predevelopment condition. In a June 3, 2020 letter, the Assistant Town Engineer notes that the Applicant has addressed most of the previous issues and concerns with the revised plans and other minor outstanding comments can be addressed as conditions of approval.

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

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

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

The Applicant's engineer utilized the ITE Trip Generation standards for computing the traffic flow for the proposed project, although notes that the project is significantly smaller than the typical sample used for the ITE data. ITE sampling utilizes an average number of dwelling units of 198, while the proposed project is only 14 units of 1, 2 and 3 bedroom homes. It is estimated that weekday traffic is expected to generate no more than 119 vehicle trip ends per day, or 100 vehicle trip ends per day increase over existing conditions. Peak hour morning rate increase is 7.92 vehicles and peak hour evening is anticipated at 10.24 vehicles. There will be a modest increase in demand on public services based on twelve additional dwelling units for water, schools, police, fire, and recreational facilities. Water use increase is approximately 2,640 gallons per day based on Title 5 flows (increase of 24 bedrooms).

In a June 3, 2020 letter, the Assistant Town Engineer notes that the proposed parking along Main Street and a fire hydrant located in a proposed snow storage area will not be permitted. The Applicant has revised the plans to address this issue.

In a June 3, 2020 letter, the Assistant Fire Chief states that the Applicant will need to work closely with the Fire Department to place proper signage on Main St. and at the entrance to both developments, which conforms to the requirements of both the Town of Concord's House Numbering Bylaw and Massachusetts General Law Ch. 148, Sec. 59, as well as adequate signage within the development identifying Fire Department Access Roads (per 527 CMR 1.00: 18.2.3.5) and submission of 241 Construction Fire Safety Plan and a COVID-19 Safety Plan. He also raises concerns with the existing emergency access road between Riverwalk and the proposed project and recommends that it be extended further to be adequate for both developments. The Applicant has proposed Millrun Commons for the roadway name, which the Fire Department does not have any issues or concerns with this name.

In a June 2, 2020 letter, the Water-Sewer Engineer notes an administrative approval for the sewer connection can be given as long as the total flow increase is not more than 2,000 GPD and that anything over that will require an appeal to the Public Works Commission. Additionally, further information regarding the fire suppression system must be provided so that the Water/Sewer Division can be assured that there are no cross connection or water quality concerns. She clarified to the Town Planner that these items can be addressed with appropriate conditions of approval. However, she noted that the Applicant needs to provide revised plans to Water-Sewer Division prior to approval by the Zoning Board of Appeal showing the use of a common water service for the proposed development that is connected to the municipal water main in Main Street.

The Public Health Director has noted that the proposed sewage disposal system is likely approvable although various design issues will need to be addressed.

The CMLP Engineer does not have any significant issues or concerns with the proposed project and stated there are a few minor plans modifications that are needed, but they can be addressed through standard conditions of approval.

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	60,145 s.f. = 29.2%
Common Open Space	145,540 s.f.= 70.8%
Total PRD Area =	205,685 s.f. = 100%

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

The Applicant states that the direct cost to the Town will be associated with the increase of twelve dwelling units within this site, but believes the project will have only a small impact on Town services and the school system because of the type and size of the units and the typical demographic for similar developments has been active singles and couples between the ages of 40 and 65. The Applicant believes that based on an anticipated sale price of \$500,000 to \$750,000 or more for the twelve new market rate homes would have an estimated total assessed valuation of approximately \$9,000,000. This project value calculates to approximately \$130,050 (at \$14.45/\$1000) of annual tax income. The most recent sale of a Riverwalk unit in 2019 was \$800,000.

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

The Applicant's engineer has performed a sight distance analysis at the existing driveway location. In the westbound travel direction stopping sight distance is 362 feet; eastbound stopping sight distance is 326 feet. These distances are adequate for design speeds of 45 miles per hour and 42 miles per hour respectively based on AASHTO standards. The speed limit posted for the westbound direction is 25 miles per hour and it is 30 miles per hour in the eastbound direction. Therefore, stopping sight distances are adequate.

The Community Safety Officer does not have any specific issues or concerns with the proposed project and believes there is sufficient sight distance at the driveway location. He recommended that the Applicant submit to the Town Planner for coordination with Town staff for review and approval a Construction Sequencing and Safety Plan for the Site and that a police detail may be required at various times. No construction vehicles will be permitted to park on Main Street.

