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**TOWN OF CONCORD
BOARD OF APPEALS**

141 KEYES ROAD, CONCORD, MASSACHUSETTS 01742
TEL. (978) 318-3295 FAX (978) 318-3291

November 18, 1999

VOA Concord Assisted Living, Inc.
441 Centre Street
Jamaica Plain, MA 02130

and Reference 14597-233

Gentlemen:

Enclosed please find a certified copy of a decision of the Board of Appeals which has been received from the Town Clerk.

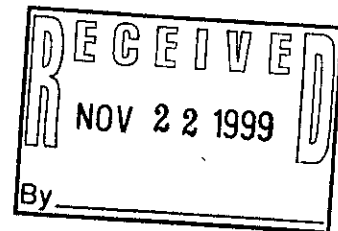
In accordance with instructions to you in our letter of October 28, 1999, please file same with the Registry of Deeds in Cambridge, Massachusetts.

Very truly yours,

Janet G. Manzelli

Janet G. Manzelli, Clerk
Concord Board of Appeals

Enclosure



Ltr/G/2

1560

NOV 22 1999

TOWN OF CONCORD**BOARD OF APPEALS****TOWN HOUSE**

Please take notice that in the matter of the PETITION of VOA CONCORD ASSISTED LIVING, INC. for a special permit, under sections 3.2.1, 4.3.6 (Table 1) and 11.6, to construct and operate a 78-unit assisted living residence in a Limited Business Zone at 68 Commonwealth Avenue, 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.

David J. Murphy
CLERK, BOARD OF APPEALS

October 28, 1999
DATE

TOWN OF CONCORD

BOARD OF APPEALS

The Petition of VOA Concord Assisted Living, Inc. for a special permit, under sections 3.2.1, 4.3.6 (Table 1) and 11.6, to construct and operate a 78-unit assisted living residence in a Limited Business zone at 68 Commonwealth Avenue, Concord, Massachusetts.

RECORD OF PROCEEDINGS

The Petitioner, VOA Concord Assisted Living, Inc., 441 Centre Street, Jamaica Plain, Massachusetts, filed with the Board of Appeals on May 27, 1999 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
West Concord Post Office
Joe Collins, Jr., Trustee
Konrad Ulbrich Tr.
Town of Concord
MBTA -- Robert Lavita
Mandrioli Real Estate Trust
Charles T. McCarthy
Arthur L. Carr, Jr. Tr
300 Baker Avenue Associates

The Board set the 8th day of July, 1999, at 8:00 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 as published in THE CONCORD JOURNAL in the issues of June 25 and July 1, 1999, and a copy of said notice was sent by mail to each of the aforementioned parties in interest and property owners.

<p>July 8 Public Hearing LEGAL NOTICE BOARD OF APPEALS TOWN OF CONCORD 141 KEYES ROAD MEETING ROOM</p> <p>The Board of Appeals will hold a public hearing on Thursday, July 8, 1999, at 7:30 P.M. in the Meeting Room, 141 Keyes Road, Concord, Massachusetts, on petitions for variances, applications for special permits or appeals from decisions of the Building Inspector. A public meeting for a work session will be held at 7:00 P.M. INFORMATION IN SUPPORT OF EACH AGENDA ITEM MAY BE REVIEWED AT THE BOARD OF APPEALS OFFICE, 141 KEYES ROAD, MONDAY THROUGH FRIDAY, 8:30 A.M. TO 4:30 P.M.</p> <ol style="list-style-type: none"> 1. Pageriet of Massachusetts, under sections 7.8 and 11.6, a special permit for the installation of a personal wireless communications facility at 200 Baker Avenue. 2. AT&T Wireless PCS, Inc., under sections 3.1, 4.4.3, 7.1.2, 7.7.3.6, 7.8, 11.6 and 11.7 for a special permit and a variance to locate less than 1,000 feet from a school, and for site plan approval and a variance to authorize a personal wireless communication facility outside the Wireless Communication Overlay District at 1400 Lowell Road 3. AT&T Wireless PCS, Inc., under sections 7.1.2, 7.8 and 11.6, for a special permit and for site plan approval, and for a special permit to extend and alter a nonconforming structure and use in connection with the installation of a personal wireless communication facility at the Mobil Service Station at 22 Concord Turnpike/Crosby's Corner. 4. AT&T Wireless PCS, Inc., under sections 6, 7.1.2, 7.6 and 11.7, for a special permit and site plan approval for a personal wireless communication facility, a special permit to alter a nonconforming use, and variances for front yard setback, corner clearance distance from a detached single-family residence and required setback for a new tower from the property line in connection with the installation of a wireless communication facility at the Mobil Service Station at 22 Concord Turnpike/Crosby's Corner. (The Planning Board will discuss its final recommendation to the Board of Appeals at its June 22nd meeting.) 	<ol style="list-style-type: none"> 5. Peter Farrow to renew a special permit for a home occupation, under Sections 5.3.6.2, 7.1.4 and 11.6, at 69 Pleasant Street 6. Robert Demers for a special permit, under Sections 5.3.5, 5.3.6.2 and 11.6, for a home occupation and to park commercial motor vehicles in a residential zone at 721 Old Bedford Road. 7. Dick and Pennie Driscoll for a special permit, under Sections 7.1.2, 7.1.4 and 11.6, to extend, alter and change an existing nonconforming structure and use at 148 Hawthorne Lane. 8. John Kruss Williams for a special permit to alter an existing garage to construct a second dwelling unit, under Sections 4.2.2.1 and 11.6, at 170 Walden Street. 9. New England Farms Limited Partnership (Spaulding Management), under Sections 7.1.2, 7.1.4 and 11.6, for a special permit to alter a nonconforming residential use in an industrial zone at 477 Virginia Road. 10. Volunteers of America Concord Assisted Living, Inc. for a special permit, under sections 3.2 f, 4.3.6 (Table 1) and 11.6, to construct and operate a 79 unit assisted living residence in a Limited Business #8 zone at 68 Commonwealth Avenue. A variance from the Sign Bylaw under Sections 6(k), 8(b) and 12(c) is also requested. (The Planning Board will discuss its recommendation to the Board of Appeals at its June 22nd meeting.) <p>THE BOARD RESERVES THE RIGHT TO CONTINUE THE HEARING ON ANY ITEM THAT HAS NOT BEEN ADDRESSED BY 11:00 P.M.</p> <p>By order of Board of Appeals Elise F. Woodward, Chairman</p> <p>AD #882112 Concord Journal, 6/24, 7/1/99</p>
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A hearing on said petition was held at the time and place above specified.

