

TOWN OF CONCORD  
BOARD OF APPEALS  
TOWN HOUSE

SEP 26 1991

PLEASE TAKE NOTICE that in the matter of the Petition of CONCORD ART ASSOCIATION for a Special Permit under Sections 7.1.2, 7.7.2.12, 7.7.3, 7.6 and 11.6 for an addition to a non-conforming structure in the Groundwater Conservancy District, for Relief from Parking Requirements and Site Plan approval at 37 Lexington Road, the Board of Appeals has this day rendered a decision GRANTING said petition, 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 Mass. General Laws, and shall be filed within twenty days after the date of this notice.

Myrtle B. Lang  
Clerk, Board of Appeals

TOWN OF CONCORD  
BOARD OF APPEALS

The PETITION of CONCORD ART ASSOCIATION for a Special Permit for an addition to a non-conforming structure in the Groundwater Conservancy District, for relief from Parking Requirements and Site Plan approval under Sections 7.1.2, 7.7.2.12, 7.7.3, 76. and 11.6 at 37 Lexington Road.

RECORD OF PROCEEDINGS

The Petitioner CONCORD ART ASSOCIATION of 37 Lexington Road, filed with the Board of Appeals on July 30, 1991, a petition, copy of which is hereto annexed.

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

Allen W. Blankinship  
Charles W. Dee, Jr.  
Howard M. Jr. & Patricia L. Crow  
Michael J. Henchman  
Robert E. & Joelle C. Birkett  
Gertrude G. Donovan  
Matthew A. & Robin D. McGrath  
Arch. of Boston  
Derek E. & Mary B. Till  
Frank J. Langley  
Jill E. & Kenneth D. Ryan  
Mark M. Jr. & Jocelyn Walter  
Daniel Brand  
Peter R. & Sarah R. Blum  
Charles A. S. & Beverly D. Heinle  
Philip R. & Josephine M. Connell  
Deignan Real Estate Trust  
Barbara Keizer  
T/C  
First Parish Unitarian  
James H. Bride, II  
Wayne H. & Beverly H. Miller  
Robert A. & Patricia E. Kane  
Helen H. Hays

The Board set the 11th day of September, 1991, at 8:00 o'clock P.M. as the time, and the Selectmen's Room, Town House, Concord, Massachusetts, as the place of the public hearing upon said petition.

The following notice was published in the CONCORD JOURNAL in the issues of August 22 & 29, 1991 and a copy of said notice was sent by mail to each of the aforementioned parties in interest and property owners.

BOARD OF APPEALS  
TOWN OF CONCORD  
SELECTMEN'S ROOM

September 11, 1991

The Board of Appeals will hold a public hearing on Wednesday, September 11, 1991 at 8:00 P.M. in the evening at the Town House, Selectmen's Room, on petitions for variances of the Zoning Bylaws and/or applications for special permits as follows: (a public meeting for a work session will be held at 7:30 P.M.) INFORMATION IN SUPPORT OF EACH AGENDA ITEM MAY BE REVIEWED AT THE BOARD OF APPEALS' OFFICE, 133 KEYES ROAD.

