



# TOWN OF CONCORD

## Planning Division

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### MEMORANDUM

To: Board of Appeals members  
From: Elizabeth Hughes, Town Planner  
Delia Kaye, Natural Resources Director  
Date: January 5, 2023  
Re: **48Y Fitchburg Turnpike PRD – Project Benefits**

The Board requested that the Town Planner and the Natural Resources Director provide a memo with our opinion on the benefits of the proposed Planned Residential Development at 48Y Fitchburg Turnpike compared to a standard subdivision.

The proposed PRD includes the following benefits:

1. fossil-fuel free development with an EV charging station in each garage
2. mix in the size and type of dwelling units (4 single family dwellings and one duplex)
3. Placement of 9.5 acres of land into a conservation restriction, which restricts development and tree removal over a majority of the site, beyond the area that is protected under the Wetlands Protection Act and Concord Wetlands Bylaw. This allows for the preservation and protection of the wooded upland for wildlife and as a buffer to the wetlands. Placement of a CR allows for the annual monitoring of this sensitive area by the Town and enforcement of CR provisions
4. modifying the location of the dwellings to have less impact on the ridge
5. extensive invasive species removal
6. significant revegetation and planting plan. The proposed plan proposes to restore through grading and revegetation approximately 297,456 s.f. of the PRD (43%) and incorporates approximately 149 shade trees, 56 evergreen trees, and 578 evergreen & deciduous shrubs. The total landscape planting area (trees, shrubs, native grasses and seed mix) inside the wetland buffer zone is approximately 11,975 s.f. and outside the wetland buffer zone is 35,968 s.f. This will provide significant additional wildlife habitat.

For a standard subdivision, the Planning Board would not have the authority to:

1. prohibit an extension of gas service to the lots. The Subdivision Rules & Regulations only specify the layout and construction of utilities.
2. have any input on the location, size or mix of dwelling units. The Subdivision Rules & Regulations only specify the layout and construction of the roadway.

3. minimize tree removal on the lots. Because of the size and depth of the lots, the Tree Protection Bylaw would only provide protection to a few trees within the 15-foot side setback between the proposed lots. Mitigation for the removal of trees on the ridge outside of the setbacks would not be required.
4. require more than 34 trees be planted along the roadway. The Subdivision Rules & Regulations specify that one street tree is required to be planted every 50 ft. along the roadway.

A question has also been raised as to how the proposed project serves the purposes of a PRD pursuant to Section 10.1 of the Zoning Bylaw. While Section 10.1 provides the general purposes of a PRD, the requirements carrying out those purposes are contained in the remainder of Section 10. Accordingly, a project that meets all of the specific requirements of Section 10 would be in compliance with the requirements for a PRD. No separate analysis of purpose as a general concept is required.

There has also been a question as to whether the PRD provisions of the Zoning Bylaw require the applicant to provide greater density than that established under Section 10.2.2.1. They do not. Section 10.2.2.1 (emphasis added) provides that the basic density of the PRD “shall not **exceed** the number of units obtained by applying” the calculation in that section. It thus sets a *maximum* density, not a minimum density. The proposed development, which would include six units, would not exceed the required density.