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TOWN OF CONCORD

BOARD OF APPEALS

TOWN HOUSE

Please take notice that in the matter of the APPLICATION OF CONCORD ACADEMY for a Special Permit and Site Plan Approval for an educational use, under Sections 5.4.1.3, 6.2.11, 11.6, 11.8.7, to allow the use of temporary mobile trailers for classrooms and for relief from the height requirement of the Residence B Zoning District for the construction of a 10,500 square foot addition to the science building at 166 Main Street (Parcel # 1706), Concord, Massachusetts, the Board of Appeals has this day 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.

Andrew W Mara

Andrew Mara, Administrative Assistant
BOARD OF APPEALS

May 27, 2015
DATE

Donald Kingman
166 MAIN ST.
CONCORD, MA 01742

TOWN OF CONCORD**BOARD OF APPEALS**

DECISION of the Zoning Board of Appeals (the Board) on the application of CONCORD ACADEMY for a Special Permit and Site Plan Approval for an educational use, under Sections 5.4.1.3, 6.2.11, 11.6, 11.8.7, to allow the use of temporary mobile trailers for classrooms and for relief from the height requirement of the Residence B Zoning District for the construction of a 10,500 square foot addition to the science building at 166 Main Street, Concord, Massachusetts and identified as Assessor Parcel # 1706.

This decision is in response to an application filed on April 1, 2015. After causing notice of the time and place of the public hearing and of the subject matter thereof to be published in *The Concord Journal* on April 30th and May 7th 2015, posted and mailed to the Applicant, abutters and other parties of interest as required by law, the public hearing was conducted on May 14, 2015.

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 (Brady, Fisher, Parker) to **GRANT** approval of the Special Permit with conditions based on the following findings:

Don Kingman of Concord Academy, and Thomas D. Kearns and Brian LaBau of Dewing Schmid Kearns, appeared for the hearing and presented the Application. The proposed project is to renovate the existing Science Center and construct a 10,510 sq. ft. addition. The building is located in the center of the campus and construction vehicles will be entering the site from the eastern driveway, closest to Concord Center. No increase in students or faculty is proposed as a result of the project.

The new building will include laboratory space, classrooms, offices, mechanical rooms, student study area, elevator and accessible green roof. The project includes site improvements with the removal of existing pavement, a retaining wall with guard rail, pedestrian sidewalks, expansion of a sunken courtyard, a perimeter drain with subsurface infiltration system, relocation of fiber optics and electrical, relocation of an existing fire hydrant, extension of a sewer force main and installation of a new gas line.

The Applicant has prepared detailed landscaping plans that show the existing trees and shrubs to be removed, proposed landscaping for the new building and expanded courtyard, and a layout and materials plan for the new green roof.

To accommodate emergency vehicle access beyond the new building, the driveway needs to be expanded. This requires work within the 100-year floodplain. The Applicant is proposing 13.20 cubic feet of fill and 13.42 cu. ft. of compensatory flood storage.

The existing science classrooms are to be temporarily relocated to five modular classroom trailers that will be located on the existing tennis court to the west of the Science building. The remaining area of the tennis court will be striped to provide 44 parking spaces during construction. Town water and sewer will be extended from Main

Street to service the classrooms. Electrical power will be extended from an adjacent building.

The Board was advised by Building Commissioner John Minty that the proposed structure was actually shorter than other structures on the campus even though the height of the proposed structure was in excess of the permitted height allowed within the Residence B Zoning District. He agreed with the conditions of the Planning Board recommendation.

At the Hearing, no one spoke in opposition to or in support of the Application.

Pursuant to Section 5.4.1.3 of the Bylaw, the Board determined that a Special Permit was required for the temporary modular classrooms.

Pursuant to Section 6.2.11 of the Bylaw, the Board found that the proposed height of the new science building would be in excess of the permitted height allowed within the Residence B Zoning District, but that a literal application of this requirement would be unreasonable because there are no reasonable alternatives available and that the desired relief may be granted without substantial detriment to the neighborhood and without derogating from the intent and purpose of this Bylaw.

Pursuant to Section 11.6 of the Bylaw, the Board considered impacts on economic and community needs; traffic flow and safety concerns, including parking and loading; adequacy of utilities and other public services; impacts on neighborhood character; impacts on the natural environment; and fiscal impacts, including impacts on Town services, the tax base and employment. The Board determined that any negative impacts are negligible and finds that the adverse effects of the use of temporary mobile trailers for classrooms and relief from the height requirement for the proposed science building will not outweigh its beneficial impacts to the public interest, the Town and the neighborhood, in view of the characteristics of the site and the proposal in relation to that site.

