

TOWN OF CONCORD

BOARD OF APPEALS

TOWN HOUSE

Please take notice that in the matter of the PETITION of CONCORD HOUSING TRUST, INC., under Sections 10 and 11.6, with a PRD proposal for Site Development and Use of Land on the Baker Avenue and Gifford Lane cul-de-sacs, Concord, Massachusetts, 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 the Massachusetts General Laws, and shall be filed within 20 days after the date of this notice.

Janet G Mangell
CLERK, BOARD OF APPEALS

March 12, 2004
DATE



Bk: 43298 Pg: 66 Doc: DECIS
Page: 1 of 8 07/15/2004 03:00 PM

PLEASE RETURN TO:
COMMONWEALTH LAND TITLE INS. CO.
77 FRANKLIN STREET 6th FLOOR
BOSTON, MA 02110

TOWN OF CONCORD

BOARD OF APPEALS

The Petition of Concord Housing Trust, Inc., under Sections 10 and 11.6, with a PRD proposal for Site Development and Use on the land on Baker Avenue and Gifford Lane, Concord, Massachusetts.

RECORD OF PROCEEDINGS

The Petitioner, Concord Housing Trust, Inc., c/o Peter B. Farrow, 69 Pleasant Street, Concord, Massachusetts, filed with the Board of Appeals on January 2, 2004, 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:

Commonwealth of Massachusetts, DPW
Thomas & Nancy Conway
Joseph & Jennifer Conroy
Charles & Kerin Deedy Green
Yan Zhu & Qian Xiu Qi
Thomas Doe & Mary Walch
Damon & Penelope Scarano
Herman & Laura Purutyan
David C. Wright
Eric & Isabelle Schnadig
Neil & Cheryl Akusis
Janice & Liu Tsung-Jung Yu
George & Kathleen Xenakis
Frank & Janet Verny
John & Arlene Howard
Bruce Gurall & Travis Snell
Concord Elks Club Inc.
Concord Office Realty Trust
North Arrowhead Baker Inc.
Concord Realty LLC

The Board set the 12th day of February, 2004, at 8:15 P.M. as the time, and the Meeting Room, 141 Keyes Road, 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 January 29 and February 5, 2004, and a copy of said notice was sent by mail to each of the aforementioned parties in interest and property owners:

ZBA/14A BAKER AVE. LEGAL NOTICE Board of Appeals Public Hearing
A public hearing of the Concord Zoning Board of Appeals will be held on Thursday, February 12, 2004, in the Meeting Room, 141 Keyes Road, Concord, Massachusetts, at 8:15 P.M. on an application by Concord Housing Trust, under Sections 10 and 11.6, for a Special Permit to construct a Planned Residential Development at 14A Baker Avenue. (The Planning Board will discuss its recommendation to the Board of Appeals at its meeting on January 27, 2004 at 141 Keyes Road.)
AD#424462 Concord Journal 1/29, 2/5/04

A hearing on said petition was held at the time and place above specified.

The following persons appeared in support of the appeal:

ALBERT RAND
55 Allen Farm Lane

JOHN & ARLENE HOWARD
77 Gifford Lane

STEPHEN BADER
7 River Street

HOWARD H. GREEN
73 Allen Farm Lane

TRAVIS SNELL
1884 Concord Turnpike

PAUL WHITE
7 Gifford Lane

DAVID C. WRIGHT
20 Gifford Lane

THOMAS H. CONWAY
188 Baker Avenue

GEORGE XENAKIS
55 Gifford Lane

SUSAN QIAN
122 Baker Avenue

NANCY A. CONWAY
138 Baker Avenue

The following persons appeared in opposition thereto:

NONE

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

See letter of recommendation dated February 11, 2004.

The Board thereupon took the following action:

VOTED: To grant a Special Permit to Concord Housing Trust, Inc. to construct and use one market-rate single family home, and one affordable and six low-income homes in three structures, a triplex and two duplexes, pursuant to Section 10 of the Concord Zoning Bylaw, all in accordance with the list of plans and specifications contained in the materials submitted with the application and entitled "Baker Homes – Concord Housing Trust," dated December 30, 2003, and the Proposed Site Plan, dated January 30, 2004. Furthermore, that this Special Permit be granted subject to the conditions set forth in the Planning Board's letter of recommendations dated February 11, 2004 and with the proviso that the duplex structure on Baker Avenue cul-de-sac may be of either design shown on the plans.

