

Town of Concord
 Zoning Board of Appeals
 141 Keyes Road
 Concord, MA 01742
 Tel: (978) 318-3293
 www.concordma.gov



Zoning Board of Appeals Application

General Application

Town Use Only

Received by Clerk of the Board:

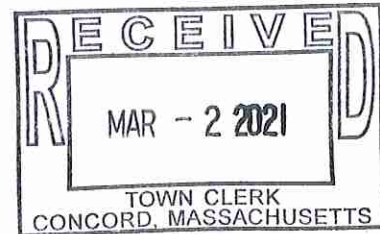
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MAR - 2 2021

PLANNING & LAND MGT
 TOWN OF CONCORD, MA

Application Fee: _____

Town Clerk Stamped Received



Hearing Date: _____

1 Application Information

This Application is for: Special Permit Special Permit Renewal Variance
 Sign Variance Appeal from a decision of the Building Inspector/Zoning Enforcement Officer

Sections of the Zoning Bylaw Applicable to Application & Brief Project Description:

7.5 Earth Removal; 11.6 Special Permit

Project is for the construction of a Definitive Subdivision, which will require the removal of approx.

48,090 cubic yards of fine gravel/sand and 12,600 cu. yds. of topsoil loam; exceeds Max 1,000 c.y. threshold.

2 Property Information

Address: 146B & 1442 Main St.; 110 & 11B Highland	Parcel ID #: 2407,2408,2409 & 2409-1
Zoning District: Residence C	Total Land Area: 347,300+/- sf
Present Use: Residential	Lot Frontage: 130.04' Main St; 81.93' Highland
Proposed Use: Residential	Deed Book & Page #: Bk 51940 Pg 64

Check all Applicable:

- | | |
|-------------------------------------------------------------------|----------------------------------------------------|
| <input type="checkbox"/> Historic District | <input type="checkbox"/> White Pond Advisory Area |
| <input checked="" type="checkbox"/> Wetlands Conservancy District | <input type="checkbox"/> Wireless Overlay District |
| <input type="checkbox"/> Flood Plain Conservancy District | <input type="checkbox"/> 100' Wetland Buffer Zone |
| <input type="checkbox"/> Groundwater Conservancy District | <input type="checkbox"/> 200' River's Act Area |

3 Building Inspections Division Review

To avoid project delays, this Application and all supporting documentation should be reviewed by a Concord Building Inspector prior to filing with the Town Clerk. It is the Applicant's responsibility to schedule an appointment to meet with a Building Inspector at least two weeks before the application submission deadline. Incomplete applications will not be signed by a Building Inspector.

This completed Application has been reviewed by a Concord Building Inspector.

Signature of Building Inspector: *Ray Motta*

Date: 2/26/21

4 Property Owner/Applicant Information

The undersigned hereby certifies that he/she has read and examined this application, the Board of Appeals Procedures and Checklist and that the proposed project is accurately represented in this Application and supporting documentation, and hereby requests a hearing before the Board of Appeals with reference to the above application.

Property Owner(s) Name: Faye Erhard Hayes

Address: P.O. Box 1262, Concord, MA

Phone: (987) 369-3803

E-Mail: fayeerhard@aol.com

Signature: J Rhuda, Manager and as
duly authorized

Date: 2/10/21

Property Owner(s) Name:

Address:

Phone:

E-Mail:

Signature:

Date:

Applicant(s) Name: Symes Development & Permitting, LLC, Attn: Jeffrey Rhuda, Manager

Address: 50 Dodge Street, Beverly, MA 01915

Phone: (978) 815-0129

E-Mail: jrhuda@symesassociates.com

Signature: J Rhuda, Manager

Date: 2/10/21

Applicant is: Owner Tenant Agent/Attorney Purchaser

Applicant(s) Name:

Address:

Phone:

E-Mail:

Signature:

Date:

Applicant is: Owner Tenant Agent/Attorney Purchaser



Center & Main | 7.5 Earth Removal

Project Narrative

Date: February 26, 2021

Scope

This application is for the removal of earth necessary to construct a definitive subdivision, including the removal in connection with the excavation and grading necessary for the construction of each dwelling.