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 as identified in the Survey of Historical and Architectural Resources and Historic Resources Master Plan 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 of the project. The Applicant is proposing a perpetual conservation restriction on the common open space, which shall run with the land, and that the common open space easement be retained in perpetuity for park and conservation use and uses as shown on the plan. Additionally, the common open space connects to permanently protected land on both side of the Site. This is a benefit of the project.

10.4.1.2 Development plans - The Applicant has submitted full Development Plans that include site plans, building elevations, floor plans, and landscape plans. The Building Commissioner states that the project meets the requirements laid out in the Zoning Bylaw for a Planned Residential Development. The Building Commissioner has reviewed the 14-unit plan and does not have any issues or concerns and recommends standard conditions of approval.

10.4.1.3 Low income and affordable dwelling unit marketing program - The Applicant will be required to work with the Town's Regional Housing Services Office to develop a marketing plan that includes eligibility and preferences for the affordable unit and proposed methods of ensuring long-term availability for the affordable dwelling units. The affordable units will be priced at 80% AMI and 150% AMI.

As required in Section 10.4.2 of the Zoning Bylaw, the Planning Board provided the following report and recommendations:

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 4.66 acres, which includes three lots running from Main Street to the Assabet River. The site's topography ranges from elevation 156 ft. at Main Street to elevation 120 ft. at the River's edge. It is vegetated with dense understory and numerous stands of mature trees, including groves of Sugar maples, Oak and Ash. The site includes wetlands, and is partly in the floodplain of the Assabet River. To the north, west and east is existing residential properties, including the adjacent Riverwalk PRD to the east and adjacent Westvale Meadow PRD 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 the project design with smaller homes and the two detached car barns clustered together creates a small village setting that promotes better pedestrian and vehicle circulation and preservation of a larger open space area that connects to adjacent permanently protected open space. The proposed buildings along Main Street incorporate the existing topography into the design and the use of the existing Concord Riverwalk driveway helps limit the amount of grading. The project incorporates appropriate screening with the adjacent properties, as well as, landscaping and pathways that add to the integrated village design. The sight distances from the driveway onto Main Street are adequate.**

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 project consists of the construction of ten (10) new detached cottage homes and two (2) duplex buildings for a total of fourteen (14) homes. Two of the homes will be deed restricted as affordable. There will be six 3-bedroom detached dwellings and four 2-bedroom detached dwellings. Each duplex building will contain two 1-bedroom homes. The unit sizes range from 850 square feet to 2,310 sf. For the 14 total units, there are four styles of homes proposed- Cottage A, Cottage B, Flat A, and Flat B. The most prevalent proposed is Cottage A, at 8 of the 14 units. The eight (8) Cottage A style dwellings will be below the 80% (57.1 %) maximum allowable for buildings of the same type within a PRD. The Planning Board believes that the proposed project offers sufficient range of diversity, unit size and affordability as it relates to 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 believes that the proposed open space area does provide a connection between the permanently protected open space for the adjacent Concord Rivewalk and Westvale Meadows residential developments.

(b) Makes available land desirable for future public use; or The Applicant is proposing that there be a public trail to and along the Assabet River that will connect to the existing public trail on adjacent Concord Riverwalk site. There is also the potential for future trail connections along other portions of the Assabet River.

(c) Conforms to the Town's long-range land use plan. The Envision Concord Comprehensive Long Range Plan talks about promoting cluster development that concentrates the impacts of building on the land and leaves open space and wildlife corridors and can meet a range of goals including land conservation, sustainability, and social connectivity. The Planning Board believes that the clustering of the units and sustainability measures incorporated into the project are consistent with the goals of the Comprehensive Plan.

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 the proposed project seeks to balance the development of the Site with 14 units through the preservation of the streetscape along Main Street, the clustering of smaller units, the incorporation of detached car barns, the inclusion of two affordable units, the mixture of 1, 2 and 3-bedroom dwellings, utilization of sustainability measures and the coordination of various site design elements and amenities with the adjacent Concord Riverwalk development, all of which makes this a suitable development for the neighborhood.*

10.4.4 Board Issuance of Special Permit: *A special permit shall be issued under this section only if the Board shall find that the PRD is in harmony with the general purpose and intent of this section and that the PRD contains a mix of residential, open space, or other uses in a variety of buildings to be sufficiently advantageous to the Town to render it appropriate to depart from the requirements of this Bylaw otherwise applicable to the district(s) in which the PRD tract is located. If a special permit is granted the Board shall impose as a condition thereof that the*

installation of municipal services and construction of interior drives within the PRD shall comply with the Subdivision Rules and Regulations of the Planning Board to the extent applicable, shall require sufficient security to insure such compliance and the completion of planned recreational facilities and site amenities, and may impose such additional conditions and safeguards as public safety, welfare and convenience may require, either as recommended by the Planning Board and Natural Resources Commission or upon its own initiative.

