



2013 CONCORD ANNUAL TOWN REPORT

Community Development

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Department of Planning and Land Management

Marcia Rasmussen,
Director of Planning and Land Management

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Mission

To guide the development and use of private and public lands within the Town of Concord in a manner that preserves and celebrates the unique character that is Concord.

Organization And Staffing

The Department is comprised of sixteen full-time and two part-time individuals within four distinct Divisions – Building Inspections, Health, Natural Resources and Planning. The range and extent of authority exercised by these Divisions is found in State law and in the Town’s bylaws. This past year we bade farewell to Administrative Assistants MeLinda Kuong (Planning) and Cynthia Gray (Natural Resources) along with Senior Planner Julie Vaughan. We are currently recruiting for the Administrative Assistant positions. The Senior Planner position was re-evaluated and a new position for Town Planner was created; recruitment is underway. Two part-time summer conservation crew members, Ian Hunter and Luke Puleo, were hired in the Natural Resources Division to work on trails maintenance, signage improvements, and invasive species control of Town open space and conservation lands.

The four Planning & Land Management Divisions provide staff support to the Town’s regulatory boards and committees that address land use and development activities in the Town: the Board of Appeals, Board of Health, Natural Resources Commission, Planning Board and Historic Districts Commission. DPLM staff also provides support to the Community Preservation

Committee and Historical Commission, in addition to many other sub-committees and task forces that may be appointed to address specific issues from time to time, such as the Mill Brook Task Force, Conservation Restriction Stewardship Committee, Bruce Freeman Rail Trail Advisory Committee and West Concord Advisory Committee. Staff also participates in regional groups such as the 13 communities that make up the MAPC-Minuteman Area Group on Inter-local Coordination (MAGIC), the Battle Road Scenic Byway Committee (staffed by MAPC), and the six towns that participate in the Regional Housing Services Office.

Planning & Land Management staff work cooperatively with other Town departments to further the goals and objectives of the Town. Some of the projects in which we have been involved include: the Parking Management Planning effort, assisting with the Recreation Strategic Plan, the Healthy Community initiative, an integrated planning initiative for wastewater and potential development and the Facility Manager's committee.

Detailed reports on the regulatory activities of the various boards staffed by DPLM are included in this Annual Report.

Planning Board

John Shipe, Chair
 Matthew Capofreddi, Vice Chair
 John Canally, Clerk
 Brooke Whiting Cash
 John Cratsley
 Elisabeth Elden
 Coleman Hoyt

Marcia Rasmussen, Director
 Nancy Hausherr, Administrative Assistant

The Planning Board's authority is contained in MGL Ch. 41 "Improved Methods of Municipal Planning" and MGL Ch. 40A "The Zoning Act". Additional responsibilities are found in the Town Bylaws and the Town Charter.

Christopher Sgarzi completed his term on the Planning Board in 2013; the Board is grateful for his acumen and dedication to the Town. The Board welcomed new member Brooke Whiting Cash.

The Board held twenty-five public meetings and five public hearings. The hearings were for the following: zoning bylaw amendments to be considered by the 2013 Annual Town Meeting; a special permit to allow a restaurant greater than 4,000 S.F. within the West Concord Village District; a two-lot Definitive Subdivision, and eight-lot Definitive Subdivision; and improvements to a Right-of-Way.

Residential Development

Fifteen “Approval Not Required” (ANR) plans were submitted to the Board. Nine of these plans approved changes of lot lines that did not create additional building lots. Six plans created 6 additional building lots.

The Board approved an eight-lot Definitive Subdivision of land at 9B and 247 Monsen Road and a two-lot Definitive Subdivision at 150 Barnes Hill Road. The Board granted a special permit for a common driveway for the Definitive Subdivision at 150 Barnes Hill Road.

In August, the Board considered a conceptual plan for a potential 21-unit Planned Residential Development on 40 acres at 140 Commerford Road in order to provide feedback to the developer prior to a formal application submittal.

Comprehensive Permits

In January, the Board gave an affirmative recommendation to the Board of Appeals on a Comprehensive Permit (Chapter 40B) application, filed with the Board of Appeals in 2012, for the construction of eight homes on a single lot off Elm Street, “Homes on Elm” that was later named Shaw Farm Road.