The land will be used for residential single-family dwellings as shown on the definitive subdivision plans. The restriction to this principal land use, is that no more than one single-family dwelling unit shall be located upon a lot. Therefore, the construction of ways is necessary to provide additional frontage for each dwelling unit constructed.

Each lot will be configured to meet the dimensional regulations of the Concord Zoning Bylaw, consisting of minimum lot area, lot frontage, lot width, yard requirements, building height and floor/area ratio requirements.

Applicability

The Applicant has submitted a written application to the Board for a special permit to remove in excess of one thousand (1,000) cubic yards of earth and the plans therefor.

The finished grade and treatment of the site after completion of the proposed excavation are provided. When compared to the existing features, soil characteristics and topography shown, the result is the minimum practical removal in excess of 1,000 cubic yards, which is subject to board approval per Bylaw Section 7.5.3.

Zoning Compliance Generally

Location

The property is located within the Residence C zoning district and has frontage along two public ways. The frontage along Main Street and Highland Street is sufficient to provide for the two existing dwelling lots (Lot A & D) and a Subdivision Street (Road A). The frontage along the configured ways (Road A & B) will be sufficient to provide for the sixteen (16) subdivision lots (1-16). A portion of the site is also located within the Wetlands Conservancy along the back northeast property boundary.

Subdivision Layout

The constructed ways will have 50.04 feet of frontage on Main Street and 64,876 square feet of land area. Right-of-way width will be fifty (50) feet to provide for installation of public utilities. The finished horizontal and vertical alignment will provide safe visibility and suitable access to each lot from the public way.

The traveled way will be constructed at least (20) twenty feet wide, with a paved surface over gravel base. Provisions for drainage will be provided per the State stormwater management policy and enhanced local storm water regulations. Each permanent dead-end street will have a cul-de-sac turnaround with a minimum right-of-way diameter of one-hundred-fifty (150) feet.

Each configured subdivision lot (1-16) on which a new single-family dwelling will be constructed will have a minimum of 10,000 square feet of land area and a minimum of 80 feet of frontage along Road A or Road B. Greater than five-thousand (5,000 sf) of land area outside of the Wetlands Conservancy District will be provided within Lot 7, Lot 10 & Lot 11 along the back northeast property boundary.

The subdivision regulations prohibit the vertical alignment of each street from following the existing surface gradients in their entirety, due to the existing steep changes in topography.

Frontage Lots

The two existing ANR lots (Lot A & D) will receive a reduction in area of land (Lot A1 & D1). This excess area will be utilized within the adjoining subdivision lots.

Lot A1 on which a new single-family dwelling will be constructed will have 12,569 square feet of land area and maintain 81.93 feet of frontage on Highland Street.

Lot D1 on which a new single-family dwelling will also be constructed will have 10,330 square feet of land area and maintain 80.00 feet of frontage on Main Street.

Lot A1 will be served by a private onsite septic system, since town sewer policies currently limit the number of building connections to three (3). The Applicant, at this time, has designated ANR Lots (D1, E & F) for connection to town sewer.

Finish Grade Characteristics

The applicant will remove the two existing dwellings in order to construct the ways per the interim roadway shoulder grades shown on the Street Topographic Plan. The construction of the ways will include installation of the utilities and storm drainage located within the easements on select lots.

In unison with the construction of the ways to pavement binder, the applicant will also rough grade each lot, in proximity to finish grade, per the Site Topographic Plan. This will complete the bulk of the removal from the lots and provide dwelling pad sites prior to application for a building permit.

Following the issuance of a building permit for each lot, the applicant will construct a single-family dwelling, including a garage and a paved driveway for adequate off-street parking. Each dwelling will be served by municipal water, an individual private onsite septic system, and a roof drywell when designated on the plan therefor.

Beginning at Main Street, in order to achieve pavement binder, the removal per the street gradients of the volume above Main Street, near the dwellings to be razed, is necessary for the street gradients to slope downward from the back of the sidewalk to match the existing grades within the turnaround area 22 feet lower than Main Street.

