



2004 00181035

Bk: 43114 Pg: 106 Doc: DECIS  
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**TOWN OF CONCORD**

**BOARD OF APPEALS**

**TOWN HOUSE**

Please take notice that in the matter of the APPLICATION of DON KINGMAN for CONCORD ACADEMY, under Sections 7.2, 7.7 and 11.6, for a Special Permit to perform work in the Flood Plain Conservancy District and for relief from parking requirements at 166 Main Street, 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.

Janet G. Manzelli  
CLERK, BOARD OF APPEALS

June 1, 2004  
DATE

BK 7125 p. 579

Don Kingman  
Concord Academy  
166 Main St  
Concord, MA 01742

## TOWN OF CONCORD

### BOARD OF APPEALS

The Application of Don Kingman for Concord Academy for a Special Permit, under Sections 7.2, 7.7 and 11.6, to perform work in the Flood Plain Conservancy District and for relief from parking requirements at 166 Main Street, Concord, Massachusetts.

### RECORD OF PROCEEDINGS

The Applicant, Don Kingman for Concord Academy, 166 Main Street, Concord, Massachusetts, filed with the Board of Appeals on April 1, 2004, an application, copy of which is hereto annexed.

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

John E. Soleau	Richard A. & Ethel M. Montague
Margaret B. Soleau	Mark Jon Boldt
Diana W. Clymer	Sherman A. & Judith M. Hill
Paul R. Dinsmore	Adele H. Smith
Concord Alternative Residence Inc.	Guy P. DiGiovanni & James P. Tr
David O. & Belinda B. Dapice	John B. & Eleanor Finigan
Frank P. & Izaline Davidson	Charles D. Roberts
Town of Concord Free Public Library Corp.	John J. & Sue E. Giurleo
Period Realty Trust	Cyrus Vakili
Beverly J. Young Jr. Tr.	Barbara W. Lynch
Ralph E. & Lucia B. Livingston	Winifred B. Bush Tr
Milldam Square Condo Association	Walter R. & Denise M. Dray
Nancy W. Hendrie & Judith Jones	Henry E. Frachtman
Christopher U. & Sarah G. Bull	Ann Becket
Ruth Armknecht	Shirley Weinberg
James P. & Carol A. Pehl	Mary E. Marshall
William S. Butcher	Anne D. Siebert
Guy P. DiGiovanni	Barbara G. & Susan Bennett Tr
April C. & Guido Gagliano Tr	Carolyn S. Davies
Harvey W. Spence Tr	Anthony J. & Sharon L. Connors
John M. Ehlers Tr	Rowland GH & Hedvig V. Sturges
Brian W. & M. Burch T. Ford	Richard M. & Sarah G. Cotter
Edward L. York II	Anne G. Gallagher
Vera Biemann Tr	Alfred C. & Elaine Jasins
Peter J. & Karen Kilmartin	Joyce Weissman
Frank M. Abrano Tr	Helen R. Gregory Tr
Wayne D. & Marion F. Rasmussen	Mary Rose Grace
Barbara C. Hurwitch	Steve G. & Sara SW Blegstad

Eric P. & Rosann P. Fleischauer  
Constance R. Holian  
Vernon K. Olson  
David S. & Lisa B. Soleau

James M. & Pauline M. Austin  
Henry T. & Anne J. Ash Tr  
Concord Land Conservation Trust

The Board set the 13<sup>th</sup> day of May, 2004 at 8:20 P.M. as the time, and the Meeting Room, 141 Keyes Road, Concord, Massachusetts, as the place of the public hearing upon said application.

The following notice was published in *THE CONCORD JOURNAL* in the issues of April 29 and May 6, 2004, and a copy of said notice was sent by mail to each of the aforementioned parties in interest and property owners.

<p>ZBA/166 MAIN ST.  <b>LEGAL NOTICE</b>  <b>Board of Appeals</b>  <b>Public Hearing</b></p> <p>A public hearing of the Concord Zoning Board of Appeals will be held on Thursday, May 13, 2004, in the Meeting Room, 141 Keyes Road, Concord, Massachusetts, at 8:20 P.M. on an application by Don Kingman for Concord Academy for a Special Permit, under Sections 7.2, 7.7 and 11.6, to perform work in the Flood Plain Conservancy District and for relief from parking requirements at 166 Main Street. (The Planning Board will discuss its recommendation to the Board of Appeals at its meeting on May 11, 2004, at 141 Keyes Road.)</p> <p>AD#495575  Concord Journal 4/29, 5/6/04</p>
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A hearing on said application was held at the time and place above specified.

The following persons appeared in support of the appeal:

NONE

The following persons appeared in opposition thereto:

BELINDA DAPICE  
169 Main Street

MARGARET SOLEAU  
238 Main Street

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

See letter of May 12, 2004.

The Board thereupon took the following action:

VOTED: To grant Special Permits and Site Plan Approval to Don Kingman for Concord Academy, under Sections 7.2, 7.7 and 11.6, to expand the chapel, at 166 Main Street, as shown on the set of plans entitled, "Chapel Addition C-1 and C-2," dated April 6, 2004 and revised on May 18, 2004, prepared by Judith Nitsch Engineering, Inc., subject to the following conditions:

1. Prior to the issuance of a building permit, Concord Academy shall provide to the Planning Division for review and approval, two sets of a revised engineering site plan showing the extension of the silt fencing to the west, delineating the construction entrance, staging areas and material storage.
2. Prior to the issuance of a final certificate of occupancy, Concord Academy shall submit to the Building Commissioner and the Planning Division as-built drawings and a plot plan showing all structures, paving and utilities. This information shall be provided to the Engineering Department in AutoCAD 1 or better.
3. All landscaping shown on the plan shall be maintained in a healthy state, unless found diseased or dying, in which case it shall be replaced in kind.
4. Concord Academy shall implement and/or follow all conditions specified in any Order of Conditions issued by the Natural Resources Commission.
5. This decision hereby incorporates, and the Special Permits are subject to, the May 12, 2004 Planning Report by the Town of Concord Planning Board.
6. Concord Academy shall not rent the chapel while school is in session, when summer camp is in operation or when any other event is occurring on campus and rental shall be limited to a capacity not to exceed 200 guests.

The members of the Board voted thereon as follows:

BOUZHA S. COOKMAN	GRANTED
MICHAEL E. SARDINA	GRANTED
BRUCE MUELLER	GRANTED

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

There was some concern about parking expressed by residents who attended the hearing. The Board took the position that since the purpose of the chapel expansion is to accommodate the existing student population of Concord Academy for an already existing use, the existing parking management plan for Concord Academy is sufficient for the

purposes of this decision. Further, the location of the proposed chapel expansion is in a lawn and play area, so there will be no impact on the convenience and safety of vehicular movement within the site or the location of the driveway openings. The parking issue is further controlled by the Special Permit and Site Plan Approval restriction that Concord Academy shall not rent the chapel while school is in session, when summer camp is in operation or when any other event is occurring on campus, and by the 200-guest limitation for all rentals.

The Board found that this application is in harmony with the purpose and intent of the Zoning Bylaws and is not detrimental or injurious to the neighborhood in which it is to take place.

A TRUE COPY: ATTEST

Janet G. Mangelli  
Clerk, Board of Appeals

June 1, 2004  
Date

Filed with Town Clerk

Kingman – Concord Academy

**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, 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.

REGISTRY OF DEEDS  
SOUTHERN DISTRICT  
ATTEST:

*[Signature]*  
REGISTER

*[Signature]*  
*[Signature]*  
*[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*  
\_\_\_\_\_  
JUN 22 2004

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.

Forms: Sig. pg.