1. Ian S. Gillespie for a renewal of a special permit for a Home occupation under Section 5.3.6 and 11.6 to use a portion of the premises as an office for a development management company at 222 Walden Street.
2. Michael J. Rudd for a renewal of a special permit for a Home Occupation under Sections 5.3.6 and 11.6 to use a portion of the premises as an office for an acoustics business at 575 Barretts Mill Road.
3. Concord Museum for a special permit under Sections 5.4.4 and 11.6 to hold an Open House/ Family Festival etc. Thursday, September 12; Friday, September 20; Saturday, September 21; and Sunday September 22 at 200 Lexington Road.
4. Camp Thoreau, Inc. by Todd A. Pulis for a special permit under Sections 4.1.6, 7.7 and 11.6 to continue the operation for a Day Camp Sailing program and Site Plan Approval at Lot 485 Seymour Street.
5. Concord Art Association for a special permit for an addition to a non-conforming structure in the Ground Water Conservancy District for Relief from Parking Requirements and Site Plan Approval under Sections 7.1.2, 7.7.2.12, 7.7.3, 7.6 and 11.6 at 37 Lexington Road.
6. Dexter and Julia Wang for a special permit for a non-conforming structure for an extension to the garage under Sections 7.1.2, 6.1 and 11.6 at 828 ORNAC.
7. Patrick S. & Patricia A. Navarro for a variance under Section 11.7 to waive frontage requirements per Planning Board Rules & Regulations 3.3.1 at 62 Old Mill Road.
8. Rosemary Nicholson for a Special Permit for a non-conforming structure for a third dwelling unit under Sections 7.1.2, 4.2.2.1 and 11.6 at 46 Sudbury Road.
9. Wayside Development Trust by Leo Bertolami for an amendment to a special permit dated 8/31/90 and amended 2/10/91 to move the existing free standing sign back towards the building 10 feet and to alter the existing berm to a straight line from property line to property line, and restructuring it so that it is 1 foot high by 2 feet wide, consisting of packed trap rock to prevent creating a curb cut at 666 Cambridge Turnpike.
10. Hall's Christmas Tree Farms, Inc. for a renewal of special permit for retail sales of Christmas Trees, wreaths etc. and the temporary use of a trailer as sales office and dwelling from November 16, 1991 to December 24, 1991 at 50 Beharrell Street.

A hearing  
above specified.

The following

SUSAN

held at the time and place  
in support of the petition.  
Concord Art Association

THE BOARD RESERVES THE RIGHT TO CONTINUE THE HEARING OF ANY AGENDA ITEM THAT HAS NOT BEEN ADDRESSED BY 11:00 P.M.

BY ORDER OF  
BOARD OF APPEALS  
GERALD C. VIGNERON  
Chairman

The following persons appeared in opposition thereto:

NONE

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

See memo of Planning Board dated August 5, 1991

See memo of NRC dated August 5, 1991

The Board thereupon took the following action:

VOTED: To grant a Special Permit to the Petitioner CONCORD ART ASSOCIATION for an addition to a non-conforming structure in the Groundwater Conservancy District, for relief from parking requirements and site plan approval at 37 Lexington Road.

The members of the Board voted thereon as follows:

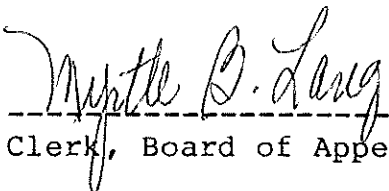
JOHN D. HOLLYWOOD	GRANTED
JEFFREY S. WIEAND	GRANTED
KEVIN J. FEENEY	GRANTED

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

Applicant requests a special permit under Section 7.1.2 for an addition to a non-conforming structure at 37 Lexington Road, relief from parking requirements under Section 7.7.2.12 and site plan approval under Section 7.7.3. The site is in the Groundwater Conservancy District.

The Board concurs with the Planning Board that the project is in compliance with Section 7.6 (Groundwater Conservancy District). The Board finds that the proposed addition is not substantially more detrimental or injurious to the neighborhood than the existing nonconforming structure and that the proposed use is in harmony with the purpose and intent of the Bylaw. Accordingly, the Board grants a special permit to applicant, site plan approval under Section 7.7.3.6 and relief from parking requirements under Section 7.7.2.12, provided that the special permit shall lapse if construction is not commenced within two (2) years from the date hereof.

A TRUE COPY: ATTEST

  
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Clerk, Board of Appeals

SEP 26 1991

Filed with Town Clerk

33-37

TOWN OF CONCORD

BOARD OF APPEALS

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THE BOARD OF APPEALS certifies as follows:

Name and Address of Owner: CONCORD ART ASSOCIATION  
37 LEXINGTON ROAD  
CONCORD, MA. 01742

Property Identification: Recorded in the Middlesex County South  
Registry of Deeds in Book  
at Page

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.