The members of the Board voted thereon as follows:

MICHAEL J. FADDEN	GRANTED
BOUZHA S. COOKMAN	GRANTED
ROBERTO BRACERAS	GRANTED

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

The applicant, Concord Housing Trust Inc., a nonprofit corporation described in and qualified under Section 10.3.2 of the Zoning bylaw, proposes to construct and use the land at the Baker Avenue and Gifford Lane cul-de-sacs, presently owned by the Commonwealth of Massachusetts, primarily as affordable and low-income housing as follows: The eight (8) unit PRD will consist of one single-family market-rate home on Baker Avenue and 1) one affordable dwelling unit and two low-income dwelling units (as defined in Sections 10.2.3.1 and 10.2.3.2 respectively of the Zoning Bylaw) in a single building next to the single-family home, 2) two low-income dwelling units in a duplex

structure on the Baker Avenue cul-de-sac and 3) two low-income dwelling units in a duplex structure on Gifford Lane. All low-income and affordable dwelling units will have three bedrooms with parking at grade and be in condominium form of ownership. The single-family home will be on a lot conforming to the requirements of the Residence B District. The work will not require removal of earth from the site.

The proposed low-income housing will be eligible to receive the \$50,000 approved by the 2003 Annual Town Meeting under Article 41. The Planning Board in its letter of recommendations dated February 11, 2004 supports the applicant's proposal. There is no wetlands involvement with the proposed development.

The Board concurs with the recommendations of the Planning Board and finds that the project as proposed qualifies under Section 10.3.2 of the Concord Zoning Bylaw. The Board finds that the limitations, safeguards and security imposed by the recommendations of the Planning Board are adequate for the protection of the community and will insure compliance with the Concord Zoning Bylaw. The Board also finds, pursuant to Section 10.3.2, that (a) the proposed housing, 87% of which is to be affordable or low-income as defined in the Zoning Bylaw, is generally in keeping with the purposes of the Zoning Bylaw; (b) the frontage for each of the homes is either on Baker Avenue or Gifford Lane, each an existing public way; (c) the height of the proposed structures does not exceed the height permitted in the Residence B District; (d) the other proposed dimensions of the project, including setbacks, yards and Common Open Space comprising approximately 52% of the site, all are in keeping with the purposes of the Zoning Bylaw. Furthermore, pursuant to Section 10.4.4 the Board finds that the proposed housing complies to the extent applicable with the subdivision Rules and Regulations and, under the conditions recommended by the Planning Board, sufficient security is provided to insure compliance and completion of the site amenities and other improvements.

The Board also finds that the proposed construction and use are in harmony with the purpose and intent of the Bylaw and that it will not be detrimental or injurious to the neighborhood in which it is to take place. In addition, there was no opposition to the application expressed at the public hearing.

A TRUE COPY: ATTEST

Janet G Mangelli
Clerk, Board of Appeals

March 12, 2004
Date

Filed with Town Clerk
Concord Housing Trust, Inc. – Baker Avenue/Gifford Lane PRD

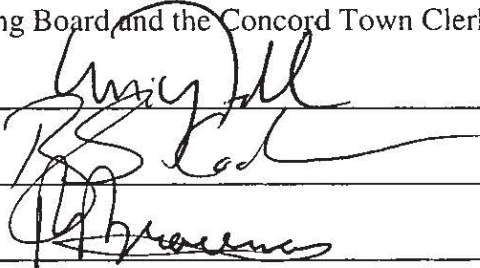
TOWN OF CONCORD
BOARD OF APPEALS

THE BOARD OF APPEALS CERTIFIES as follows:

Name and Address of Owner: Concord Housing Trust, Inc.
c/o Peter B. Farrow, President
69 Pleasant Street
Concord, MA 01742

Property Identification: 14A Baker Avenue
Concord, Massachusetts
D26627-0269

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.



I, ANITA S. TEKLE, 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.



APR 02 2004

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

Forms: Sig. pg.



