



**ZONING BOARD OF APPEALS
TOWN OF CONCORD
Meeting Minutes
September 9, 2021**

Pursuant to notice duly filed with the Town Clerk, a virtual public meeting of the Board of Appeals was held on Thursday, September 9, 2021, at 7:00 p.m. using the Zoom meeting platform.

Meeting ID: 834 8450 4688 Meeting Password: 987866

PRESENT:

Members:

Elizabeth Akehurst-Moore
Ravi Faiia
Theo Kindermans
James Smith, Chair
Thomas Swaim

Elizabeth Hughes, Town Planner
Ray Matte, Building Commissioner
Heather Carey, Admin Assistant

Chair Smith called the meeting to order at 7:00 p.m.

Voting Members: Elizabeth Akehurst-Moore, Theo Kindermans, James Smith

Public Hearings:

Greg Adams, 96 Conant St LLC, for a Special Permit under Sections 7.1.3, 7.1.5, and 11.6 of the Zoning Bylaw to demolish the existing 1,058 sq. ft. dwelling and construct a new 2,873 sq. ft. dwelling that is over 50% larger than the existing gross floor area on a non-conforming lot at 96 Conant Street (Parcel #2261).

Chair Smith opened the public hearing and reviewed the application. Richard Harrington appeared for the hearing and explained that this lot is surrounded by lots that meet the required 10,000 sq. ft. of area. He noted that there have been three other houses in the neighborhood that have been approved to go over the 50% allowed by right. He presented a document showing houses in the immediate area that have received Special Permits along with their Gross Floor Area and Floor Area Ratio calculations and other relevant information. Mr. Kindermans stated that he walked the site and asked how far over the 50% allowed were the other houses on the street that received a Special Permit. Mr. Harrington presented calculations of the GFA for surrounding houses and reviewed a map comparing abutting plot plans from 2015 and 2021 and how the house sizes have increased over that time.

Chair Smith opened the hearing for public comment.

Cynthia Katz of 20 Conant Street stated that she hoped that the Board would uphold the Zoning Bylaws.

Jonathan Smith of 66 Upland Road wanted to know how the GFA was calculated and noted that the worksheet submitted with the application did not provide the necessary calculations. Building Commissioner Matte stated that the form was not filled out, but the calculations are clearly noted on the submitted floor plan. He explained how the GFA is calculated. Chair Smith explained the difference between the GFA and FAR calculations.

Ms. Akehurst-Moore stated that she didn't believe the proposed house is substantially more detrimental than the existing and noted how the FAR bylaw seems to be working because applicants are not trying to exceed the allowable amount.

Mr. Faiia agreed and stated that this is a small lot, and they are proposing to build right to the edge, but at this time, it is not a big house for the neighborhood. Chair Smith stated that it would be difficult to make a finding that a larger house is not in keeping with the neighborhood. He noted the number of conforming lots and how that would change the neighborhood over time. Mr. Kindermans agreed that it was in keeping with the neighborhood.

Ms. Akehurst-Moore moved to approve the application of Greg Adams, 96 Conant St LLC, for a Special Permit under Sections 7.1.3, 7.1.5, and 11.6 of the Zoning Bylaw to demolish the existing 1,058 sq. ft. dwelling and construct a new 2,873 sq. ft. dwelling that is over 50% larger than the existing gross floor area on a non-conforming lot at 96 Conant Street (Parcel #2261) subject to the findings under Zoning Bylaws 7.1.3 and 11.6. Mr. Kindermans seconded the motion. The motion passed (3-0) by a roll call vote.

Documents Used: Applicant presentation

Symes Development & Permitting, LLC, for a Special Permit under Sections 7.5 and 11.6 of the Zoning Bylaw for the construction of a Definitive Subdivision requiring the removal of 60,690 c.y. of earth at 146B & 1442 Main Street, 110 & 11B Highland Street (Parcels #2407, 2408, 2409, 2409-).

Chair Smith opened the public hearing and reviewed the application. He explained that the Public Hearing had been closed and the Town Planner had drafted a Decision that had been reviewed by Town Counsel for review by the Board. He noted that he had made some edits that had been sent to the Board for review. Ms. Akehurst-Moore questioned the findings in Section 11.6.2 relating to the traffic mitigation measures. The Board discussed various aspects of the proposal and agreed the findings were acceptable as written. Chair Smith suggested further edits to the wording in Section 7.5.3.3 related to the hillside sound barrier and the Board's site visit.