*[Handwritten signatures]*  
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*[Handwritten signature]*  
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*[Handwritten signature]*  
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I, NANCY R. CRONIN, 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.

*Nancy R. Cronin*  
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*October 18, 1991*  
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(Date)

Any appeal from this decision shall be made pursuant to General Laws, Chapter 40A, Section 17, and shall be filed with twenty (20) days after the date of filing such decision or notice thereof in the office of the Town Clerk.



**TOWN OF CONCORD  
PLANNING BOARD**

133 KEYES ROAD, CONCORD, MASSACHUSETTS 01742 (508) 371-6260

September 11, 1991

Mr. Gerald Vigneron, Chairman  
Concord Board of Appeals  
Concord, MA 01742

Re: Petition of Concord Art Association under Sections 7.1.2, 7.6, 7.7.2.12, 7.7.3 and 11.6 to extend a non-conforming use in a Residential Zone with relief from parking requirements and Site Plan Approval on land located within the Groundwater Conservancy District at 37 Lexington Road

Dear Mr. Vigneron:

At its regular meeting held on Tuesday, September 10, 1991 the Planning Board voted to amend and adopt the enclosed report recommending that the Board grant relief from parking requirements and Site Plan Approval; and find that the plan complies with the requirements of the Groundwater Conservancy District.

Very truly yours,

*Marcia Rasmussen*

Marcia Rasmussen  
Planner

Attachment

cc: Susan Armstrong, President, Concord Art Association  
Angela Mason-Blinn, Designer  
Alan H. Edmond, Town Manager  
Alfred J. Lima, Director, Planning and Land Management  
Richard Ryan, Chief, Fire Dept.  
Carl Johnson, Chief, Police Dept.  
Hal Storrs, Director, Public Works  
Brad Nyhan, Building Inspector  
Dan Monahan, Coordinator, Natural Resources  
Richard Sproul, Asst. Supt., CMLP

CARL09/#19

PLANNING BOARD REPORT

Adopted September 10, 1991

Site Plan #91-9  
Concord Art Association

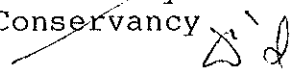
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GENERAL INFORMATION:

Applicant/Owner: Susan R. Armstrong, President  
Concord Art Association (CAA)  
37 Lexington Road  
Concord, MA 01742

Requested Action: Recommendation to the Board of Appeals re: construction of a 24' x 24' building addition which will expand a non-conforming, pre-existing use in a Residential zone on property located within the Groundwater Conservancy District, and site plan approval with relief from parking requirements under Zoning Bylaw Sections 7.1.2, 7.6, 7.7.2.12, 7.7.3 and 11.6. Planning Board waiver of site plan requirements is also requested.

Location: This property is located within the American Mile Historic District on Lexington Road near Concord Center and opposite the First Parish Church (Assessor's Map #H-7, Parcel No. 15).

Zoning: Residence C, land entirely within the Groundwater Conservancy District. 

Lot Size: 21,780 s.f. (0.5 acres).

Existing Land Use: Art gallery; established in 1922.

Surrounding Land Use and Zoning: Developed residential and cemetery use to the northwest, developed residential use to the northeast and southeast, and developed religious use (First Parish Church) to the southwest; all within Residence C.

Physical Characteristics: Approximately 13% of the site is currently covered by buildings and pavement. Approximately 50% of the site is naturally vegetated because of an extremely steep hill (35 - 40% slope).



Soils in this area are "Hinckley loamy sand" characterized by loose porous sand and gravel with low moisture holding capacity. Groundwater elevation is approximately 10 - 20 ft. below the surface.

Utilities:

Telephone and town water, electric and sewer is provided from Lexington Road.

Method of heating is unknown; storage tank for heating fuel is not located.

Existing Conditions:

The CAA is currently located in a former residence built circa 1750. The building footprint covers 2554 s.f. and contains a gross floor area of 3210 s.f. gallery space and residential space.