Pursuant to Section 11.8.7 of the Bylaw, the Board made the following findings:

11.8.7.1 In reviewing the site plan submittal for religious uses, educational uses and child care 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 proposed Science building addition and expanded courtyard has been appropriately sited within the existing campus in a manner that complements the open spaces and existing buildings. The size, bulk and height of the structure are consistent with the surrounding existing buildings on the campus. The Historic Districts Commission has approved the project. The Building Commissioner has found the project is in compliance with all aspects of the Zoning Bylaw for an educational use.

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 proposed expanded driveway past the building incorporates a retaining wall with a new guardrail for vehicular safety. The project incorporates new walkway connections for safe pedestrian movement. Pedestrian movement within the site will be enhanced as pathways into and around the building will be handicap accessible. The Applicant shall coordinate with the Concord Police Department on a Site Safety Plan for construction vehicle enter and exiting the site from Main Street and pedestrian movement along Main Street.

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

There are no additional students or faculty as a result of the project so additional permanent parking spaces are not required. The Applicant is proposing 44 temporary parking spaces on the tennis court during construction. Construction worker vehicles shall park in this location and not on Main Street.

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.

Three pedestrian pole lights are proposed along the new east sidewalk and exterior lights at the new entrance, which is adequate for convenience, safety and security. The Applicant shall be required to install fixtures that are compliant with the Zoning Bylaw. Given the location of the building, this lighting will not be visible from neighboring properties.

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

1. Approval is based on the following plans prepared for Concord Academy:

Oak Consulting Group, Newburyport, MA 01950:

- a. C-000: Overall Campus/Limit of Work Plan dated April 1, 2015.
- b. C-001: Existing Conditions/Site Prep Plan dated April 1, 2015.
- c. C-002: Site Layout Plan dated April 1, 2015.
- d. C-003: Grading, Drainage & Erosion Control Plan dated April 1, 2015.
- e. C-004: Site Utilities Plan dated April 1, 2015.
- f. C-005: Erosion Control Notes dated April 1, 2015.
- g. C-006 & C-007: Site Details Sheet dated April 1, 2015.

Dewing Schmid Kearns, Concord, MA, 01742:

- h. L1.0: Landscape Site Demo and Prep Plan dated April 1, 2015.
- i. L2.0: Landscape Layout and Materials Plan dated April 1, 2015.
- j. L2.1: Landscape Green Roof Layout and Materials Plan dated April 1, 2015.
- k. L3.0: Landscape Planting and Lighting Plan dated April 1, 2015.

- l. L4.1 to L4.3: Landscape Paving, Green Roof, Stair, Stone Walls, Planting & Furnishing Details Sheets dated April 1, 2015.
 - m. Architectural Floor Plans: 5 Sheets; Basement, First Floor, Second Floor, Third Floor & Roof Plan dated April 1, 2015.
 - n. Architectural Elevations: 4 Sheets; North, South, East & West dated April 1, 2015.
2. **Prior to the commencement of any site work**, the Applicant shall revise the following Plans:
 - a. Site Preparation Plan to show all tree protection measures as depicted on the Landscape Plan.
 - b. Landscape Plan to show a dense planting or railing along the retaining wall for fall protection.
 3. **Prior to the commencement of any site work**, the Applicant shall submit to the Police Department for review and approval a Site Safety Plan for construction vehicle enter and exiting the site from Main Street and pedestrian movement along Main Street.
 4. **Prior to the commencement of any site work**, the Applicant shall stake the "Limit of Clearing" and install the erosion and sedimentation controls and coordinate with the Town Planner a pre-construction meeting with Town staff to review proposed work and approved reporting protocol. The Applicant shall provide a construction and inspection schedule two weeks before the pre-construction meeting.
 5. **Prior to the commencement of any site work**, the applicant shall provide a detailed water utility plan incorporating all Water/Sewer Division's design standards.
 6. **Prior to the commencement of any site work**, the Applicant shall submit to the Water/Sewer Division provide water impact assessment report, with attention placed on the integration of demand management and conservation options.
 7. **Prior to the issuance of a Building Permit for the Science building addition or the modular classroom trailers**, the Applicant shall provide CMLP with a detailed electrical load letter including proposed service size(s) in order to properly size the transformer(s).
 8. **Prior to the issuance of a Building Permit for the Science building addition or the modular classroom trailers**, the Applicant shall provide CMLP a digital copy of the site plans in AutoCAD format. This will allow CMLP to issue an underground primary electrical design, determine transformer locations (requested transformer locations will be helpful), splice vault locations, easement locations (where applicable), and issue an estimate for the construction cost.
 9. **Prior to issuance of the Building Permit for the Science building addition or the modular classroom trailers**, 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.