The Board is unanimous in its agreement with the Planning Board statements and recommendations noted above and finds that the PRD is in harmony with the general purpose and intent of Zoning Bylaw Section 10 and that the PRD contains a mix of residential, open space, or other uses in a variety of buildings to be sufficiently advantageous to the Town to render it appropriate to depart from the requirements of the Zoning Bylaw otherwise applicable to the Residence C District in which the PRD is located.

Section 11.6 Special Permit

Pursuant to Section 11.6 of the Bylaw, the Board considered impacts on economic and community needs; traffic flow and safety concerns, including parking and loading; adequacy of utilities and other public services; impacts on neighborhood character; impacts on the natural environment; and fiscal impacts, including impacts on Town services, the tax base and employment. The Board determined that any negative impacts are negligible and finds that the proposed Planned Residential Development will have a beneficial impact to the public interest, the Town and the neighborhood, in view of the characteristics of the site and the proposal in relation to that site with the following conditions:

1. Approval is based on the following plans prepared for the Concord Culinary Homes Planned Residential Development at 430 Old Bedford Road as may be amended by Condition #9:

Stamski and McNary, Inc., 1000 Main Street, Acton, MA 01720:

- a) Cover Sheet; Sheet 1 of 8: Planned Residential Development 1651-1657 Main Street, revised through May 12, 2020
- b) Record Plan; Sheet 2 of 8: Planned Residential Development 1651-1657 Main Street, revised through May 12, 2020
- c) Existing Conditions Plan; Sheet 3 of 8: Planned Residential Development 1651-1657 Main Street, revised through May 12, 2020
- d) Master Plan; Sheet 4 of 8: Planned Residential Development 1651-1657 Main Street, revised through May 12, 2020
- e) Site Development Plan; Sheet 5 of 8: Planned Residential Development 1651-1657 Main Street, revised through May 12, 2020
- f) Construction Details; Sheet 6 & 7 of 8: Planned Residential Development 1651-1657 Main Street, revised through May 12, 2020.
- g) Stormwater Pollution Prevention Plan; Sheet 8 of 8: Planned Residential Development 1651-1657 Main Street, revised through May 12, 2020.

Good Roots, P.O. Box 2875, Acton, MA 01720:

- h) Landscape Plan & Planting List & Key received by DPLM on May 15, 2020

Union Studio, 140 Union Street, Providence, RI 02903

- i) Proposed Site Layout dated May 15, 2020
 - j) Parking Distribution Diagram dated May 15, 2020
 - k) Cottage Type A Floor Plans & Elevations dated May 15, 2020
 - l) Cottage Type B Floor Plans & Elevation dated May 15, 2020
 - m) Stacked Flat Type A Floor Plans & Elevations dated May 15, 2020
 - n) Stacked Flat Type B Floor Plans & Elevations dated May 15, 2020
 - o) Community Car Barns & Pavilion Floor Plans & Elevations dated May 15, 2020
2. Two (2) of the Fourteen (14) units shall be permanently deed restricted as affordable; one low income unit at 80% Area Medium Income (AMI), and added to the Town's Subsidized Housing Inventory (Chapter 40B 10%), and the other moderate income unit at 150% AMI. The affordable units shall not be located within the same building.
 3. **At all times**, the Applicant shall require all construction worker vehicles to park on the Site. Parking of construction worker vehicles on Main Street or any other local Town road is prohibited. 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.
 4. **Prior to the commencement of any site work**, the Applicant shall stake the "Limit of Clearing" and install the erosion and sedimentation controls and coordinate with the Town Planner a pre-construction meeting with Town staff to review proposed work and approved reporting protocol. The Applicant shall provide a construction and inspection schedule two weeks before the pre-construction meeting.
 5. **Prior to the 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.
 6. **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 2,000 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 2,000 gallons per day.