An asphalt driveway next to the building provides parking for one car. Two asphalt sidewalks are located from the sidewalk to the front door and a side entrance.

Behind the building a 6 - 8 ft. high stone retaining wall is located at the foot of the hill which provides space for a small sculpture area.

Proposed Development:

The CAA proposes to add a 24 ft. x 24 ft., one-story addition to the rear of the existing ell (see attached site plan and building elevation) to improve workshop space, renovate office space and provide handicapped access to the lower floor gallery and lavatory.

The only proposed site improvement will be a wheelchair accessible walkway from the street to the new addition.

Parking Needs and Requested Relief:

The CAA maintains that the number of visitors will not increase due to the proposed expansion and that on-street parking will continue to provide a satisfactory solution. The CAA requests relief from parking requirements for 16 parking spaces.

The Building Inspector has determined that for purposes of parking requirements the gallery compares to other "philanthropic" uses which require 1 space per 250 s.f. of gross floor area. Therefore, given 3000 s.f. of existing gallery

space, 12 spaces are currently required and 3 additional spaces will be required with the proposed expansion. Additionally, the residential use requires 2 spaces. A total of 17 parking spaces are needed for this site.

Only 1 parking space is currently provided on site. The size and location of the existing building and the steep slope behind the building make it very difficult to provide additional parking spaces without dramatically changing the residential character of this historic neighborhood.

The CAA has been located at this site since 1922 (prior to zoning) and is a pre-existing, non-conforming use. According to the submittal, on-street parking has been adequate and there have been no problems. The number of visitors varies according to the theme and length of the shows and programs provided (no range of the number of visitors was submitted).

The identified uses for the building expansion and limited site work are to provide barrier-free access (first floor only), adequate workshop space and improved office space for the curator. Additionally, the CAA submitted a written agreement with The First Parish Church, 20 Lexington Road, to use its parking lot when available.

A written agreement for the use of parking facilities strengthens the request for relief from parking requirements. However, the factors outlined above provide sufficient reason that relief may be granted.

Groundwater Conservancy District (GCD):

Section 7.6.4.13 prohibits the permanent removal of earth, sand, and gravel closer than 4 ft. above the high water table in the GCD. The CAA proposes to construct the addition as "slab-on-grade" supported by a 4 ft. deep frost wall. This type of construction was determined to have no effect on groundwater resources during review of the New England Deaconess project.

Section 7.6.5 Site Design Requirements requires that no more than 25 percent of the lot area be covered with impervious materials (building and pavement) and that at least 50 percent of the lot area be retained in its natural state. The existing and proposed impervious surfaces total approximately 4110 s.f. or 18.8% of the half-acre site, well within the 25%. The steep naturally vegetated slope will not be disturbed during construction and encompasses approximately 50% of the site.

Therefore, this plan meets the requirements of the Groundwater Conservancy District.

Site Plan Approval and Requested Waiver of Site Plan Requirements:

The applicant has submitted a certified plot plan to the Board of Appeals which shows the above-ground facilities and dimensions. A handicapped accessible walkway are the only site features to be added; no additional parking can be provided on-site because of the steep slope at the rear of the lot. The certified plot plan provides sufficient information to determine the general location of the walkway and information submitted at the Board's meeting outlining the width of walk, surface material, details of construction and landscaping at the edge of the walk provides needed supporting information. The Planning Board accepted the plot plan and supporting information and voted to waive the site plan requirements. The provision of handicapped access to this facility is a worthwhile goal and is supported.

RECOMMENDATION:

The Planning Board recommends that the Board of Appeals grant Site Plan Approval under Section 7.7.3 in connection with the application to extend a non-conforming use in a Residential Zone; relief from parking requirements under Section 7.7.2.12; and a finding that the proposal complies with the requirements of Section 7.6 Groundwater Conservancy District.

MAR/gc

Attachments

CARL09/#16