10. **Prior to issuance of the Building Permit for the Science building addition or the modular classroom trailers**, the Applicant shall provide the Health Division with a list of all hazardous materials that will be used or stored on site, including chemicals used in science laboratories, art classrooms, and janitorial supplies, including information on the quantity of each chemical that is routinely stored on site.
11. **Prior to issuance of the Building Permit for the Science building addition or the modular classroom trailers**, the Applicant shall provide a plan describing the handling, storage, containment, and disposal of hazardous science lab wastes to assure hazardous materials will not be released to the environment, including the town's sewer system. Specifically, the applicant must provide detailed schematic plumbing plans showing how science laboratory chemical wastes will be collected to ensure that chemicals are not disposed of down sink drains. The applicant may designate specific sinks to be used for chemical disposal, provided that these sinks drain to watertight holding tanks or containers. Closed receptacles may also be used for collection of hazardous chemicals. If sinks are used, plumbing schematics for sinks so designed must be provided, and the location of these sinks clearly indicated on the plans. The applicant must provide a plan indicating how sinks or other receptacles will be designated to ensure teachers and students use only these receptacles for disposal of designated hazardous laboratory chemicals.
12. **Prior to the issuance of a Building Permit for the Science building addition or the modular classroom trailers**, the Applicant shall submit to Water/Sewer Division a separate application for the Science building addition and the modular classroom trailer for water and sewer service installation work, which 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. An approved water impact assessment - which will allow for sizing of the water meter and assessment of water system connection fee.
 - d. The approved Title 5 Building Review (Form S) and associated Finding - demonstrating right to connect to the municipal sewer system.
 - e. A plumbing plan which 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.

- f. Design details for the wastewater discharge and associated industrial pretreatment system – if applicable.
 - g. A list of all hazardous materials/chemicals which are proposed to be;
 - i. discharged to the industrial pre-treatment system - prior to being released to the municipal sewer system or
 - ii. collected and disposed of via certified contractor.
13. **Prior to the issuance of a Building Permit for the Science building addition**, the Applicant shall receive an Order of Conditions, or Superseding Order of Conditions, issued under the Wetlands Protection Act and be subject to any conditions placed on the project and provide a copy of a recorded Order of Conditions, or Superseding Order of Conditions to the Building Commissioner.
 14. **Prior to the commencement of any water or sewer utility work**, the Applicant shall receive written approval from the Water/Sewer Superintendent of both water and sewer service installation applications as required in Condition #10.
 15. **Prior to issuance of a Certificate of Occupancy for the Science building addition or the modular classroom trailers**, the Health Division shall perform an inspection to verify that science facilities have been constructed in accordance with plans submitted for collection of hazardous materials.
 16. **Prior to issuance of a Certificate of Occupancy for the Science building addition or the modular classroom trailers**, the Applicant shall provide to the Health Division a copy of a contract with a firm that will collect and dispose of hazardous chemicals, indicating the quantities and types of hazardous wastes being removed from the school.
 17. **Prior to the issuance of the Certificate of Occupancy for the Science building addition or the modular classroom trailers**, the Applicant shall submit to the Water/Sewer Division for review prior to finalizing the drawing a full size record drawing (Arch D), created in accordance with Water/Sewer Division standards. Once the draft is approved a full-size (Arch D) hard copy of the record drawing along with electronic copies in the form of CAD and pdf files shall be provided.
 18. **Prior to the issuance of the Certificate of Occupancy for the Science building addition or the modular classroom trailers**, the Applicant shall enter into a Water and Sewer Service Connection Agreement with Concord Public Works for the purpose of clarifying the terms of service including ownership, operations, inspection, maintenance and future replacement provisions for related infrastructure. The agreement shall be signed by the owner, executed by the Director and recorded by the applicant with the Middlesex South Registry of Deeds.
 19. **Prior to the issuance of the Certificate of Occupancy for the Science building addition or the modular classroom trailers**, the Applicant shall receive approval from the Water/Sewer Division for the required wastewater discharge and associated industrial pretreatment system. Approval shall occur in the form of an Industrial Pretreatment Permit.