Commercial, Institutional and Other Development

Seven site plan/special permit applications received affirmative recommendations to the Zoning Board of Appeals. Three site plan reviews received affirmative recommendations to the Building Commissioner. These were improvements to the Monument Street Circle and Courtyard at the Fenn School; a solar photovoltaic installation on the closed landfill at 755 Walden Street; and dormitory renovations and site work at the Middlesex School. The approved Site Plan for the solar project at 755 Walden Street was later amended by the Board to allow an access road to be relocated.

Wireless Communication Facility Applications

No wireless communication facility applications were filed this year.

Zoning Amendments And Town Meeting Actions

For the 2013 Annual Town Meeting, the Planning Board sponsored ten articles, which all passed.

One article connected the definition of frontage in Section 1.3.11 to the measurement of frontage in Section 6.2.3. One article incorporated the new Zoning Districts adopted by Town Meeting since 2007 into Table III – Dimensional Regulations and codified the Building Commissioner’s interpretation of building side yard setbacks in the Business Districts, West Concord Village District and Limited Industrial Park #1 and 2 Districts. One

article allowed educational uses to use the greater floor area ratio of 6,000 sq. ft. per acre in the Limited Industrial Park District #2 (land on Forest Ridge Road). One article incorporated the new Zoning Districts adopted by Town Meeting since 2007 into Table II – Accessory Use Regulations. One article deleted the sole example provided to define Special Home Occupation. One article limited the height of structures in the Residence B Zoning District to be no greater than fifteen feet when they are within 12-15 feet of a side yard (similar to amendments made in 2012 for the Residence C District). One article changed the method for measuring the height of a structure in the Residence B District. One article added Public Service Corporations to the definition of uses and created a separate definition for projects proposed by municipalities that are not the Town of Concord. One article defined and allowed the use of Medical Marijuana Treatment Center in the Medical-Professional District. Lastly, one article created a new overlay district, Public Service Corporation Overlay District, which added to the allowed uses on land located at the Acton-Concord town line between the Assabet River and the Fitchburg Commuter Rail line.

West Concord Advisory Committee (WCAC)

The West Concord Advisory Committee (WCAC), a subcommittee of the Planning Board, continued its work providing input to developers and property owners as well as to the Board when plans and concepts were proposed for development, renovation, circulation, beautification, etc. in West Concord.

Millbrook Tarry Task Force (MTTF)

In response to the redevelopment of the Millbrook Tarry proposed in 2012 and the recommendations contained in the 2007 Village Center Study and the 2005 Comprehensive Long Range Plan, the Planning Board appointed nine residents to the Millbrook Tarry Task Force in April 2013. The charge of the Task Force was to review the conceptual plans prepared by the owner/developer's team and to make recommendations to the Planning Board about the proposed redevelopment of the Millbrook Tarry site in its context and relationship to the surrounding commercial and municipal properties, the nearby residential neighborhoods, the historic Concord Center business area, and the Mill Brook corridor. The Task Force worked to identify ways to enhance and improve this Lowell Road and Keyes Road "gateway" to Concord Center, to promote a village neighborhood scale for the redevelopment of the property, to improve vehicular and pedestrian circulation and connectivity to the historic center, and promote the enjoyment and protection of the natural resources. Following eight months of meeting biweekly, the Task Force submitted its Final Report and Recommendations to the Planning Board in December 2013.

Other Actions

Goal setting sessions and reviews of draft language for potential zoning bylaw amendments were held at several of the Board's meetings in anticipation of submitting zoning bylaw amendment warrant articles for the 2014 Annual

Town Meeting.

The Board nominated members to the West Concord Advisory Committee, the Historic Districts Commission and the Community Preservation Committee; and appointed members to the newly created Millbrook Tarry Task Force.

The Board endorsed a street improvement plan for improvement to the Right-of-Way adjacent to 99 Riverside Avenue; endorsed the Monsen Farm Subdivision plans; met with members of affordable housing interest groups to discuss a potential zoning bylaw amendment related to affordable housing; took affirmative positions on the two land acquisition warrant articles considered at the December Special Town Meeting; made three recommendations to the Public Works Commission regarding applications for water main extensions; provided feedback on the Town's Analysis of Impediments to Fair Housing Choice; considered the Town's recent Parking Management Plan, its overview of executive summary and recommended action; elected a new Chair, Vice-Chair, and Clerk for the Board; considered the bond amount for 31X Garfield Road Definitive Subdivision; considered Form H – Proposed New Street Name, Shaw Farm Road for the “Homes on Elm” project; and considered Form F – Release held Release of lots for 96 Brook Trail Road.

