



TOWN OF CONCORD

Planning Board

141 Keyes Road, Concord, MA 01742

(978) 318-3290

SITE PLAN DECISION

MIDDLESEX SCHOOL FACULTY HOUSING

1400 LOWELL ROAD – OFF PRATT LANE

DECISION of the Planning Board on the application of Middlesex School (Applicant) for Site Plan Review for property located on the east side of Lowell Road at the intersection of Lowell Road and Westford Road and addressed as 1400 Lowell Road. The property is identified as Assessor Map 3F, Parcel 1533.

This decision is in response to an application filed on December 20, 2021. After causing notice of the time and place of the public hearing and of the subject matter thereof to be published on January 13, 2022, posted and mailed to the Applicant and abutters, a public hearing was conducted on January 25th and February 8, 2022.

After due consideration of the application, the record, the Town Planner's reports dated January 20, 2022, comments from other Town Departments and the public, presentations by the Applicant and based upon review of the issues set forth herein, the Planning Board voted ____ to 0 to **GRANT** approval of the Site Plan on February 8, 2022 with conditions.

The School is proposing to construct 4 units of faculty housing in two duplex buildings on the north end of the campus off of Pratt Lane, behind the existing faculty housing. Each unit is 1,485 s.f. with 3 bedrooms. Other related site improvements include new parking areas and driveway, pedestrian walkways, stormwater management infrastructure, utilities, and landscaped areas. Each unit will have a small exclusive use area in front of the unit that is enclosed with a 4 to 6-foot fence. At the southern end will be a section of 8-foot fence to screen the yards from the adjacent playing field, which is at a higher elevation. The Applicant states that there will be no increase in students or faculty because of the project. Existing faculty that is living off campus will be relocated on-campus.

The Planning Board reviewed and made the following findings pursuant the Zoning Bylaw Section 11.8.7:

11.8.7: Site Plan Review for religious uses, educational uses and child care facilities

11.8.7 Site Plan Review for religious uses, educational uses and childcare facilities: The purpose of this section is to ensure that all religious and education uses, and all childcare facilities are reasonably regulated in regards to bulk and height of structures and determining yard sizes, lot area, setbacks, open space, parking and building coverage requirements. The Planning Board has the authority to place reasonable conditions on the aforementioned issues, but are not permitted to withhold approval of Site Plan Review

11.8.7.1 In reviewing the site plan submittal for religious uses, educational uses and childcare 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 project has been appropriately sited within the existing campus in a manner that complements the open spaces and existing buildings. The Building Commissioner recommends a condition of approval requiring verification following the framing of each building that the structures are in compliance with the 35-foot height limit. The structures meet the required 40-foot setback from Lowell Road; however, the Town Planner notes that there is the potential to impact existing trees within that setback area and a Tree Protection Permit will be required.

In a memo dated January 13, 2022, the Water & Sewer Division does not have any issues or concerns with the proposed project and recommends standard conditions of approval regarding water service connections and water conservation.

- (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 housing will utilize the existing Pratt Lane driveway from Lowell Road and interior site driveways on the campus through an existing gravel parking lot to access the proposed faculty housing. The layout of the parking areas and walkways for the new housing is adequate for convenience and safety for vehicular and pedestrian movement within the site. There are no other regulations for the handicapped, minor or the elderly.

The Community Safety Officer does not have any significant issues or concerns with the proposed project but recommends that there is appropriate fencing and other safety precautions in place during construction.

- (c) *Adequacy of the arrangement of parking and loading spaces in relation to the proposed uses of the premises.*

The project provides two parking spaces adjacent to each unit, which is adequate in relation to the proposed residential use. In response to Planning Board comments, the Applicant has agreed to combine the parking spaces for the two middle units to allow for a larger green space between the third and fourth unit, make plowing and maintenance of the grass area. The Applicant has provided a sketch of the gravel parking lot striping to show how tenants of the units will travel safely through the parking lot to the units.

- (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.*

The Applicant has provided lighting cut-sheets for the proposed exterior building lighting on the units, which is in compliance with the Lighting Bylaw and is adequate for convenience, safety and security within the site and for protection of neighboring properties, roadways and the night sky. The Building Inspections Division shall ensure compliance prior to the issuance of a Certificate of Occupancy.

(e) Protection of adjoining premises against seriously detrimental uses by provision for surface water drainage, sound and sight buffers, and preservation of light and air.

