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TOWN OF CONCORD

BOARD OF APPEALS

TOWN HOUSE

Please take notice that in the matter of the PETITION of CONCORD ACADEMY for a Special Permit, under Sections 5.4.1.3 and 11.6, to allow the use of two temporary classroom trailers from July 1998 to July 1999, for an amendment to the November 27, 1990, decision for relief from parking requirements, under sections 7.7.3.6 and 7.7.2.12, and for site plan approval at 122-228 Main Street, Concord, Massachusetts, the Board of Appeals has this day rendered a decision GRANTING said petition, 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.

Janet G Mangell
CLERK, BOARD OF APPEALS

August 24, 1998
DATE

MSD 09/30/98 02:11:41 1097 12.00

TOWN OF CONCORD**BOARD OF APPEALS**

The Petition of Concord Academy for a Special Permit, under Sections 5.4.1.3 and 11.6, to allow the use of two temporary classroom trailers from July 1998 to July 1999, for an amendment to the November 27, 1990, decision for relief from parking requirements, under sections 7.7.3.6 and 7.7.2.12, and for site plan approval at 122-228 Main Street, Concord, Massachusetts.

RECORD OF PROCEEDINGS

The Petitioner, Concord Academy, 166 Main Street, Concord, Massachusetts, filed with the Board of Appeals on April 1, 1998, a petition, copy of which is hereto annexed.

The Board determined that the following constituted the parties interested in the petition and the owners of all property affected thereby, as they appear upon the most recent tax list, viz:

| | |
|---|-------------------------------------|
| William C. & Mary P. Kaiser | Town of Concord - Parking |
| John J. E. Markham, II and Elizabeth Read | Town of Concord - Main St. Cemetery |
| Herman and Angell K. Leonard | Period Realty Trust |
| Richard H., Jr. and Maria S. Churchill | John E. & Margaret S. Soleau |
| James L. & Carol Dwyer | John E. Soleau |
| John & Diana Clymer | David Scott & Lisa S. Soleau |
| Concord Alternative Residence Inc. | John E. & Laura Wolfe Tr. |
| Paul R. Dinsmore | J. Beverly Young, Jr. Tr. |
| John Richardson & Constance Roche | Ralph E. & Lucia B. Livingston |
| W. Seymour, Jr. & Anne G. Archibald | Milldam Square Condo Association |
| Eric Parkman Smith | Theodore & Rheta D. Gunaris |
| Laura J. Nicholson | Sarah G. & Christopher U. Bull |
| Thomas F. & Julie G. Nedelka | Ruth Stevens |
| David O. & Belinda S. Dapice | James P. & Carol A. Pehl |
| Town of Concord Library | William S. Butcher |
| Concord School Dept./Emerson School | John C. & Joan K. Collins |
| Stephen & Phyllis A. Owen | April C. Gagliano |
| Patrick N. Everett | Harvey W. Spence Tr. |
| Harris D. & Ann Pickering Lang | Charles H. Ehlers Tr. |
| John K. Graham & Katherine S. Munro | Marjorie A. Moore Nault Tr. |
| Deignan Real Estate Trust | Vera Biemann Tr. |
| Town of Concord Public Works | Richard A. & Ethel H. Montague |
| Jerome E. & Mary D. Manning | Mark Jon Boldt |
| Elizabeth R. Mottur | Adele H. Shih |
| James P. DiGiovanni | John B. & Eleanor Finigan |
| Charles D. Roberts | John J. Guirleo |
| William C. & Peter W. Smith | Chester P. & Marilyn M. Lerner |

Morton & Mary E. Baker
 Ann Beckett
 Mary E. Marshall
 Edward W. & Barbara J. Bennett
 Anna H. Riep Tr.
 Richard M. & Sarah G. Cotter
 G. William Gail & Ann Paxson
 Anne G. Gallagher
 Joyce Weissman
 Helen R. Gregory Tr.
 Victoria P. Lagios
 Laurence G. Ricci, III
 James M. & Pauline M. Austin
 Vincent & Joan L. Piccolo

Henry E. Trachtman
 Shirley Weinberg Tr.
 Anne D. Siebert
 Oxford Realty Nominee Trust
 A. Ruth Eldridge
 Guy P. DiGiovanni
 Alfred C. & Elaine Jasins
 Peter J. & Karen Kilmartin
 Anna Jannsen
 Wayne D. & Marion P. Rasmussen
 Barbara C. Hurwitch
 Erik P. Fleischauer & Rosann Palermo
 Constance R. Holian
 Arthur L. & Margaret M. Stevenson

The Board set the 11th day of June, 1998 at 8:00 P.M. as the time, and the Meeting Room, 141 Keyes Road, Concord, Massachusetts, as the place of the public hearing upon said petition.

The following notice was published in the *CONCORD JOURNAL* in the issues of May 28 and June 4, 1998:

BOA HEARING 6 11
LEGAL NOTICE
BOARD OF APPEALS
TOWN OF CONCORD
141 KEYES ROAD
MEETING ROOM

The Board of Appeals will hold a public hearing on Thursday, June 11, 1998, at 8:00 P.M. in the Meeting Room, 141 Keyes Road, Concord, Massachusetts, on petitions for variances, applications for special permits or appeals from decisions of the Building Inspector. A public meeting for a work session will be held at 7:30 P.M. **INFORMATION IN SUPPORT OF EACH AGENDA ITEM MAY BE REVIEWED AT THE BOARD OF APPEALS OFFICE, 141 KEYES ROAD, MONDAY THROUGH FRIDAY, 8:30 A.M. TO 4:30 P.M.**

1. Michio Ihara to renew a special permit, under sections 5.3.6.2 and 11.6, for a home occupation at 63 Wood Street.
2. Stephen Vernil to renew a special permit, under sections 5.4.4 and 11.6, to use a portion of the premises (the farm stand) at 11 Wheeler Road to hold special events during the summer and fall.
3. James and Joyce Ricker for a special permit, under sections 7.1.4 and 11.6, to change, alter and extend an existing nonconforming structure and use at 68 Shore Drive.
4. Stanly E. Black for a special permit, under sections 7.1.4 and 11.6, to change, alter and extend an existing nonconforming structure at 17 Simon Willard Lane.
5. Neal and Vicky Kass for a special permit, under section 7.1.4 and 11.6, to change, alter and extend an existing nonconforming structure at 114 Dover Street.

