



TOWN OF CONCORD Planning Board

141 Keyes Road, Concord, MA 01742
(978) 318-3290

SITE PLAN DECISION CONCORD CHILDREN'S CENTER 250 OLD BEDFORD ROAD

DECISION of the Planning Board on the application of Concord Children's Center (Applicant) for Site Plan Approval pursuant to Sections 11.8.7 for the conversion of an existing single-family dwelling to a childcare center/school and the construction of a 7,063 s.f. addition with associated site improvements. The property is located at 250 Old Bedford Road (Parcel #4220).

This decision is in response to an application filed on April 1, 2021. After causing notice of the time and place of the public hearing and of the subject matter thereof to be published initially on April 22, 2021, and subsequently revised and re-published on April 29, 2021, posted and mailed to the Applicant and abutters on April 22, 2021 and April 29, 2021, a public hearing was conducted May 4, 2021 and continued to June 8th, July 13th, July 27th, August 10th and August 24th. In addition, the Applicant granted and the Board accept, three time extensions to file their Decision with the Town Clerk on June 3rd, July 13th, and the third on August 10, 2021, which extended the deadline to August 27, 2021.

After due consideration of the application, the record, the Town Planner's reports, letters and comments from other Town Departments, the Town's traffic consultant, and the public, presentations by the Applicant and based upon review of the issues set forth herein, the Planning Board voted to to **GRANT** approval of the Site Plan on August 24, 2021 with conditions.

The project consists of the conversion of the existing single-family dwelling into a childcare center/school (Center) and construction of a 7,063 s.f., two-story addition for a total gross floor area of 10,340 s.f. The Center will have 72 children for the regular day program and 15 children for the after-school program from 3:00 p.m. to 6:00 p.m., with a total of 18 teachers and 2 administrative staff.

The project includes the construction of a one-way driveway into the site from Virginia Road, a parking lot with 20 spaces and 5 parking spaces available at the Ripley School, a drop-off isle, and a one-way exit onto Old Bedford Road. The Applicant is requesting relief from parking to allow 20 on-site spaces and use of 5 spaces at Ripley School instead of the required 33 spaces.

Stormwater drainage will be provided by a series of catch basins, area drains, and trench drains that will discharge into a subsurface infiltration bed to infiltrate and recharge groundwater. This infiltration bed has an overflow pipe which drains towards the adjacent wetland. Pre-treatment units have been proposed in the drain manholes to pre-treat any runoff before discharging into the subsurface structure. Roof runoff will be captured with downspouts and gutters that eventually discharge into a subsurface infiltration bed. The project will require the removal of approximately of 954 c.y. of soil from the site.

The project includes the construction of a 6,672 s.f. playground, walkways, site landscaping and restoration of a wetland meadow. Exterior lighting of the site will consist of 4 parking lot pole fixtures, recessed lighting in the canopy overhang and low building mounted pedestrian lights.

The Applicant has stated that traffic management and parking is based on families having a specific drop off time at the Center. Parents arriving in the morning will park in the lot and bring their children into the Center. Parents will not need to use the queue for morning drop offs given the staggered family and teacher schedules. Between 12:30 and 3:00 PM, families picking up children will pick up at the building entrance and the two administrative staff will park at the Ripley School. During that time teachers will bring children to the designated pick-up area outside. Parents will park or queue to receive their children. For pick-ups after 3 PM parents will be able to park and enter the building to pick up their children. The Applicant will inform parents that no parking is allowed on Philip Farm, Meriam Road, or Kenny Lane and will reinforce this message through our communication channels if necessary.

In reviewing the Site Plan submittal for educational uses, the following Zoning Bylaw Sections were considered by the Planning Board:

Zoning Bylaw Section 4.3.2 Child care facility: *An establishment licensed by the Commonwealth of Massachusetts for the purpose of operating either 1) a day care center, which provides daily care for children under the age of seven (7) years, or sixteen (16) years if such children have special needs; or 2) a school age child care program, which provides supervised group care for children enrolled in kindergarten or older children who are not more than fourteen (14) years of age, or sixteen (16) years of age if such children have special needs, provided that:*

4.3.2.1 In the residential districts, such activities shall be permitted only on (a) a lot which, with all its structures, conforms to the requirements of the Bylaw, or (b) a lawfully nonconforming lot or structure as to which the area of the lot is not less than ten thousand (10,000) square feet;

The lot is in the Residence A Zoning District, which requires 40,000 s.f. The lot is 35,450 s.f. and is a legal nonconforming lot that is over 10,000 s.f. The Planning Board finds the project is in compliance with this Section.