TOWN OF CONCORD PLANNING BOARD

141 KEYES ROAD, CONCORD, MASSACHUSETTS 01742
TEL. (978) 318-3290 FAX (978) 318-3291

MARCIA A. RASMUSSEN, PLANNING DIRECTOR

February 11, 2004

Mr. Michael Fadden, Chair
Concord Board of Appeals
Concord, MA 01742

Re: Planning Board Recommendation on the Petition of the Concord Housing Trust (PRD #25) for a Special Permit to construct a Planned Residential Development pursuant to Section 10 of the Zoning Bylaw off Baker Avenue and Gifford Lane.

Dear Mr. Fadden:

During public meetings held on January 27 and February 10, 2004, the Planning Board reviewed the application of the Concord Housing Trust (applicant) for a Special Permit to construct a Planned Residential Development (PRD).

The applicant is proposing to construct a PRD that consists of a detached single family residence, a triplex and two duplexes for a total of eight dwelling units. In order to achieve the proposed lot layout, the applicant has filed a warrant article for the April 2004 Town Meeting to alter the layout of the Baker Avenue right-of-way. The proposed layout of the right-of-way meets the requirements of the Subdivision Rules and Regulations. Should Town Meeting approve the amended road layout, the applicant would then file an Approval Not Required plan (ANR). Additionally, the applicant will be filing an ANR to modify the property boundaries for 66 Gifford Lane in order to facilitate the development of the site, correct encroachments by the owner of 66 Gifford Lane in the construction of a pool, deck, shed and fence and eliminate the need for the owner of 66 Gifford Lane to have an easement for his driveway on the applicant's land.

The attached report provides details of the project, including a breakdown of the units. The applicant will construct, market and sell the single family dwelling, the triplex and the duplex located off of Gifford Lane. The Habitat for Humanity of Lowell, Inc. is anticipated to construct, market and sell the duplex off of Baker Avenue pursuant to a lease with the applicant. However, the applicant is requesting that the Special Permit also authorize the construction of another duplex such as the one being constructed off Gifford Lane in the location of the proposed duplex off Baker Avenue in the event that for whatever reason, Habitat for Humanity of Lowell ceases participation in this project. Should this take place, the applicant would market and sell those units at 80% of the Area Median Income.

The architecture of the proposed houses will reflect historically appropriate designs that will be contextual to the neighborhood. In a letter dated January 5, 2004, the applicant has asked that Habitat make some minor changes to the two dwellings they propose to construct. Each affordable home will

PRD #25; Baker Homes PRD

February 11, 2004

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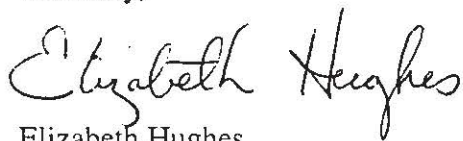
have a private yard area adjacent to the unit, with adjoining common land. A public trail will connect the Baker Avenue cul-de-sac and the Gifford Lane cul-de-sac, facilitating an improved walking environment for the neighborhood. The area behind the duplex on Gifford Lane will have a built-up earth berm, on top of which will be a solid fence and evergreen trees to screen highway traffic noise and lights.

The Planning Board did receive input from other Town Departments. The Engineering Division and Planning Staff raised some issues with the application as submitted, which the Planning Board believes have been addressed through recommended conditions of approval.

The Planning Board believes the project provides a mixture and diversity of housing types that are somewhat greater densities, but that it is not a significant increase in the population density. The development has been designed with the input from the neighborhood so that it is clustered in a harmonious manner with the existing neighborhood. Therefore, the Planning Board recommends that the Board of Appeals grant approval of the Special Permit subject to the modifications, restrictions and conditions outlined in the attached report.

Please call me if you have any questions or require additional information regarding the Planning Board's recommendation.

Sincerely,



Elizabeth Hughes
Staff Planner

cc: Concord Housing Trust, Inc., c/o Peter Farrow, President, 69 Pleasant Street, Concord, MA 01742
Ken Kalinowski, Town Engineer
John Minty, Building Commissioner
File copy

C:\Data\Applications\PRD-Residential Compounds\PRD#25 ZBA Recommendation


Anna C. Brown
Assoc. I. Middlesex S. Register