Members of the Planning Board serve on the following regional committees: MAGIC (Minuteman Advisory Group on Interlocal Coordination) and HATS (Hanscom Area TownS) and participate on other Town Committees by providing liaisons to the Millbrook Tarry Task Force, the West Concord Advisory Committee and the Community Preservation Committee.

Planning Division

Marcia Rasmussen, Director of Planning & Land Management
 Lara Kritzer, Senior Planner
 Julie Vaughan, Senior Planner
 Nancy Hausherr, Administrative Assistant

The Planning Division continued to provide professional and administrative staff support to multiple standing boards and committees including: the Zoning Board of Appeals, Planning Board, Historic Districts Commission, Historical Commission and Community Preservation Committee. Planning Division staff coordinated the Town staff review of all development proposals that were submitted for regulatory approval to the aforesaid boards and committees. Planning Division staff also assisted the Community Preservation Committee with its plan updates, application process and funding distribution. This year the Division continued to provide staff support to the Bruce Freeman Rail Trail Advisory Committee and the West Concord Advisory Committee, along with the newly created Millbrook Tarry Task Force, a subcommittee of the Planning Board. Planning staff participated in the Concord Center Cultural District Council, the Battle Road Scenic Byway Task Force, the HOME Consortium and Regional Housing Services Office, and the Healthy Community Initiative. The

Division's agenda includes initiatives in the area of open space protection, affordable housing production, traffic and transportation planning, economic development guidance, historic resources protection, public facilities planning, development regulation creation and sustainable practices.

Prior to departing in August, Senior Planner Julie Vaughan provided professional staff support to the Planning Board and the Board of Appeals and, on a limited basis, to the Comprehensive Sustainable Energy Committee. Julie also prepared the Flood Map Updates 2013 web-page to assist residents in learning more about the Federal Emergency Management Agency's recent flood studies and map revisions and how those map revisions may impact their property. Julie assisted the consultant team of Nelson-Nygaard complete the Parking Management Plan for Concord Center and West Concord environs.

Senior Planner Lara Kritzer provided extensive support to the Historical Commission by preparing the request for proposals for consultants to update the West Concord Historic Resource Survey and overseeing the project, assisting in the update to the Demolition Delay bylaw and preparing the RFP to undertake a comprehensive planning initiative for the Wheeler-Harrington House and Harrington Park. Lara also assisted the Historic Districts Commission in updating the Historic Districts Guidelines. In addition, Lara continued to work on housing-related issues, preparing the "Analysis of Impediments to Fair Housing Choice" required for continued participation in the HOME Consortium, working with the Concord Housing Development Corporation to create a small grants program for income-qualified Concord residents, assisting a resident with renovations to her home as a result of the small grant program, and working with the Regional Housing Services office to maintain housing information and assist with resale of four affordable homes.

Director Marcia Rasmussen participated in some of the regional initiatives sponsored by the Metropolitan Area Planning Council (MAPC) such as Cross-Town Connect (a regional transportation effort to better coordinate and serve residents in seven area towns), the Agricultural Forum (a project to discuss and promote farming, food production and distribution in the 13 MAGIC communities), and invited Federal Emergency Management Agency (FEMA) and Massachusetts Emergency Management Agency (MEMA) personnel to meet with residents of the MAGIC region to talk about changes to the Flood Insurance Rate Maps and the Flood Insurance Program. She also attended several meetings of the 2229 Main Street/Starmet site and invited federal representatives and contractors to meet with Town staff to discuss the Reuse Planning Process for that site.

Building Inspections and Zoning Enforcement

John Minty,
Building Commissioner

The Building Inspections Division issued 925 building permits in 2013, which

is a 26% increase over the number of building permits issued the previous year. This is the greatest number of building permits issued in any year since 1928 when Concord first started issuing permits for construction. The overall construction value in 2013 was \$142.6 million compared to just \$68.8 million in 2012. This \$142.6 million in construction value in 2013 is more than 2011 & 2012 values combined. Of this total, \$54.2 million was for residential construction with \$88.4 million in commercial work.