4.3.2.2 In the residential districts or on lots which are not in a residential district but are adjacent to a residential district, no outdoor play area (an area designed or set aside for children in a childcare facility for recreation or play) shall be located closer to a lot line than the minimum yard setback requirements for a principal use in the district in which it is located;

The property is a corner lot with a front yard and two side yards. The play areas are located along the side and rear of the building and meet the minimum yard side yard (15 ft.) for the Residence A Zoning District. The Planning Board finds the project is in compliance with this Section.

4.3.2.3 In all districts, the open space between the defined outdoor play area or structure and the property line(s) adjacent to residential districts or residential uses shall be screened with such fence, wall, hedge, or landscaping to provide a dense year-round screen as the Planning Board shall designate.

Along the eastern property line, adjacent to a residential use, the Applicant has stated they will install an 8-foot fence instead of a 6-foot fence along a portion of the property line to address abutter concerns. The remaining eastern property line is dense evergreen and deciduous landscaping within the 15-foot setback area. The Applicant has developed a Fencing Plan that shows the use of other types of fencing for the children play areas and for screening of the vehicles along the front property line. The Applicant is proposing to restore the area along the southern property line, adjacent to Town-owned conservation land and within the 25-foot No Disturb wetland boundary, into a wetland meadow with naturalized plantings. The Natural Resources Commission issued an Order of Conditions on August 11, 2021. The Planning Board finds the project is in compliance with this Section.

Section 7.7.2.1 Required Parking Spaces - Child Care Facility: *One (1) space for every teacher and employee, one (1) space for visitors plus one (1) space for every six children based on the largest enrollment on site at any given time; the Board or the Planning Board, whichever is responsible for site plan approval, may allow a reduction in the number of required parking spaces for the purposes of improving site utilization but not to increase permitted enrollment if the number of spaces provided is adequate to provide one space for every teacher and employee and to support, without detriment to the neighborhood, drop-off and pick-up areas for the maximum number of children arriving and departing the facility at any one time in accordance with a parking and traffic management plan approved by the Planning Board. In the case of a parking and traffic management plan, the Planning Board shall have the authority to monitor compliance and to amend the plan as necessary to achieve compliance with the standards set forth in the plan.*

The Applicant is proposing a total of 72 children and 20 employees (teachers and administrative staff). The required parking for the proposed facility is 12 spaces for 72 children, 20 spaces for teachers and staff and one visitor space for a total of 33 spaces. The Applicant is proposing 20 spaces on-site. Additionally, the Concord Superintendent of Schools stated that the Applicant will be provided 5 parking spaces during the school day at the Ripley School, which is .3 miles down Old Bedford Rd, and access to the parking lot for evening events as needed. This is a total of 25 spaces. In a March 30, 2021 memo, the Applicant has identified a parking and traffic management plan for teachers/staff and child drop-off and pick-up on a staggered schedule throughout the day. Additionally, the Applicant has provided illustrated parking and queuing plans that shows the capacity of the parking at the site at various times of the day and the use of the 6-car queuing line at 12:30 PM and 3:00 PM for parents. The Town's traffic consultant has reviewed the information provided and based on the description provided by the Applicant believes that the number of parking spaces provided will be adequate.

The number of children that can be enrolled at 250 Old Bedford Road based on Licensing by the Department of Early Education and Care is 73 on daily basis plus 12 after school for a total of 85. Ripley is licensed for 52 children daily plus 24 after school for a total of 76 children. Emerson is licensed for 35 children for a current daily licensed capacity at Ripley and Emerson of 111 children.

