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TOWN OF CONCORD
BOARD OF APPEALS



2020 00070999

Bk: 74651 Pg: 292 Doc: DECIS
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THE BOARD OF APPEALS CERTIFIES as follows:

Name and Address of Owner:

The Trustees ✓
269 Monument Street
Concord, MA 01742

Name and Address of Applicant:

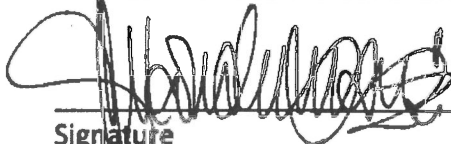
Michael Busack
The Trustees
269 Monument Street
Concord, MA 01742

Property Identification:

269 Monument Street
Concord, MA 01742
Parcel ID: 1267
D15420/347 ✓


This application filed on November 25, 2019 and all subsequent proceedings comply with the requirements of General Laws, Chapter 40A.

An appeal from this decision shall be made pursuant to General Laws, Chapter 40A, Section 17, and shall be filed within twenty (20) days after the date of filing such decision or notice thereof in the office of the Town Clerk.


Signature
On Behalf of the Zoning Board of Appeals

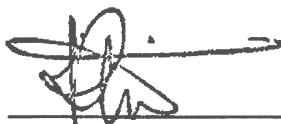

Print

I, Kaari Tari, Town Clerk for the Town of Concord, hereby certify that this is a true copy of the Board of Appeals Decision.


Kaari Tari, Town Clerk

JAN 31 2020
Date

I, Kaari Tari, Town Clerk for the Town of Concord, hereby certify that twenty (20) days have elapsed since the filing of this decision and no appeal has been filed, or, if filed, has been dismissed or denied.


Kaari Tari, Town Clerk

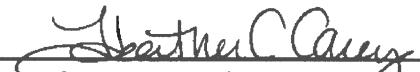
FEB 24 2020
Date

TOWN OF CONCORD

BOARD OF APPEALS

TOWN HOUSE

Please take notice that in the matter of the APPLICATION OF THE TRUSTEES for a Special Permit under Sections 4.3.1, 4.3.4, 5.4.5 and 11.6 of the Zoning Bylaw to hold large outdoor events over 50 people at 269 Monument Street (Parcel #1267), Concord, Massachusetts, the 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

1/31/20
DATE

TOWN OF CONCORD

BOARD OF APPEALS

DECISION of the Zoning Board of Appeals (the Board) on the APPLICATION OF THE TRUSTEES for a Special Permit under Sections 4.3.1, 4.3.4, 5.4.5 and 11.6 of the Zoning Bylaw to hold large outdoor events over 50 people at 269 Monument Street (Parcel #1267).

This decision is in response to an application filed on November 25, 2019. 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 December 26, 2019 and January 2, 2020, posted and mailed to the Applicant, abutters and other parties of interest as required by law, the public hearing was held on January 9, 2020.

After due consideration of the application, the record, a presentation by the Applicant, and based upon review of the issues set forth herein, the Board voted 3 to 0 (Akehurst-Moore, Kindermans, Smith) to GRANT the Special Permit based on the following findings:

The Applicant is seeking a 1-year Special Permit to hold large year-round outdoor events hosted at the Old Manse. These events include Patriots Day, Earth Day, Home Sweet Home, Riverfest, Free Fun Friday, and Winter Solstice. These events take place in the commemorative orchard and area surrounding the reconstructed foundation and support the Trustees mission of engaging visitors in the history of Concord and the Old Manse. Events are held between the hours of 10:00 am and 9:00 pm. Parking is specified by each event with a combination of on-site parking and Special Use Permits granted by the National Park Service. On-site parking is located in the existing parking area indicated as "Lot A" which can hold 20 vehicles with occasional use of an emergency lot with a capacity of 20 additional vehicles. There is no amplified sound permitted for these events.

In reaching its decision, the Board reviewed the application, plans, and supporting materials.

Pursuant to Section 4.3.1 of the Zoning Bylaw, the Board determined that educational uses are permitted in all residential zoning districts.

Pursuant to Section 4.3.4 of the Zoning Bylaw, the Board determined that a Special Permit for a philanthropic use was required in Residence A Zoning District.

Pursuant to Sections 5.4.5 of the Bylaw, the Board determined that a Special Permit was required because the events will not take place entirely within the buildings at 269 Monument Street.

Pursuant to Section 11.6, the Board finds that the adverse effects of large outdoor events with over 50 participants will not outweigh its beneficial impacts to the public interest, the Town and the neighborhood, in view of the particular characteristics of the Site, and of the proposal in relation to that Site.

11.6.1 Impacts on economic and community needs;

The Board finds the proposed large outdoor events with over 50 participants will not have a significant negative impact on economic and community needs.