The value of “new residential dwelling units” built in Concord went from \$15.7 million last year to \$23.5 million in 2013; a 50% increase. This residential construction value represents 55 new single family dwelling units permitted in 2013. Of these new dwellings, 64% were the result of “tear downs” (the demolition of an existing house to allow the construction of a new, often larger, home). Over this past year, \$30.7 million dollars were also spent on alterations or additions to existing single family residential homes in Concord. This is a 68% increase from last year.

# Permits Issued	PERFORMANCE INFORMATION					
	2008	2009	2010	2011	2012	2013
New single family homes	28	26	41	30	29	55
Multi-family attached units	5	6	21	0	0	0
Additions/Alterations	595	537	644	686	631	770
Commercial	83	97	90	90	73	100
Total Building Permits	711	666	796	806	733	925
Electrical	716	643	642	745	730	933
Mechanical	-	-	-	26	70	91
Plumbing	462	435	424	470	487	480
Gas	315	326	320	340	382	416
Signs	44	50	30	41	35	54
Total all Permits	2,248	2,120	2,212	2,428	2,437	2899
Value of Const. (millions)	64.4	40.6	90	44	68.8	142.6
Permit Fee Revenue	\$506,070	\$486,410	\$955,212	\$554,211	\$809,045	\$783,883

Mechanical permits increased by 30%, Electrical permits increased by 28%, Gas permits increased by 9%, and Plumbing permits decreased 4%.

The increase in the overall level of building construction activity is reflected in a total of 2,899 permits being issued compared to 2,437 permits in 2012. The Building Inspections Division collected \$783,883 in permit fees in 2013.

As a Division, the Building Inspections staff is strongly committed to pursuing aggressive Zoning and Sign Bylaw enforcement, as well as enforcement of the State Building code, which includes, but is not limited to handicap access, structural integrity, fire safety and many other items relative to public safety. Our technical assistance to property owners, builders, real estate professionals, other Town departments, boards, committees and staff, increases each year. Beyond issuance of building permits and conduction of all required onsite inspections, the Building Inspections Division staff spends an increasing amount of time reviewing sub-division proposals, special permits, site plans, variance requests, making zoning determinations and addressing zoning complaints.

Zoning Board of Appeals

David Fisher, Chair

David Broadwin

John Brady

Robert Sepucha, Associate

Peter Parker, Associate

Matthew Johnson, Associate

The Board of Appeals is authorized by Massachusetts General Laws Chapter 40A and is responsible for conducting public hearings and meetings for matters relating to the zoning bylaws of the Town.

In May, David Fisher was elected to replace outgoing Chair, and newly elected Selectman, Alice Kaufman. John Brady was appointed as a full member. Peter Parker joined the Board in February. Matthew Johnson joined the Board in December.

The Board conducted thirteen public hearings and thirteen public meetings in 2013, during which it considered fifty-six applications. Three applications were withdrawn without prejudice at the request of the applicants. Forty-six special permits were granted. Four amendments to previously approved special permits were granted. One comprehensive permit was issued. Two Sign Variances were granted. One application is pending. One decision made by the Board, the comprehensive permit for Homes on Elm, was appealed in April and dismissed in July. (Some of these applications included multiple activities; therefore, the activity totals below may exceed the number of applications.)

ZONING BOARD OF APPEALS

2013 APPLICATION ACTIVITIES

Additional dwelling unit in a single-family dwelling	3
Change or extend a nonconforming use	21
Combined industrial/business/residence use	1
Financial and business office	1
Restaurant	1
Hammerhead lot – amendment	1
Reconstruct, extend, alter or change a non-conforming structure	18
Increase gross floor area by more than 50% of existing	7
Relief from design requirements	1
Relief from parking requirements – new	5
Relief from parking requirements – renewal	1
Relief from height limitation in side yard exception area in Residence C Zone	2
Joint Parking Facilities	1
Sign Variance – new	2
Site plan approval (special permit), includes 2 renewals	6
Work in the 100-Year Floodplain	4
Comprehensive Permit	1
Accessory Uses	
Stable in Residential District	1
Special home occupation – new	3
Special home occupation – renewal	10
Tourist Home or Bed & Breakfast – renewal	1
Garaging / parking of commercial vehicles – new	1
Garaging / parking of commercial vehicles – renewal	1
Lodging for Farm Employees	1
Farm Product Sales	1
Workshops and Classes	1
Fairs, Bazaars, Antique shows, suppers, and dances – renewal	2