The proposed enrollment based on the Applicant's standards for group size and ratios is a little lower at 72 daily in the Barn plus a max of 12 after school in the Farmhouse for a total of 84 children enrolled at the Center. At 3 PM the total of 12 after-school children would arrive for the afternoon in the Farmhouse. By the time they arrive some preschool children will have left. Based on the Applicant's prior experience 15%-20% of the morning children leave before the after-school

children arrive. The Applicant estimates conservatively 60 children would still be in the Barn when the 12 after-school children arrive to the Farmhouse for a total of 72 children on site. The Applicant has stated that they do not enroll to full licensed capacity and the total Emerson and Ripley 2021-2022 enrollment based on their standards is 92 children, including the after-school program.

The maximum number of teachers for six classrooms is 18 and it is only at 12:30 PM when there could be a crossover of morning and afternoon teachers resulting in 18 teachers parked in the lot for 30 minutes when there is also parent pick-up. This is when the queue is potentially at its maximum of 6 vehicles. At this time, the two administrative staff will be parked at the Ripley School, leaving two available parking spaces. Three additional staff can park at the Ripley School, freeing up additional parking spaces if needed. To ensure spaces closest to the building entrance are available for parents, the three parking spaces along the eastern property lines shall be designated and used for only staff.

The Applicant is below the permitted enrollment of 76 children at the Ripley School and well below the total permitted enrollment of 111 children for the Ripley School and Emerson facility combined.

The Applicant has analyzed the paved area for the current parking lot layout and the angled parking alternatives:

- Proposed parking layout = 9,072 s.f. with 20 spaces
- 45-degree parking layout = 8,899 s.f. with 16 spaces
- 60-degree parking layout = 9,643 s.f. with 20 spaces
- 75-degree parking layout = 9,735 s.f. with 20 spaces

The 45-degree parking layout has 173 s.f. less pavement area, but this layout also has 4 fewer parking spaces.

The Applicant is improving the site utilization through the restoration of the 25-foot No Disturb Zone to a naturalized meadow instead of mowed lawn, which improves the natural capacity of the area to protect the interest of the Wetlands Protection Act, by configuring the driveway on Virginia Road so it is further away from the abutting property, and the proposed parking layout allows for the greatest number of parking spaces with the least amount of pavement.

Based on the operations and traffic management information provided by the Applicant and the review by the Town's outside consultant, the Board finds that a reduction in the number of required parking spaces allows for an improvement to the site utilization but does not allow for an increase in the permitted enrollment and that 20 on-site spaces, five off-site spaces at Ripley School, and a queuing line of 6 vehicles for drop-off and pick-up is adequate to provide one space for every teacher and employee and to support, without detriment to the neighborhood, drop-off and pick-up areas for the maximum number of children arriving and departing the facility at any one time. The Planning Board approves the Applicant's traffic management plan dated August 13, 2021 with the condition that the Applicant provide a copy of the agreement with the School Superintendent prior to the issuance of a certificate of occupancy.

11.8.7: Site Plan Review for religious uses, educational uses and childcare facilities

11.8.7 Site Plan Review for religious uses, educational uses, and childcare facilities: The purpose of this Section is to ensure that all religious and education uses, and all childcare facilities are reasonably regulated in regard to bulk and height of structures and determining yard sizes, lot area, setbacks, open space, parking and building coverage requirements. The Planning Board has the authority to place reasonable conditions on these aspects, but is not permitted to withhold approval of Site Plan Review

11.8.7.1 In reviewing the site plan submittal for religious uses, educational uses and childcare facilities, the following issues shall be considered:

- (a) *Relationship of the bulk and height of structures and adequacy of open spaces to the natural landscape, existing buildings and other community assets in the area and compliance with other requirements of this Bylaw, which includes, but is not limited to, building coverage requirements, yard sizes, lot areas and setbacks;*

The height of the proposed structure is 31.9 feet and in compliance with the maximum 35-foot height limit. The lot is a corner lot and has a front yard and two side yards. The existing structure and the proposed addition meet the required front yard setback (40 ft.) and side yard setback (15 ft.). The lot is 35,450 s.f. in the Residence A Zoning District and is a lawfully nonconforming lot with an area greater than 10,000 s.f. Non-residential principal uses in the Residence A Zoning District are exempt from the Maximum Floor Area Ratio in Table III.