7. **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 (SWPP), and the Erosion Control Plan (ECP), to the CPW - Engineering and the Natural Resources Director 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 proper staff is being provided with the information above. These documents are needed to ensure the Town is in compliance with its MS4 permit issued by the EPA.
8. **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.
9. **Prior to the commencement of any site work**, the Applicant shall submit to the Fire Department for review and approval a 241 Construction Fire Safety Plan and a site-specific COVID-19 Safety Plan, in accordance with Massachusetts guidelines.
10. **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.
11. **Prior to the commencement of any site work or issuance of a Building Permit**, the Applicant shall provide the Town Planner four sets of revised plans, including an electronic pdf copy and AutoCAD file to the Engineering Division, for review and approval that shows:
 - a. The name of the development as Concord Millrun and the name of the driveway into the development as Millrun Lane;
 - b. The extension of the existing emergency access road between Concord Riverwalk and the proposed project;
 - c. Location of EV charging stations in the car barns;
 - d. Deletion of the proposed parking on Main Street, and;
 - e. Modifications required by the Public Health Director, Town Engineer and Water-Sewer Engineer.
12. **Prior to the commencement of any site work or issuance of a Building Permit**, the Applicant shall submit to the Planning Board for endorsement an ANR Plan combining the three lots into a single lot and file the Plan with the South Middlesex Registry of Deeds.

13. **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).
14. **Prior to the commencement of any site work or issuance of a Building Permit**, the Applicant shall record with the Middlesex South Registry of Deeds the Special Permit Decision, Plans and all necessary easement with the adjacent Concord Riverwalk development.
15. **Prior to the commencement of any site work or issuance of a 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. The Applicant shall address to the satisfaction of the Public Health Director all items specify in her July 14, 2020 email.
16. **Prior to back-filling infiltration units**, the applicant shall request and have CPW-Engineering conduct 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.
17. **Prior to issuance of the Disposal System Construction Permit**, the Applicant shall submit the draft 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 12 bedrooms. Per 310 CMR 15.203, the total number of bedrooms in the condominium must be as specified in the Master Deed.
18. **Prior to the issuance of a Demolition Permit before the expiration of the Demolition Delay (October 7th) for the two existing structures**, the Applicant shall submit to the Historical Commission Chair and Senior Planner for review and approval the following:
 - a. A modified Historic Structures Report on both 1651 and 1657 Main Street to include, photo documentation of the interior and exterior of the structures, floorplans, elevations, and a narrative of the building's history and significance;
 - b. Draft language to be used on the interpretive signage on the Site, and;
 - c. Revised Architectural plans for the proposed buildings that front Main Street that incorporate design elements from the two structures being demolished.
19. **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.
20. **Prior to the issuance of any Building Permit**, the Applicant shall submit to the Town Planner a Tree Protection and Removal Permit for review and approval.
 21. **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.
 22. **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.
 23. **Prior to the issuance of a Building Permit for each unit**, all proposed metering will require approval from the CMLP Meter Supervisor.
 24. **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.
 25. **Prior to the issuance of a Building Permit for each unit**, the Applicant shall incorporate a residential sprinkler system in each unit to be reviewed and approved by the Fire Department.
 26. **Prior to the issuance of a Building Permit for each unit**, the Building Commissioner shall assign a street address for each unit off a new roadway named Millrun Lane.
 27. **Prior to the sign-off of the Framing Inspection for each unit**, the Applicant shall submit to the Building Commissioner certification on the height of the structure.
 28. **Prior to the issuance of any Certificate of Occupancy**, the Applicant shall submit to the Fire Department for review and approval a coordinated signage plan for the proposed development and Concord Riverwalk, which conforms to the requirements of both the Town of Concord's House Numbering Bylaw and Massachusetts General Law Ch. 148, Sec. 59, as well as adequate signage within the development identifying Fire Department Access Roads (per 527 CMR 1.00: 18.2.3.5). The Applicant shall install all required signage **prior to the issuance of any Certificate of Occupancy**.

29. **Prior to the issuance of any Certificate of Occupancy**, the Applicant shall submit to the Town Planner, Town Engineer 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 12 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 #47.
 - g. Responsibilities for the on-site sewage disposal system, including inspections and reporting.
 - h. Responsibilities for the maintenance and care of the Site landscaping and submission to the Town Planner three years following the issuance of the Certificate of Occupancy for the last unit a report noting viability of the established landscaping shown on the approved Landscape Plan. Any landscaping found to be dead or dying shall be replaced.
30. **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.
31. **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.
32. **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.