Beginning at each lot frontage, minimal removal is still necessary following the completion of the interim roadway shoulder grading along pavement to binder. The grade of the lots (1-4 & 13-16) still climbs significantly – 20-30 feet from the proposed street gradient along the lot frontage to the rear lot line. A more significant factor is the grade climb upward within the building envelope – 10-14 feet within which a residence could be built in a manner which complies with all land use requirements.

Existing Grade Characteristics

Beginning at the sidewalk along Main Street, the existing grade (south to north) gradually slopes upward – climbing 14 feet above Main Street at the dwellings, then the grade drops down significantly – to 22 feet below Main Street at the interior bottom of slope down behind the dwellings; the grade then continues gradually downward – dropping to 32 feet below Main Street at the edge of the isolated wetland at rear property boundary. Offsite grade climbs up steeply – to 18 feet below Main Street at the surface of the abutting commuter rail lines.

Beginning at the common driveway along Highland Street, the existing driveway (east to west) also gradually slopes upward – climbing 14 feet above Highland at the dwellings, then the grade is level across the front lawn and woods over to the fenced property boundary with Center Village. Center Village is also 14 feet above Highland Street and Main Street.

Compliance with Zoning Bylaw Section 7.5.3

7.5.3.1 The volume proposed for removal does not exceed the minimum practical removal required to accomplish the construction, development, or improvement in accordance with the plans therefor.

Construction of Ways - Street Topographic Plan

- The maximum permitted centerline street grade (Sheet 3 & 4) in the zoning district will be utilized to provide the minimum practical removal across the entire Roadway Cross Section (Sheet 3).
- The minimum pavement width acceptable to the Planning Board (Sheet 3) will be installed to minimize the displaced volume beneath binder course of pavement.
- The minimum grass shoulder width (Sheet 3) and maximum slope of the shoulder grades acceptable to the Planning Board within the Roadway Cross Section (Sheet 3) will provide the minimal practical removal between the curb and each lot frontage. This area is reserved for snow storage windrows, installation of underground utilities, and planting of street trees.
- The earth cover (Sheets 3, 4 & 5) and minimum dimensions associated with the drainage system acceptable per the Planning Board Decision will be provided.

Construction of Dwellings (Cut) - Site Topographic Plan

- The dwellings will be constructed close to the minimum front yard and side yard setbacks (Sheet 7) as applicable to minimize earth removal within rear yard area.
- The septic tank, leaching area and roof drywell will be constructed close to the minimum setbacks to the dwelling foundation as applicable (Sheet 7).
- The highest finish grade along the lot frontage will be selected for the driveway curb cut (Sheet 3 & 4). This will allow for the highest garage floor (Sheet 6).
- The top of dwelling foundation finish grade (Sheet 6) will be raised to provide a garage under finish grade when feasible. This will minimize the practical removal of earth within the dwelling footprint and setback areas on the lot.
- The maximum permissible cover of earth over each gravity septic system will be utilized per State Environmental Code at time of Building Permit Application.
- Private landscape feature walls will be incorporated to maintain volume.

7.5.3.2 The plans submitted in connection with the removal are designed to minimize changes in existing contours to enhance attractive land utilization, effective drainage, suitable road gradients, access or other design considerations.

Construction of Ways – Street Topographic Plan

- Based upon the Planning Board Decision, the plans are designed to provide sufficient width, suitable grades and adequate construction to accommodate the vehicular traffic anticipated by reason of the proposed use of the land served thereby and for the installation of municipal services to serve such land and the buildings to be erected thereon.
- The change is minimized within the roadway (cut area) prior to the cul-de-sac turnarounds (Sheets 3, 4 & 5) by designing the maximum suitable finish road gradients possible per the land use regulations recognized within Bylaw.
- The change is minimized within each turnaround by designing the underground storm drainage system (Sheets 3, 4, & 5) slightly above the minimum offset to groundwater per the storm water regulations and by providing the minimum cover over the chamber system per the manufacturer specifications.
- The change in existing contours will not adversely affect properties outside the subdivision (Cross-section - Sheet 9).