The Applicant is proposing to preserve the existing 1890 farmhouse Applicant has designed the proposed addition as a New England style barn that would have historically been attached to the farmhouse.

The Applicant is proposing to restore the area along the southern property line, adjacent to Town-owned conservation land and within the 25-foot No Disturb wetland boundary, into a wetland meadow with naturalized plantings. The Natural Resource Commission issued an Order of Conditions on August 11, 2021.

The Board finds that the proposed project meets this criterion.

- (b) *Physical layout of the plan as it relates to convenience and safety of vehicular and pedestrian movement within the site, the location of driveway openings in relation to traffic or to adjacent streets and, when necessary, compliance with other regulations for the handicapped, minors and the elderly;*

The Building Commissioner has reviewed the plans and determined that the required 24-foot drive aisle width is required for the parking and maneuvering of vehicles. The portion of the drive aisle that is 14.9 feet is located behind to the striped handicapped parking loading area and not used for vehicle maneuvering. Section 7.7.3.1 requires this area to be a minimum of 12 feet wide.

The Engineering Division notes that measures should be taken to ensure that vehicles in the queuing line do not park in the handicapped crosswalk and drivers in the queuing line are aware of merging bypass vehicles. The Board finds this can be addressed with appropriate signage prior to the issuance of a certificate of occupancy.

The Applicant has provided a revised Garbage Truck Turning Sketch and a Passenger Car Sketch for the first parking spot along the eastern property boundary that shows the truck and car do not back out over the public sidewalk. The Town's traffic consultant agrees with these turning movement sketches. To facilitate the backing out from the passenger car space, the Board determined this spot shall be designated as a small car parking space.

The Applicant's traffic study has been reviewed by the Town's outside consultant. The Applicant responded to questions and comments raised in the consultant's May 25th review letter and provide additional information. In the consultant's second review letter dated July 6th, the consultant notes the following:

- The delay per vehicle along Old Bedford Road NB at Bedford Street increases from approximately 20.7 seconds (LOS C) to 31.8 seconds (LOS D) during the weekday morning peak hour. Overall, the LOS on Old Bedford Road NB, a stop-controlled approach intersecting a mainline roadway, is not substantial and does not warrant specific mitigation.
- The delay per vehicle along Old Bedford Road NB at Bedford Street increases from approximately 66.8 seconds (LOS F) to 108.0 seconds (LOS F) during the weekday evening peak hour. The V/C ratio increases to above 1.00 and the queue on this approach grows an additional 4 vehicles. However, the large LOS F is likely to not be fully experienced, or for only a short period of a typical weekday. Therefore, any major mitigation to the intersection, such as signalization (which is most likely not warranted) or other reconstructed treatments, may be excessive.
- The vehicle queue at the entrance driveway as reported are less than one vehicle on average and will not substantially affect operations along Virginia Road. The queue along Virginia Road at Old Before Road is not substantially changed by the introduction of site generated traffic.
- The crash rate reported for each intersection (0.29 and 0.44 crashes per MEV) are each well below the statewide and Districtwide averages for unsignalized intersections.

The Board finds that the proposed project meets this criterion with the incorporation of conditions of approval.

(c) Adequacy of the arrangement of parking and loading spaces in relation to the proposed uses of the premises;

The Applicant is proposing a total of 72 children and 20 employees (teachers and administrative staff). The required parking for the proposed facility is 12 spaces for 72 children, 20 spaces for teachers and staff and one visitor space for a total of 33 spaces. The Applicant is proposing 20 spaces on-site. Additionally, the Concord Superintendent of Schools has stated that the Applicant will be provided 5 parking spaces during the school day at the Ripley School, which is .3 miles down Old Bedford Rd, and access to the parking lot for evening events as needed. This is a total of 25 spaces.

For the reasons noted above under Section 7.7.2.1, the Board finds the proposed project meets this criterion with the incorporation of conditions of approval.