11.6.2 Traffic flow and safety concerns, including parking and loading;

The Board finds that the Applicant has provided adequate options for parking for large outdoor events with over 50 participants and shall coordinate with the Town and Concord Police to address any issues with potential traffic flow and safety concerns.

11.6.3 Adequacy of utilities and other public services;

The Board finds that the proposed large outdoor events with over 50 participants will have minimal effect on utilities and other public services. Adequate temporary portable toilets are provided on-site for various events.

11.6.4 Impacts on neighborhood character;

The Board finds that the proposed large outdoor events with over 50 participants will have minimal impact on neighborhood character because the events are temporary in nature.

11.6.5 Impacts on the natural environment;

The Board finds that the proposed large outdoor events with over 50 participants will have no negative impact on the natural environment because the events are temporary in nature.

11.6.6 Fiscal impacts, including impacts on town services, the tax base and employment.

The Board finds that the proposed large outdoor events with over 50 participants will not have a significant fiscal impact on Town services, the tax base and employment. The Applicant is required to pay for the use of Police details when determined necessary by Concord Police.

The Board grants the Special Permit subject to the following conditions:

1. Approval is based on the following documents for The Trustees of Reservations for the Old Manse:
 - a. Old Manse Parking Plan dated March 26, 2019 and revised June 7, 2019.
 - b. Old Manse Special Permit Narrative dated November 21, 2019.
2. This Special Permit allows for the following special events: Patriot's Day, Earth Day, Home Sweet Home, Riverfest and Summer Solstice, Free Fun Friday, and Winter Solstice. There is no limit on the number of outdoor educational programs, such as outdoor readings, lectures or historical demonstrations, associated with the educational and historical use of the property.
3. No more than 200 people shall be on the Site at any one time for any event with the exception of Patriots Day.
4. There shall be no amplified sound permitted during events.
5. Parking for each event shall be provided as described below:

- a. Patriots Day: Parking lot is reserved for Concord Independent Battery staging and the overflow lot is closed due to proximity of cannon.
 - b. Earth Day: Parking lot is closed to the public. A detailed parking plan will be developed with Musketaquid Arts and Environment in consultation with the National Park Service before the event.
 - c. Home Sweet Home: Parking shall be located at Sargent's Field with a Special Use Permit provided by the National Park Service. Otherwise, the Old Manse shall advertise limited parking and work closely with the Town and Concord Police to set up "No Parking" areas and direct visitors to available public parking downtown.
 - d. Riverfest and Summer Solstice: Parking shall be located at Sargent's Field with a Special Use Permit provided by the National Park Service. Otherwise, the Old Manse shall advertise limited parking and work closely with the Town and Concord Police to set up "No Parking" areas and direct visitors to available public parking downtown.
 - e. Free Fun Friday: Parking is permitted in the lot A and the overflow lot as well as Sargent's Field with a Special Use Permit provided by the National Park Service. Otherwise, the Old Manse shall advertise limited parking and work closely with the Town and Concord Police to set up "No Parking" areas and direct visitors to available public parking downtown.
 - f. Winter Solstice: A detailed parking plan shall be developed by Musketaquid Arts and Environment in consultation with the Old Manse and the National Park Service before the event takes place.
6. On-site parking shall be located in Lot "A" which can hold 20 vehicles with the occasional use of an overflow lot with a capacity of 20 additional vehicles as depicted on the Old Manse Parking Plan dated March 26, 2019 and revised June 7, 2019. Use of the overflow parking area shall be limited to less than five times per year.
 7. The Applicant shall coordinate with the Police Department the details of each event and upon the determination of the Department, shall provide a police detail to ensure the safety and movement of vehicles and pedestrians in and out of the Site from Monument Street.
 8. The building facilities (i.e. restrooms, kitchen) shall not be used for any special event. Public restroom facilities shall be available for use and/or a sufficient number of portable toilets shall be provided.
 9. Prior to commencement of any event, the Applicant shall submit to the Town Planner for approval, an updated site plan amending labels for lawn, meadow, orchard, and overflow parking.

10. This Renewal is granted for a period of one (1) year and expires one (1) year from the date that this Special Permit is filed with the Town Clerk, but, upon application to the Board, may be renewed or extended.
11. Violation of any of the conditions of the Special Permit shall be grounds for revocation of the Decision, or any permit granted hereunder. If at any time the events are not in compliance with the Decision and any permit issued by the Town, the Building Commissioner may order that the events be stopped until the non-compliance is corrected.
12. By acceptance of this Special Permit, the Applicant acknowledges the binding effect of the conditions of the Decision. The Applicant shall record with the Middlesex South Registry of Deeds the Special Permit and provide a copy of the recorded decision to the Building Inspections Division.