Historic Districts Commission

Stephen Newbold, Chair

Dennis Fiori, Vice Chair

Jack Clymer, Secretary

Marta Brooks

Virginia McIntyre

Associate Members:

Terry Gregory

Justin King

Anthony Mallows

Betsy Roosa

The Historic Districts Commission (HDC) is charged with “the preservation and protection of buildings, places and districts of historic or literary significance” within Concord’s six local historic districts - the American Mile, Barrett Farm, Church Street, Hubbardville, Main Street, and Monument Square/North Bridge. Concord’s Historic Districts Act (Chapter 345) was one of the first such acts/law in Massachusetts when it was passed in 1960, and over the intervening years the HDC has worked diligently to preserve the Town’s

unique historical and architectural character by encouraging the retention of original building materials and reviewing potential changes to ensure that they are in keeping with the character of each District. As part of this process, the HDC regularly reviews applications for Certificates of Appropriateness for changes to exterior features that are visible from a public way or place.

The Commission held 21 regularly scheduled public meetings at which 75 new applications for Certificates of Appropriateness were reviewed. The Commission issued 83 Certificates of Appropriateness. Four of these Certificates of Appropriateness were for extensions of existing Certificates and two modified previous approvals. One application for demolition within the Districts was denied, one withdrawn, and one was continued at the request of the applicants to an HDC meeting in 2014. The Commission also scheduled nine official site visits in addition to its meetings in 2013. No appeals were filed in 2013.

One of the most interesting developments in 2013 was the rise in requests for solar panel installations within the Historic Districts. After years of receiving no applications for this change, the HDC received seven applications for solar installations, including a proposal for a large installation at First Parish on Lexington Road. In each case, the HDC was able to work successfully with the applicants to have the panels installed while maintaining the historic character of the property and the overall character of the Districts. The Commission understands that new and green technologies will be increasingly entering the Historic Districts, and is committed to working with applicants to develop appropriate plans for their installation.

In addition to conducting project reviews, the Commission completed its work on the updates to the Historic District's Design Guidelines and issued the draft updates for review by the public. The completed text is available for review on the website, and Members expect to have an updated document, including photos and illustrations, ready for publication in 2014.

Commission Member Stephen Newbold served as Chair with Dennis Fiori serving in the newly established position of Vice-Chair and Jack Clymer serving as Secretary. At the start of the year, the Commission lost Associate Member Anthony Mallows to his relocation out of the country and at the end of the calendar year, will bid goodbye to Virginia McIntyre when her term expires. Their hard work, enthusiasm and expertise have been welcome additions to the Commission and will be missed. The HDC welcomed two new Associate Members this year as well – Mark Giddings, representing the Natural Resources Commission and Nea Glenn representing the Concord Museum – and hopes to have its third and last vacant position filled by January 2014.

Sealer of Weights and Measures

The function of the Weights and Measures official is to safeguard the public in matters involving the commercial determination of “quantity” and ensure that

whenever merchandise or service is bought or sold, that honest weights and honest measures are delivered, and that fraud, carelessness or misrepresentation of such transactions are eliminated. The accuracy of all weighing and measuring devices used for sale to the public are inspected, sealed or condemned as required. Inspections are conducted at all gasoline and diesel dispensing devices (pumps), home heating (fuel oil) delivery trucks, scales used at supermarkets, delis, meat/seafood markets, retail checkout counters, farm stands, pharmacies, and any other facility using a weighing or measuring device for sale of product. Bar Code pricing devices (scanners) are also inspected for accuracy and proper operation.

The Town of Concord, through the Concord Health Division, contracts with the Massachusetts Division of Standards (MA DOS) to provide weights and measures inspections to ensure the Town meets the minimum requirements of all pertinent State laws. The Health Department Administrative Assistant and MA DOS Inspectors work closely together to coordinate and ensure that any complaint received from a consumer is addressed in a timely manner as well as ensuring that proper invoicing and payments are received by the Town. In 2013, inspections were performed at 55 establishments throughout Concord; 126 gasoline meters; 79 weighing scales, 37 bar code scanners, and 11 oil fuel delivery trucks were inspected. The Health Division collected \$7,135 in Weights & Measures fees in 2013.