- (d) *Physical lighting of the site, especially the adequacy of the method of exterior lighting for convenience, safety and security within the site and for protection of neighboring properties, roadways and the night sky;*

The Applicant has stated that all interior electrical lighting will be dimmable LED (typically set to 80%) and have enhanced lighting controls so that lights are automatically turned off when not being occupied. All site lighting will be dark-sky compliant LED fixtures that minimize light spill beyond areas needed for safety and egress. The driveway exit reconfiguration to meet Town Staff concerns required adding an additional pole-mounted light along the street side of the parking/driveway area. Pole height/mounting height was lowered from 15' to 12' from finish grade to reduce visual impact of the lights from off-property. The porch downlights have been reduced from 3 to 2 in response to the Town Planner comment about overly intense light levels.

The revised lighting photometrics plan shows that light does not extend off the property along the side property lines. Light from three parking lot lights does extend slightly off the property towards the intersection of Virginia Road and Old Bedford Road. The Board finds that this will likely be undetectable given the surrounding existing ambient light levels at the intersection, but if it is determined by the Community Safety Officer and Town Engineer to create a safety issue, the Applicant shall be required to install back shields on the fixtures.

The CMLP Engineer does not have any issues or concerns with the proposed project and recommends standard conditions of approval regarding submission of an electric load letter, digital plans to determine the cost for installation by CMLP and submission of as-built plans.

The Board finds the proposed project meets this criterion with the incorporation of conditions of approval.

- (e) *Protection of adjoining premises against seriously detrimental uses by provision for surface water drainage;*

The Applicant has revised the plans and stormwater report to address the Engineering Division's concerns. In a July 30, 2021 revised comment letter from the Engineering Division, all issues and concerns raised regarding the stormwater drainage have been addressed except for minor changes and notes to the plans are required as conditions of approval.

At the June 8th meeting, the Board asked the Applicant to investigate the use of Low Impact Design for the stormwater drainage. The Applicant stated that the use of open LID drainage, such as swales and detention ponds pose a significant safety issue given the age of the children at the site.

The Board finds the proposed project meets this criterion with the incorporation of conditions of approval.

- (f) *Adequacy of the methods of disposal of refuse and other wastes resulting from the uses permitted on the site;*

In an April 29, 2021 memo, the Water/Sewer Division states that the property has frontage to a municipal sewer main, and a sewer service connection was installed to the property in 2006, therefore, the property is eligible for a sewer service connection. The Applicant is required to submit to the Concord Board of Health a Request for Title 5 Building Review (Form S) to identify any potential increase in wastewater flow and associated Sewer Improvement Fee. Based on existing wastewater capacity constraints, flow increases over 1,000 gallons per day will be administratively denied by the Water/Sewer Superintendent. An appeal may be made to the Public Works Commission seeking relief for an increase in flow over 1,000 gallons per day. The Public Health Director has commented that the Applicant is required to work with Health Division to design the kitchen that will be used for preparing children's snacks so that it can be licensed as a food establishment.

The plans include a fenced in garbage dumpster area that the Applicant has shown there is sufficient turning movement for the truck to maneuver without having to back-out over the public sidewalk. However, to mitigate the impact to abutters from the truck back-up alarm, the Applicant shall be required to coordinate the pick-up times with the trash hauler so pick-up is between the hours of 7 am and 12 pm or 3:30 pm to 6 pm, Monday through Friday.

The Board finds the proposed project meets this criterion with the incorporation of conditions of approval.

(g) Adequacy of fire protection measures, and;

In an April 5, 2021 memo, the Fire Department did not raise any issues or concerns with the proposed project and recommends five conditions of approval.

The Board finds the proposed project meets this criterion with the incorporation of conditions of approval.

(h) Incorporation of sustainability and resiliency principles into the site design that result in a plan that is responsive to the environment and actively contributes to the development of a more sustainable community.

As part of the application, the Applicant has provided a letter from D.W. Architects that outlines the incorporation of various sustainability measures into the project design, such as higher insulation values in the building construction, LED lighting with automatic non-occupant shut-off, environmentally friendly materials for the interior finishes, removal of invasive species and planting of native species that minimize water usage. Garden beds, recycling and composting will be part of the educational tools for the children.

In an April 23, 2021 memo, the Sustainability Director recommends the installation of all-electric HVAC systems and not add any new fossil fuel equipment and an energy audit/assessment to evaluate opportunities to enhance the energy efficiency of the building, such as insulation, air sealing, LED lighting, and energy-saving appliances and potential energy efficiency improvements to the existing structure.