Construction of Dwellings

- The change is minimized with the lots requiring earth removal by designing the components (Sheet 6 & 7) with the maximum amount of cover permissible.
- The change is minimized with the lots requiring placement of earth (fill) by designing the components with the minimum amount of breakout grading and cover requirements permissible (Sheets 6 & 7) per the land use regulations.
- The rear yard area depths within lots along the westerly boundary (Lot 1, 2 & 3) have been increased (Sheets 2 & 7) to enhance land utilization adjacent to abutting structures.
- The change in existing contours will not adversely affect properties outside the subdivision (Cross-Sections - Sheets 9 & 12).

7.5.3.3 Effecting the removal will not be detrimental or injurious to abutters or the neighborhood, either by the alteration of existing topography or by a substantial change in the use of the streets in the neighborhood.

Construction of Ways - Alteration of Existing Topography

- Neighborhood - Effecting the removal will not be detrimental or injurious to the neighborhood because there will be a buffer setback more than one-hundred (100) feet from Main Street sidewalk and 50-feet from Highland Street, to the limit of interim roadway shoulder grading (Sheets 3 & 5).
- #1472 Main Street - Effecting the removal will not be detrimental or injurious to this westerly direct abutter on Main Street because there will be a buffer setback more than (20) feet from abutter’s rear boundary to limit of grading (Sheet 5).
- (#16, 20 & 22) Center Village Drive - Effecting the removal will not be detrimental or injurious to this abutting triplex because there will be a buffer setback more than one-hundred (100) feet from the 6’-high fence, directly behind this building, to the limit of interim roadway shoulder grading (Sheets 3 & 5).
- (#28, 30 & 32) Center Village Drive - Effecting the removal will also not be detrimental or injurious to this second abutting triplex because there will be a buffer setback more than eight (8) feet from the 6’-high fence directly adjacent to the closest corner of this building (pivoted away from the site) to the limit of interim roadway shoulder grading (Sheets 3 & 5).
- Public way - Applicant will restrict the areas on Lots E & F during removal as a further safety measure for turning radius.

Construction of Ways - Unsubstantial change in the use of the streets

- Based upon the traffic counts and testimony from the traffic consultants there will not be a substantial change in the use of the streets during removal.

Construction of Dwellings - Alteration of Existing Topography

- Neighborhood - The removal associated with the dwellings is limited on the property to within only 50% of the lots.

<u>Lots</u>	<u>Earth Removal</u>	<u>Location</u>
1-4	Cut (25% of lots)	Abutting Center Village
5-12	Fill (50% of lots)	Abutting rear boundary
13-16	Cut (25% of lots)	Interior redevelopment

- #1472 Main Street - The removal on Lot 1, will not be detrimental or injurious to the abutter's rear yard retaining wall.
- (#16, 20 & 22) Center Village Drive - The removal on Lot 3, will not be detrimental or injurious to this abutting triplex because there will be a buffer setback more than ten (10) feet from the top of cut slope to the 6'-high fence (Sheets 6 & 7).
- (#28, 30 & 32) Center Village Drive - The removal on Lot 4, will also not be detrimental or injurious to this second abutting triplex or its rear yard retaining wall because there will be a buffer setback more than eight (8) feet from the top of cut slope to the 6'-high fence (Sheets 6 & 7).
- Slope stabilization will be provided by erosion control matting (Sheet 13).
- A slope area landscape plan prepared by a registered landscape architect relative to the finished grade and enhanced treatment of vegetation along the westerly property boundary will be implemented. This is in proximity to the abutting Center Village structures and is associated with the alteration for the dwellings only on Lots 1, 2, 3 & 4 only, and is not associated with the construction of ways.
- A Trucking Plan with additional safeguards provided by the applicant in writing to the board, will provided additional safeguards to protect the abutters and neighborhood, including the treatment of the site during operations to reduce dust and mud.
- The Planning Board Decision will also provide additional conditions to ensure protection of the abutters and neighborhood.
- As viewed from Main Street and Highland Street, the removal areas will be screened by the dwellings to be constructed within the frontage lots.

Narrative_r1 (WS 2.26.21).docx