The Public Works Engineer has reviewed the revised stormwater drainage report and plans and does not have any issues or concerns and recommends standard conditions of approval. The front yard setback area along Lowell Road is an existing wooded area that will provide a buffer and help screen the buildings. The proposed project is located within the campus and will have no impact on adjoining premises. The project includes the installation of sections of 6 and 8-foot fencing around the exclusive use areas for each unit to help provide screening to the adjacent parking lot and existing playing fields. Additional landscaping is proposed around the fencing.

(f) Adequacy of the methods of disposal of refuse and other wastes resulting from the uses permitted on the site.

The Public Health Division notes that the proposed project (4 units containing a total of 12 bedrooms) would generate 1,320 gpd of wastewater, using Title 5 design flows. Wastewater will be sent to the school's wastewater treatment plant. Middlesex School is currently served by a wastewater treatment plant which has a NPDES surface water discharge permit (NPDES Permit MA 0102466) for discharge of treated wastewater directly to Spencer Brook. The NPDES permit is administered and enforced by MA DEP. As such, the Board of Health has no regulatory authority to allow or disallow new wastewater flows to the treatment plant; these approvals or any changes to the NPDES permit must be issued by MA DEP. If MA DEP will not allow new wastewater flows to the treatment plant, the Applicant will need to design and install a Title 5 compliant septic system to accommodate wastewater flows from the new homes. It is recommended that prior to any site work and issuance of a building permit, the Applicant shall obtain any necessary approvals and/or NPDES permit modifications from MA DEP to allow new wastewater flows to the treatment plant. If approval is not granted by MA DEP, the Applicant shall submit to the Health Division for review and approval a Title 5 compliant septic system to accommodate wastewater flows from the new homes.

Trash disposal for the 4 units will be incorporated into the School's current waste management schedule.

(g) Adequacy of fire protection measures

Given the time and distance it takes the Fire Department to get to the School, the Deputy Fire Chief recommends a monitored fire alarm system in the units, and installation of a Knox box on the buildings in a mutually agreeable location with keys for both units. This would allow the Fire Department to gain access to both units for safety reasons should an alarm be triggered in one of the units. Additionally, the Fire Department requires the Applicant to submit a 241 Construction Fire Safety Plan and a site-specific COVID-19 Safety Plan, in accordance with Massachusetts guidelines.

The CMLP Engineering Division does not have any issues or concerns with the proposed project and recommends standard conditions of approval.

(h) Incorporation of sustainability and resiliency principles into the site design that result in a plan that is responsive to the environment and actively contributes to the development of a more sustainable community

The Applicant states that the proposed project incorporates sustainability by reducing the amount of vehicle trips currently required for by the faculty members that will be living in these units, as well as the incorporation of construction methods to increase the energy efficiency of the dwellings. Additionally, all stormwater drainage has been designed to infiltrate in the project area. The Sustainability Director supports the use of all electric utilities and encourages the Applicant to evaluate potential opportunities to enhance the building envelope through measures such as insulation and air sealing to ensure optimal sizing of HVAC equipment and efficient use of energy appliances. In response to the Planning Board, the Applicant will provide electric outlets for electric vehicle charging on the fence adjacent to each unit's parking area.

The Planning Board grants Site Plan Approval subject to the findings above and the following recommended conditions of approval:

1. Approval is based on the following plans prepared for Middlesex School:
Nitsch Engineering, 2 Center Place, #430, Boston, MA 02108:
 - a) Sheet C000; Civil Notes, Legend & Abbreviations dated February 8, 2022
 - b) Sheet C100; Erosion & Sedimentation Control Plan dated February 8, 2022
 - c) Sheet C2000; Site Layout dated February 8, 2022
 - d) Sheet C300; Site Layout & Utility Plan dated February 8, 2022
 - e) Sheet C400; Erosion & Sedimentation Control Details dated February 8, 2022
 - f) Sheet C401 to C403; Civil Details dated February 8, 2022
 - g) Sheet C402; Planting Details dated February 8, 2022
 - h) Plot Plan with Building Height Calculation dated 1-26-2022CBT Architects, 110 Canal Street, Boston, MA 02114:
 - i) Sheet A101 & A102: Duplex Floor Plans dated 4-30-2021
 - j) Sheet A201 & A202: Duplex Elevations dated 4-30-2021
 - k) Sheet A300: Building Sections dated 12-3-2021
 - l) Sheet A701: Finish Plan dated 4-30-2021
2. **Prior to the commencement of any site work**, the Applicant shall submit to the Town Planner for distribution to Town Departments for review and approval a Construction Safety and Sequencing Plan for the site. The plan shall include the location of construction trailers, dumpsters and porta-potties, construction material delivery and laydown areas, location of construction employee parking areas, locations where construction vehicles will enter and exit the site, soil stockpile areas and safety protection measures and fencing employed to protect the movement of vehicles through the gravel parking lot. The plan shall be developed for all phases required during construction.