In response to the Sustainability Director's comments, the Architects have provided additional information regarding the incorporation of sustainability measure into the project through increases in R-value for the above and below grade walls, roof, and the slab on grade. which includes: All windows and doors will be double glazed with low solar

heat gain. The Mechanical systems (Heating and Cooling) will re-use existing systems as much as is feasible and all new systems will meet energy consumption requirements. The Applicant is currently working to obtain cost estimates to provide all-electric systems, including electrical water heaters and electrical boiler for the entire HVAC systems, should the budget permit. Should the budget allow, the Applicant will also be investigating the possible inclusion of onsite renewable energy such as solar power. The Applicant will work with the Sustainability Director on potential energy efficiency improvements to the existing structure.

The interior finishes will also focus on sourcing materials that are environmentally friendly and have a high recycled content utilizing such certifying agencies as the Healthier Hospitals Initiative (HHI), Green Score and LEED. The interior finishes and interior partitions will also focus on acoustic performance to ensure a healthy and nurturing environment. The Applicant will be using recycling as an educational tool.

The Applicant has developed a site design that is responsive to the environment through the restoration of the 25-foot No Disturb Zone to a naturalized meadow instead of mowed lawn, which improves the natural capacity of the area to protect the interest of the Wetlands Protection Act.

The Board finds the proposed project meets this criterion to the extent practical.

Based upon the findings above, the Planning Board GRANTS the Site Plan Approval subject to the following conditions:

Conditions of Approval

- 1) Approval is based on the following plans prepared for the Concord Children's Center at 1300 Main Street, Concord, MA 01742:

Stamski & McNary, Inc., 1000 Main Street, Acton, MA 01720

- a. Sheet 1: Cover Sheet final revision date August 6, 2021
- b. Sheet 2: Existing Conditions Plan final revision date August 6, 2021
- c. Sheet 3: Grading Plan final revision date August 6, 2021
- d. Sheet 4: Drainage Plan final revision date August 6, 2021
- e. Sheet 5: Layout & Utilities Plan final revision date August 6, 2021
- f. Sheet 6: Construction Details Plan final revision date August 6, 2021
- g. Sheet 7: Turning Analyses Plan final revision date August 6, 2021
- h. Sheet 8: Erosion & Sediment Control Plan final revision date August 6, 2021

Lemon Brooke, 31 Oxbow Road, Concord, MA 01742:

- i. Sheet L0.00: Tree Removals Plan final revision date June 22, 2021
- j. Sheet L1.00: Landscape Materials Plan final revision date August 5, 2021
- k. Sheet L3.00: Planting Plan final revision date August 5, 2021

- l. L4.00: Site Lighting Plan final revision date June 28, 2021
- m. L6.01: Split Rail Fence Details final revision date May 21, 2021

D.W. Arthur Associates Architecture, Inc. 760 Main Street, Waltham, MA 02451:

- n. Sheet A1.00: Floor Plan House Basement dated August 16, 2021
 - o. Sheet A1.01: Floor Plan House & Barn Level 1 dated August 16, 2021
 - p. Sheet A1.02: Floor Plan House & Barn Second Level dated August 16, 2021
 - q. Sheet A1.03: Floor Plan House & Barn Attic Space dated August 16, 2021
 - r. Sheet A1.04: Roof Plan dated August 16, 2021
 - s. Sheet A5.01: Exterior Elevations dated December 15, 2020
- 2) Approval is subject to the Traffic Management Plan dated August 13, 2021. The Planning Board shall have the authority to amend the Plan as necessary to achieve compliance with the standards set forth in the Plan.
 - 3) **At all times**, the Applicant shall require all construction worker vehicles to park on the Site. Parking of construction worker vehicles on any local Town road is prohibited. The Applicant shall coordinate with the Police Department on the use of police details for construction vehicle activity on Virginia Road and Old Bedford Road if it has been determined necessary by the Police Department.
 - 4) **Prior to the commencement of any site work**, the Applicant shall submit to the Town Planner for distribution to Town Departments for review and approval a Construction Safety and Sequencing Plan for the site. The plan shall include the location of construction trailers, dumpsters and porta-potties, construction material delivery and laydown areas, location of construction employee parking areas, locations where construction vehicles will enter and exit the site, soil stockpile areas and safety protection measures and fencing 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:
 - 5) **Prior to the commencement of any site work**, the Applicant shall install the erosion and sedimentation controls and coordinate through the Town Planner a pre-construction meeting with Town staff to review proposed work and safety fencing and protocols shown on the Construction Safety and Sequencing Plan. Following the meeting, the Applicant shall install all required safety fencing and protocols to the satisfaction of the Fire Department.
 - 6) **Prior to commencement of any site work**, the Applicant shall meet with Water/Sewer Division to review the proposed scope of water and 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.
- 7) **Prior to the commencement of any site work**, the Applicant shall receive an Order of Conditions, or Superseding Order of Conditions, issued under the Wetlands Protection Act and the Concord Wetlands Bylaw and shall comply with all conditions placed on the project and provide a copy of a recorded Order of Conditions, or Superseding Order of Conditions to the Natural Resources Division and the Building Inspections Division
- 8) **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 Site Plan Decision and provide a copy of the recorded decision to the Building Inspections Division.
- 9) **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 Virginia Road and Old Bedford Road ROW. All work within ROW shall conform to the Concord Public Works Design & Construction Standards & Details.
- 10) **Prior to commencement of any site work**, the Applicant shall submit to the Health Division a Request for Title 5 Building Review (Form S) to identify any potential increase in wastewater flow and associated Sewer Improvement Fee. Based on existing wastewater capacity constraints, flow increases over 1,000 gallons per day will be administratively denied by the Water/Sewer Superintendent. An appeal may be made to the Public Works Commission seeking relief for an increase in flow over 1,000 gallons per day.
- 11) **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.
- 12) **Prior to the issuance of a Building Permit**, the Applicant shall contact CMLP Engineering to set up a site meeting to review the proposed project.
- 13) **Prior to the issuance of a Building Permit**, the Applicant shall provide CMLP with a detailed electrical load letter for the proposed addition in order to properly size the transformer.
- 14) **Prior to the issuance of a 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.
- 15) **Prior to the issuance of a Building Permit**, all proposed metering will require approval from the CMLP Meter Supervisor.
- 16) **Prior to the issuance of a Building Permit**, the Applicant shall submit to the Water/Sewer Division for review and approval an application for the proposed water and sewer 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 service installation activities,
 - b. Two full size copies of the approved water and sewer utility plan,
 - c. For each separate building proposed to be served by Town water, a plumbing plan shall be provided including;
 - i. Meter bypass detail (with allowance for Water/Sewer Division issued security lock),
 - ii. Design Data Sheets for all required cross-connection control devices. The devices shall not be installed without approval from the Water/Sewer Division, and
 - d. An approved water use impact report and conservation plan which will determine sizing of the water meter and water system connection fee, if applicable.
- 17) **Prior to the issuance of a Building Permit**, the Applicant shall work with Health Division to design the kitchen that will be used for preparing children's snacks so that it can be licensed as a food establishment.
- 18) **Prior to the Commencement of Construction**, the Applicant shall install in the existing structure to the satisfaction of the Fire Department a temporary monitoring and reporting smoke and carbon monoxide system.
- 19) **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.
- 20) **Prior to a Rough Fire Inspection and Testing of the Fire Alarm System**, the Applicant shall contact the Fire Department 48 hours in advance to schedule for the Rough Inspection and Testing Inspection.
- 21) **Prior to a Final Fire Inspection and Testing of the Fire Alarm System**, the Applicant shall contact the Fire Department 48 hours in advance to schedule the Final Inspection and Testing Inspection and submit by email to fireprevention@concordma.gov the Record of Inspection and 100% Testing and NFPA Record of Completion. All work must conform to applicable NFPA 72 standards, and all State and local codes.
- 22) **Prior to a Final Fire Inspection of the Fire Sprinkler System**, the Applicant shall contact the Fire Department 48 hours in advance to schedule the Final Inspection of the Fire Sprinkler System Inspection and submit by email to fireprevention@concordma.gov all Fire Sprinkler System affidavits. All work must conform to applicable NFPA 13 standards, and all State and local codes.