20. **Prior to the issuance of the Certificate of Occupancy for the Science building addition or the modular classroom trailers**, the Applicant shall submit to the Water/Sewer Division a Water Impact Assessment Affidavit(s) to demonstrate work was performed in accordance with the approved water impact assessment.
21. **Prior to the issuance of the Certificate of Occupancy for the Science building addition or the modular classroom trailers**, the Applicant shall submit to CMLP for review and approval all applicable easements, shall record all easements with the Middlesex South Registry of Deeds and provide copies of the recorded documents to CMLP and the Town Planner.
22. **Prior to the issuance of the Certificate of Occupancy for the Science building addition or the modular classroom trailers**, the Building Commissioner shall confirm that all lighting is consistent with the Zoning Bylaw.
23. **Prior to the issuance of the Certificate of Occupancy for the Science building addition**, the Town Planner shall verify that all plantings shown on the approved Landscape Plan have been installed. Any 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. 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.
24. **Prior to the issuance of the Certificate of Occupancy for the Science building addition**, the Town Planner shall confirm that all site work has been maintained within the "Limit of Work" as defined on the approved Limit of Work Plan. Should the Town Planner determine that work has been done outside of the "Limit of Work", the Certificate of Occupancy will be withheld until the area has been restored.
25. **Prior to the issuance of the Certificate of Occupancy for the Science building addition**, the Applicant shall submit to the Engineering and Natural Resources Divisions, CMLP and the Town Planner a hard copy and electronic (PDF) copy As-Built Plan of the site including grading, flood plain compensatory storage volume, elevations of all drainage infrastructure (i.e. inverts, rims, underground infiltration systems, etc.), driveway/parking grades, building elevations, all utilities 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. If any deviations exist, they shall be clearly shown on the plan and described in a narrative format, and the engineer shall also certify that there will be no negative down-stream impacts with respect to stormwater mitigation as a result of the deviations from the design plans. Additional stormwater calculations performed by the design engineer may be needed to demonstrate the modifications have no negative impacts down-stream. This submittal shall be provided a minimum of two weeks prior to applying for occupancy to ensure adequate review time. Additionally, to ease in review, the as-built items shall be bold while all other plan items shall be screened down to clearly depict as-built conditions.

26. **Prior to the issuance of the Certificate of Occupancy for the modular classroom trailers**, the Applicant shall install to the satisfaction of the Fire Department a radio call box.
27. **One year following the issuance of the Certificate of Occupancy for the Science building addition**, the Applicant shall submit a report to the Town Planner noting viability of the required landscaping. Any landscaping found to be dead or dying shall be replaced. Any minor modification or substitutions shall be reviewed and approved by the Town Planner prior to installation.
28. **Three years following the issuance of the Certificate of Occupancy for the Science building addition**, the Applicant shall submit a report to the Town Planner noting viability of the established landscaping. Any landscaping found to be dead or dying shall be replaced. Any minor modification or substitutions shall be reviewed and approved by the Town Planner prior to installation.
29. **At all times**, the Applicant shall comply with all requirements of Massachusetts General Laws Chapter 21c, the Massachusetts Hazardous Waste Management Act, 310 CMR 30.000: Hazardous Waste and the Concord Board of Health Regulation, *Minimum Standards for Hazardous Waste Materials Management and for the Protection of Groundwater* for any hazardous wastes generated from school science laboratories, art classrooms or other processes.
30. Violation of any of the conditions of the Special Permit and Site Plan Decision shall be grounds for revocation of the Decision, or any building or occupancy permit granted hereunder. If at any time the construction of the project is not in compliance with the Decision and the approved Plan (as modified by this decision), the Building Commissioner may order that work on the construction of the project be stopped and defer the issuance of any building permits or certificates of occupancy until the non-compliance is corrected.
31. By acceptance of this Special Permit and Site Plan Decision by the Applicant, the Applicant acknowledges the binding effect of the conditions of the Decision.

**TOWN OF CONCORD
BOARD OF APPEALS**

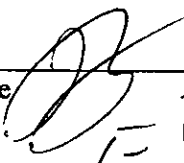
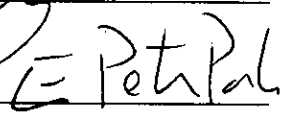

THE BOARD OF APPEALS CERTIFIES as follows:

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

Property Identification: 166 Main Street
Concord, MA 01742
7125-579

This application filed on April 1, 2015 and all subsequent proceedings comply with the requirements of General Laws, Chapter 40A, Section 1, et seq., for the issuance of this Special Permit. Copies of this decision and all plans referenced to herein have been filed with the Concord Zoning Board of Appeals and the Concord Town Clerk.

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		Print	<u>John P. Brody</u>
Signature		Print	<u>E Peter Parker</u>
Signature		Print	<u>DAVID FISHER</u>

I, Anita S. Tekle, Town Clerk for the Town of Concord, hereby do certify that this is a true copy of the Board of Appeals Decision.

	<u>MAY 27 2015</u>
Anita S. Tekle, Town Clerk	Date

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.

	<u>JUN 17 2015</u>
Anita S. Tekle, Town Clerk	Date