3. **Prior to the commencement of any site work**, the Applicant shall install the erosion and sedimentation controls and coordinate through the Town Planner a pre-construction meeting with Town staff to review proposed work and safety fencing and protocols shown on the Construction Safety and Sequencing Plan. Following the meeting, the Applicant shall install all required safety fencing and protocols to the satisfaction of the Fire Department.
4. **Prior to commencement of any site work**, the Applicant shall meet with Water/Sewer Division to review the proposed scope of water utility work and sufficiently demonstrate that:
 - a. Water service infrastructure can be designed and constructed in accordance with the Water/Sewer Division's design and construction standards including water quality issues that may result from the proposed services being at the furthest location of the campus water system loop, and
 - b. Water demands can be minimized via demand management tools that may be codified in a water use impact report (conservation plan) and Water Customer Data Sheet.
5. **Prior to the commencement of any site work or issuance of a Building Permit**, the Applicant shall record with the Middlesex South Registry of Deeds the Site Plan Decision and provide a copy of the recorded decision to the Building Inspections Division.
6. **Prior to the commencement of any site work or issuance of a Building Permit**, the Applicant shall submit to the Town Planner for review and approval a revised Plan set showing the parking spaces between Unit 2 and Unit 3 combined. Once approved, the revised Plan set shall be provided to the Building Inspections Division.
7. **Prior to back-filling infiltration units**, the applicant shall request and have CPW-Engineering conduct an inspection to verify that the installation of all infiltration units was conducted in a manner consistent with the approved plans. Per CPW Design and Construction Standard 2.2.3.E.5 and Standard 3 of the Massachusetts Stormwater Handbook soils information from test pits within the footprint of all proposed Stormwater management facilities shall be documented. Soils information shall include but not be limited to soil descriptions, depth to seasonal high groundwater, depth to bedrock, and percolations rates. Soils information shall be based on deep holes and percolation tests logged by a Massachusetts Registered Soil Evaluator and witnessed by CPW Engineering.
8. **Prior to issuance of a Building Permit**, the Applicant shall submit to the Water/Sewer Division for review and approval, an application for the proposed water service installation. The application shall include the following:
 - a. Identification of a Water/Sewer Division licensed "drain layer" who will be responsible for water installation activities.
 - b. Two full size copies of the approved water utility plan. (Note: separate applications must be provided for each individual building proposed to be served by Town water/sewer.)
 - c. For each separate building proposed to be served by Town water, a plumbing plan 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.
 - d. An approved water use impact report and conservation plan or Water Customer Data Sheet which will determine sizing of the water meter and water system connection fee.
9. **Prior to the issuance of a Building Permit**, the Applicant shall provide to the Health Division documentation that the Applicant has notified MA DEP of this project and has obtained any necessary approvals and/or NPDES permit modifications from MA DEP to allow new wastewater flows to the treatment plant. If approval is not granted by MA DEP, the Applicant shall submit to the Health Division for review and approval a Title 5 compliant septic system to accommodate wastewater flows from the new homes.
10. **Prior to the issuance of a Building Permit**, the Applicant shall provide CMLP with a detailed electrical load letter including proposed service sizes to the proposed units.
11. **Prior to the issuance of a Building Permit**, the Applicant shall provide CMLP with a digital copy of the site plans in AutoCAD format. This will allow CMLP to issue an electric and Town fiber communication design and issue an estimate for CMLP's portion of the construction costs.
12. **Prior to the issuance of a Building Permit**, the Applicant shall contact CMLP Engineering to set up a site meeting with the site supervisor, electrical contractor and excavator company (if applicable) to review the proposed project.
13. **Prior to the issuance of a Building Permit**, the Applicant shall contact the Town of Concord Electrical Inspector to review specifications and requirements. As the Middlesex School campus is primary metered, each unit or location will require a disconnect on the outside of the dwelling in lieu of a meter socket. It should be noted that the individual underground electric services are owned and maintained by the property owner(s) and will require approval from the Town of Concord Electrical Inspector.
14. **Prior to the issuance of a Building Permit**, the Applicant shall submit to the Planning Division a Tree Protection and Removal Permit for review and approval.
15. **After each structure is set and prior to any electrical or plumbing tie-in**, the Applicant shall provide to the Building Inspections Division for review and approval a certified as-built structure ridge height plan. If the structures are over 35 feet, the Applicant shall be required to make structural modifications to bring the height into conformance.
16. **Prior to the issuance of each Certificate of Occupancy**, the Applicant shall install in a mutually agreeable location with the Fire Department a Knox box on each building with keys for both units.
17. **Prior to the issuance of each Certificate of Occupancy**, the Applicant shall install to the satisfaction of the Fire Department smoke and carbon dioxide detection that is capable of being monitored and reported to Central Dispatch.
18. **Prior to the issuance of each Certificate of Occupancy**, the Building Inspections Division shall confirm that all exterior lighting is consistent with the approved lighting and in compliance with the Zoning Bylaw.