Ms. Akehurst-Moore moved to adopt the decision as amended to deny the application of Symes Development & Permitting, LLC, for a Special Permit under Sections 7.5 and 11.6 of the Zoning Bylaw for the construction of a Definitive Subdivision requiring the removal of 60,690 c.y. of earth at 146B & 1442 Main Street, 110 & 11B Highland Street (Parcels #2407, 2408, 2409, 2409-1). Mr. Kindermans seconded the motion. The motion passed (3-0) by a roll call vote.

Documents Used: Draft Special Permit Decision

Concord Housing Authority, for a Special Permit and Site Plan Review under Sections 10, 11.6 and 11.8 of the Zoning Bylaw for a 2-unit Planned Residential Development at 365 Commonwealth Avenue (Parcel #2156).

Chair Smith opened the public hearing and reviewed the application and noted that the applicant had asked to continue the application without discussion to the October 14, 2021 meeting.

Mr. Kindermans moved to continue the application of Concord Housing Authority, for a Special Permit and Site Plan Review under Sections 10, 11.6 and 11.8 of the Zoning Bylaw for a 2-unit Planned Residential Development at 365 Commonwealth Avenue (Parcel #2156) to the October 14, 2021 meeting at 7:00pm. Ms. Akehurst-Moore seconded the motion. The motion passed (3-0) by a roll call vote.

Documents Used: None

Steven Ferrey, for a Special Permit under Sections 7.1.3 and 11.6 of the Zoning Bylaw to construct a 208 sq. ft. addition on the existing 1,339 sq. ft. non-conforming dwelling on a non-conforming lot at 35 Seymour Street (Parcel #3255).

Chair Smith opened the public hearing and reviewed the application. Mr. Ferrey appeared for the hearing and explained that the house has a non-conforming front setback and lot area. He explained that they would like to construct an addition within the footprint of the existing house by enclosing the existing front porch to make a stairway leading to the attic space, raising the roof height, and changing the roof pitch to accommodate more standing room. Mr. Ferrey explained that he had gone before the White Pond Advisory Committee who had recommended gutters and a dry well to mitigate water runoff from the house but through follow up conversations with them, the White Pond Advisory Committee had agreed these measures may not be feasible and suggested explaining the situation to the Board for their consideration.

Chair Smith opened the hearing for public comment and there was none.

Mr. Kindermans stated that the addition was appropriate and in keeping with the neighborhood. Mr. Smith that the significant part of the presentation was that the addition does not increase the existing non-conformity. Ms. Akehurst-Moore agreed.

Mr. Kindermans moved to approve the application of Steven Ferrey, for a Special Permit under Sections 7.1.3 and 11.6 of the Zoning Bylaw to construct a 208 sq. ft. addition on the existing 1,339 sq. ft. non-conforming dwelling on a non-conforming lot at 35 Seymour Street (Parcel #3255). Ms. Akehurst-Moore seconded the motion. The motion passed (3-0) by a roll call vote.

Documents Used: Floor Plans, Elevations

Frederique and Adam Begin, for a Special Permit under Sections 4.2.2.2 and 11.6 of the Zoning Bylaw for a 576 sq. ft. additional dwelling unit at 31 Fern Street (Parcel #3379).

Chair Smith opened the public hearing and reviewed the application. Frederique and Adam Begin appeared for the hearing. Ms. Begin explained that they had received a Special Permit from the Board a few years ago to construct the apartment and are now requesting to add a kitchenette making it an additional dwelling unit. Chair Smith asked to review the new requirements of Zoning Bylaw 4.2.2.2. Building Commissioner reviewed the requirements noting that the project meets those requirements except for the lot area and side setbacks which are non-conforming. Town Planner Hughes noted that the Board would have to find that the additional dwelling unit on this reduce sized lot would not be substantially more detrimental to the neighborhood.

Chair Smith opened the hearing for public comment and there was none.

Mr. Kindermans moved to approve the application of Frederique and Adam Begin, for a Special Permit under Sections 4.2.2.2 and 11.6 of the Zoning Bylaw for a 576 sq. ft. additional dwelling unit at 31 Fern Street (Parcel #3379) noting the findings that the additional dwelling unit is not substantially more detrimental to the neighborhood, does not increase the non-conformity, and does not derogate from the intent of the Bylaw. Ms. Akehurst-Moore seconded the motion. The motion passed (3-0) by a roll call vote.

Documents Used: Floor plan

There being no further business, the meeting was adjourned at 8:12 p.m.

Respectfully submitted,

Theo Kindermans, Clerk