33. **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.
34. **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.
35. **Prior to issuance of any Certificate of Occupancy**, the Applicant shall provide to CPW-Engineering and Natural Resources Director for 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.
36. **Prior to the issuance of the first Certificate of Occupancy**, the Applicant shall establish a river trail in coordination with the Natural Resources Director, from the development to the river, and along the southern property boundary, to connect to the east and west property boundaries.
37. **Prior to the issuance of the first Certificate of Occupancy**, the Applicant shall bound the limits of the Conservation Restriction in a manner acceptable to the Natural Resources Director. Bounds will be included on the Conservation Restriction Plan.
38. **Prior to the issuance of the first Certificate of Occupancy**, the Applicant shall construct the central mailbox facility.
39. **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.
40. **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.

41. **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.
42. **Prior to the issuance of each Certificate of Occupancy**, the Applicant shall install to the satisfaction of the Fire Department, a residential sprinkler system.
43. **Prior to the issuance of each Certificate of Occupancy**, the Building Commissioner shall confirm that all exterior lighting is consistent with the Zoning Bylaw.
44. **Prior to the issuance of the Certificate of Occupancy for the 2-bedroom Cottage A units**, the Applicant shall submit to the Public Health Director for review and approval a deed restriction limiting the units to a maximum of two bedrooms.
45. **Prior to the issuance of the tenth (10th) Certificate of Occupancy**, the Applicant shall complete the construction of the affordable units, finalize to the satisfaction of the Town all required documents for the sale of the affordable deed restricted units, including the Affirmative Fair Housing Marketing Plan for both affordable units, and record with the South Middlesex Registry of Deed the affordable housing restrictions.
46. **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.
47. **Prior to issuance of the Certificate of Occupancy for the last unit**, the Applicant shall place a Conservation Restriction pursuant to Sections 31, 32, and 33 of Chapter 184 of the Massachusetts General Laws on the 2.99-acre open space. To be considered complete, the CR must be signed by the Natural Resources Commission, Select Board, and Secretary of the Executive Office of Energy and Environmental Affairs, and recorded at the Registry of Deeds. The Conservation Restriction shall be deeded to the Town of Concord acting by and through its Natural Resources Commission as its Conservation Commission in perpetuity and exclusively for conservation purposes.
48. **Prior to issuance of the Certificate of Occupancy for the last unit**, the Applicant shall conduct baseline documentation on the 2.99-acre Conservation Restriction in accordance with MassAudubon's Massachusetts Conservation Restriction Stewardship Manual (March 2006), or as approved by the Natural Resources Director. Two copies of the completed report and one electronic version shall be provided to the Natural Resources Division.
49. **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 Condominium Trustees shall have permanent maintenance responsibilities in perpetuity of all elements of the on-site Stormwater drainage system. Per the LTO&M Plan, the Trustees agree to perform the operational maintenance on all the Stormwater drainage.

The Trustees 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.

51. **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.
52. Violation of any of the conditions of the Special Permit shall be grounds for revocation of the Special Permit, or any building or occupancy permit granted hereunder. In case of any violation of the continuing obligations of the Special Permit, the Town will notify the owner of such violation and give the owner reasonable time, not to exceed thirty (30) days, to cure the violation and to enforce the conditions of the Special Permit. The Town may enforce compliance with the conditions of the Special permit by any action of injunctive relief before any court of competent jurisdiction.
53. Construction of all ways and all installation of municipal services shown on the approved Site Development Plans shall be completed within three (3) years of the date of approval unless the Applicant obtains a written extension from the Board of Appeals. If the construction and installation is not completed within the three (3) year period or an extension granted, the approval shall automatically lapse and no roadway shall be constructed or opened for public use unless and until a new Special Permit application has been filed and a new plan has been approved by the Board. The Board may enforce or draw upon any Performance Guarantee to complete the construction of the roadway if it is not completed within three (3) years or a written extension has not been requested by the Applicant.
54. This Special Permit shall lapse within two (2) years, which shall not include such time required to pursue or await the determination of an appeal, from the date of grant thereof, if a substantial use has not sooner commenced except for good cause or, in the case of a permit for construction, if construction has not begun by such date except for good cause.
55. Violation of any of the conditions of the Special Permit Decision shall be ground for revocation of the Decision, or any building or occupancy permit granted hereunder. If at any time the construction of the project is not in compliance with the Decision and the approved Plan (as modified by this decision), the Building Commissioner may order that work on the construction of the project be stopped and defer the issuance of any building permits or certificates of occupancy until the non-compliance is corrected.
56. By acceptance of this Special Permit by the Applicant and recording thereof, the Applicant acknowledges the binding effect of the conditions of the Special Permit.