19. **Prior to the issuance of each Certificate of Occupancy**, the Applicant shall install to the satisfaction of the Fire Department smoke and carbon dioxide detection that is capable of being monitored and reported to Central Dispatch
20. **Prior to the issuance of each Certificate of Occupancy**, the Applicant shall submit an as-built plan to CPW Engineering, CMLP Engineering, Building Inspections and the Town Planner of the site including grading, elevations of all drainage infrastructure (i.e. inverts, rims), driveway/parking grades, pavement, pavement marking, signage, utilities, structures, building elevations, 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 and certify that there will be no negative impacts as a result of those deviations. This submittal should be provided a minimum of two weeks prior to applying for occupancy to ensure adequate review time. One hard copy and one electronic copy, in the form of both AutoCAD and PDF Files, shall be provided to CPW-Engineering. Additionally, to ease in review, the as built items shall be bold while all other plan items shall be screened down.
21. **Prior to the issuance of each Certificate of Occupancy**, the Applicant shall submit to the Water/Sewer Division a full-size record drawing (Arch D), created in accordance with Division standards, for review prior to finalizing the drawing. Once the draft is approved, the Applicant shall submit to the Water/Sewer Division a full-size (Arch D) hard copy of the final record drawing along with electronic copies in the form of CAD and pdf files.
22. **Prior to the issuance of each Certificate of Occupancy**, the Applicant shall furnish to the Water/Sewer Division Water Demand Minimization Affidavit(s) to demonstrate work was performed in accordance with the approved demand mitigation measures.
23. **Prior to the issuance of the Final Certificate of Occupancy**, the Town Planner shall verify that all plantings shown on the approved Landscape Plan have been installed. Any proposed 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. In such case, 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.

Violation of any of the conditions of the Site Plan Decision shall be grounds for revocation of the Site Plan Approval, or any building or occupancy permit granted hereunder. If at any time the construction of the project is not in compliance with the Site Plan Decision and the approved Plan (as modified by this decision), the Planning Board may order that work on the construction of the project be stopped and request the Building Commissioner defer the issuance of any building permits or certificates of occupancy until the non-compliance is corrected. In case of any violation of the continuing obligations of the Site Plan Decision, the Town will notify the owner of such violation and give the owner reasonable time, not to exceed thirty (30) days, to cure the violation and to enforce the conditions of the Site Plan Decision. The Town may enforce compliance with the conditions of the Site Plan Decision by any action of injunctive relief before any court of competent jurisdiction.

By acceptance of this Site Plan Decision by the Applicant, the Applicant acknowledges the binding effect of the conditions of the Site Plan Decision.

Site Plan approval shall lapse if construction has not commenced within two (2) years from the date of approval. The Planning Board can grant an extension of time for up to six (6) months.

Appeals, if any, shall be made in accordance with M.G.L. Ch. 40A Sec. 17 within twenty (20) days after this decision is filed with the Town Clerk.

ON BEHALF OF THE CONCORD PLANNING BOARD:

Elizabeth Hughes, Town Planner

Decision filed with the Office of the Town Clerk:

Kaari Mai Tari, Town Clerk

Date

I, Clerk of the Town of Concord, Massachusetts, hereby certify that the notice of approval of this Site Plan by the Concord Planning Board has been received and recorded at this office and no appeal was received during the twenty days next after such receipt and recording of said notice.

Kaari Mai Tari, Town Clerk

Date

cc: Building Inspections, Health, CMLP, Police, Fire, CPW Engineering, CPW Water/Sewer
Middlesex School
Nitsch Engineering
File Copy