- b. Malcolm Kent for a special permit, under sections 7.1.4 and 11.6, to change, extend and alter a nonconforming structure and use at 444 Monument Street.
7. New England Farms, L.P.; Spaulding Management Corporation for a special permit and site plan amendment, under sections 7.3.4.2, 7.7.3.6 and 11.6, to perform work within the Wetlands Conservancy District at 490 Virginia Road. (The Planning Board will discuss its recommendation to the Board of Appeals at its June 9th meeting.)
8. Eva Wang to amend an existing special permit and site plan approval permit to change, extend or alter an existing nonconforming structure and use on a site which has previously received relief from parking requirements, under sections 7.1.2, 7.7.2.12, 7.7.3.6 and 11.6, for a variance under sections 7.4 and 11.7, and for relief from parking and parking design requirements under sections 7.7.4.1 and 7.7.4.6 at 794 Elm Street. (The Planning Board will discuss its recommendation to the Board of Appeals at its June 9th meeting.)
9. Concord Academy for a special permit, under section 5.4.1.3 and 11.6, to allow the use of two temporary classroom trailers from July 1998 to July 1999, for an amendment to the November 27, 1990, decision for relief from parking requirements, under sections 7.7.3.6 and 7.7.2.12 and for site plan approval at 122-228 Main Street. (The Planning Board will discuss its recommendation to the Board of Appeals at its May 26th meeting.)

THE BOARD RESERVES THE RIGHT TO CONTINUE THE HEARING ON ANY ITEM THAT HAS NOT BEEN ADDRESSED BY 11:00 P.M.

By order of Board of Appeals
 Jeffrey S. Weand, Chairman

#552967
 Concord Journal, 5/28, 6/4/98

A hearing on said petition was held at the time and place above specified.

The following person appeared in support of the appeal:

PETER KILMARTIN
100 Keyes Road

The following person appeared in opposition thereto:

BELINDA DAPICE
169 Main Street

The Planning Board reported its action on the matter as follows:

See letters of May 14 and June 10, 1998.

The Board thereupon took the following action:

VOTED: To grant Concord Academy (i) a Special Permit to allow the use of two (2) temporary classroom trailers from July 1998 through July 1999 under Section 5.44.1.3 and 11.6 of the Bylaw, (ii) to amend the November 27, 1990 Special permit regarding relief from parking and parking design requirements under Section 7.7.6, 7.7.2.12 and 11.6 of the Bylaw and (iii) site plan approval for 122-228 Main Street, subject to the following conditions:

1. Applicant shall comply with the recommended revisions and additions to the parking management plan and to the conditions, limitations and restrictions on site plan approval proposed by the Planning Board in its June 10, 1998, letter to the Board of Appeals, including submission of revised plans.
2. Applicant shall continue to monitor the parking needs on the site and make recommendations to the Planning Board and Board of Appeals if more parking is required.

The members of the Board voted thereon as follows:

| | |
|--------------------|---------|
| JEFFREY S. WIEAND | GRANTED |
| PAUL F. WARE | GRANTED |
| MICHAEL E. SARDINA | GRANTED |

The Board assigns the following as the reasons for the foregoing finding, ruling and decision:

Applicant proposes to construct a 30,000-square-foot health and athletic center, swimming pool and pool house, and to refigure existing parking to provide a total of 130

parking spaces. The Board was receptive to the proposed changes, but was not convinced that the school was devoting sufficient energy to providing more parking on site consistent with the school's objectives and its desire to preserve open space. The Board is mindful of the special protection afforded to Applicant by the Dover Amendment and, after considering a number of alternatives, elected not to impose additional parking requirements on Concord Academy at this time. The application was endorsed by the Planning Board, and its recommendations are adopted by the Board of Appeals. The application was also endorsed by the Historic Districts Commission. The Board finds that the proposed relief is in harmony with the purpose and intent of the Bylaw and is not detrimental or injurious to the neighborhood.

A TRUE COPY: ATTEST

Janet G. Manzelli
Clerk, Board of Appeals

August 24, 1998
Date

Filed with Town Clerk

Concord Academy 1998

TOWN OF CONCORD
BOARD OF APPEALS

THE BOARD OF APPEALS CERTIFIES as follows:

Name and Address of Owner: Concord Academy
166 Main Street
Concord, MA 01742

Property Identification: 122 - 228 Main Street
Concord, Massachusetts
D07125-0579

This application and all subsequent proceedings comply with the requirements of General Laws, Chapter 40A, Section 1, et seq., for the issuance of variances and permits. Copies of this decision and all plans referenced to herein have been filed with the Concord Planning Board and the Concord Town Clerk.

[Handwritten Signature]
[Handwritten Signature]
[Handwritten Signature]

I, ANITA S. TEKLE, 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.

Anita S. Tekle
September 14, 1998

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.