- 23) **Prior to issuance of a 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.
- 24) **Prior to issuance of a 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 Public Works Director and recorded by the Applicant at the Middlesex South Registry of Deeds.
- 25) **Prior to issuance of a 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), 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.
- 26) **Prior to the issuance of a Certificate of Occupancy**, the Applicant provide the Town Planner for review and approval details of the required signage for the small car space, employee parking, and vehicle queuing line signs alerting drivers not to stop in the crosswalk and to watch for through traffic when pulling away from the curb. These signs shall be install to the satisfaction of the Town Planner. all required signage within the parking lot for the small car space, employee parking, and vehicle queuing line signs alerting drivers not to stop in the crosswalk and to watch for through traffic when pulling away from the curb.
- 27) **Prior to the issuance of a Certificate of Occupancy**, 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.
- 28) **Prior to the issuance of a Certificate of Occupancy**, the Building Commissioner shall confirm that all exterior lighting complies with Condition #1 and with the Zoning Bylaw.

- 29) **Prior to the issuance of a Certificate of Occupancy**, the Applicant shall provide Concord Public Works with a suitable easement for the existing public sidewalk located on the property. The easement shall be reviewed and approved by CPW Director prior to recording with the Middlesex South Registry of Deeds. The Applicant shall provide copies of the recorded documents to CPW-Engineering.
- 30) **Prior to the issuance of a Certificate of Occupancy**, the Applicant shall provide CMLP with a suitable utility easement for the proposed underground electric distribution system including Town fiber communication system that are located outside of the Town Right-of-Way. The easement shall be reviewed and approved by CMLP prior to recording with the Middlesex South Registry of Deeds. The Applicant shall provide copies of the recorded documents to CMLP. 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.
- 31) **Prior to issuance of a Certificate of Occupancy**, the Applicant shall furnish to the Water/Sewer Division Water Demand Minimization Affidavit(s) to demonstrate work was performed in accordance with the approved demand mitigation measures.
- 32) **Prior to the issuance of a Certificate of Occupancy**, the Applicant shall provide the Building Inspections Division a copy of the final agreement with the Concord Public School Superintendent for the use of 5 parking spaces at the Ripley School.
- 33) **Prior to issuance of any Certificate of Occupancy**, the Applicant shall provide to CPW-Engineering review and approval the Long-Term Operations and Maintenance Plan (LTOMP) of the stormwater system 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 documents which outline permanent maintenance responsibilities of all elements of the on-site Stormwater drainage system, including all catch basins, infiltration chambers, trench drains, drainage manholes, pipes, sediment forebays, bioretention areas, level spreaders and all appurtenances thereto in perpetuity. Any inspection or monitoring reports required in all of the (LTOMP) shall be submitted to the CPW-Engineering and the Natural Resources Director annually

Violation of any of the conditions of the Site Plan Decision shall be grounds for revocation of the Site Plan Approval, or any building or occupancy permit granted hereunder. If at any time the construction of the project is not in compliance with the Site Plan 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.

By acceptance of this Site Plan Decision by the Applicant, the Applicant acknowledges the binding effect of the conditions of the Site Plan Decision.

Site Plan approval shall lapse if construction has not commenced within two (2) years from the date of approval. The Planning Board can grant an extension of time for up to six (6) months.

Appeals, if any, shall be made in accordance with M.G.L. Ch. 40A Sec. 17 within twenty (20) days after this decision is filed with the Town Clerk.

ON BEHALF OF THE CONCORD PLANNING BOARD:

Elizabeth Hughes, Town Planner

Decision filed with the Office of the Town Clerk:

Kaari Mai Tari, Town Clerk

Date

I, Clerk of the Town of Concord, Massachusetts hereby certify that no notice of appeal was received during the twenty days next after receipt and recording of notice from the Planning Board of the approval of the Site Plan, or, if an appeal was taken, that a final decree has been entered by the court sustaining the approval of the Site Plan or the appeal taken has been dismissed by the court.

Kaari Mai Tari, Town Clerk

Date

DRAFT