The following persons appeared in support of the appeal:

NONE

The following persons appeared in opposition thereto:

NONE

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

See letter of July 1, 1999.

The Board thereupon took the following action:

VOTED: To grant a special permit to Volunteers of America Concord Assisted Living, Inc., pursuant to Sections 3.2.1 and 4.3.6, to construct and operate a 78-unit assisted living residence in a Limited Business #8 Zoning District, subject to the following conditions:

1. Approval is based upon the following plans prepared for the Volunteers of America Concord Assisted Living, Inc. for an assisted living residence as amended by Condition #2:

Beals and Thomas, Inc., Two Westborough Business Park, 200 Friberg Parkway, Westborough, Massachusetts, and titled:

- a. Sheet 2 Notes, References, and Legend Sheet, dated March 17, 1999
- b. Sheet 4 Layout and Material Plan, dated June 22, 1999
- c. Sheet 5 Proposed Assisted Living Residence, dated March 17, 1999
- d. Sheet 6 Landscaping and Lighting Plan, dated March 17, 1999
- e. Sheet 7 Site Details #1, dated March 17, 1999
- f. Conceptual Access/Egress Improvements, dated June 22, 1999

Toomey-Munson & Associates, Inc., 89 Access Road, Unit 12, Norwood, Massachusetts, and titled:

- a. Existing Conditions Boston Gas Company, dated December 17, 1998

The Architectural Team, Inc., Chelsea, Massachusetts, and titled:

- a. East Elevation, date stamped by the Planning Department, June 22, 1999
 - b. West Elevation, date stamped by the Planning Department, June 22, 1999
 - c. South and North Elevations, date stamped by the Planning Department, June 22, 1999
2. Prior to the issuance of a building permit the applicant shall provide the Town Planner, for review and written confirmation of compliance, three sets of revised plans showing the following:
 - a. The applicant will be required to provide an additional two feet of grass pavers to the walkway around the back of the structure.

- b. The leaching area should be shown on the plans and a note added that the basin should not be disturbed by any construction.
 - c. A detail of the proposed light fixtures. (Such fixtures shall have at least 180-degree cut-off and shall be shielded in such a way as to prevent glare to pedestrians and motorists.)
 - d. Revisions to the landscape plan (with input from the Town Planner).
 - e. Location of all proposed on-site and off-site signs.
3. Prior to the issuance of a building permit, the applicant shall submit to the Fire Department for review two sets of stamped plans from a fire protection engineer for the sprinkler system with calculations and two sets of calculations for the Concord Public Works Engineering Division.
4. Prior to the issuance of a building permit, the applicant shall submit to the Fire Department for review two sets of stamped plans from a fire protection engineer for the fire alarm system.
5. Prior to the issuance of a final occupancy clearance, the applicant shall comply with all Fire Department requirements as outlined in a memorandum dated June 15, 1999.
6. This approval is subject to an Order of Conditions issued under the Wetlands Protection Act, dated March 24, 1999.
7. Prior to the issuance of a building permit, the applicant shall receive approval from the Public Works Commission for water and sewer service.
8. Prior to the issuance of a building permit, the applicant shall submit to the Planning Director, the Building Commissioner and the Engineering Division a copy of an agreement signed by the Executive Office of Transportation and Construction authorizing the alteration and the use of the railroad right-of-way.
9. Prior to the issuance of a building permit, the applicant shall submit to the Planning Director, the Building Commissioner and the Engineering Division a copy of an agreement signed by the Town of Concord and MBTA authorizing the alteration and use of the commuter rail parking area.
10. Prior to the issuance of a building permit, the applicant shall submit to the Planning Director for review and approval a description and any requested supporting documentation detailing the mechanism that will be used to make the affordable assisted living units available to eligible concord residents.

11. Substantial changes, as determined by the Planning Director, shall be reviewed by the Planning Board for its approval. Substantial changes shall include any revisions which would result in:
 - a. Any reduction in the number of parking and/or loading spaces;
 - b. A relocation of driveway or parking lot pavement by more than five feet;
 - c. A relocation of the building by more than five feet;
 - d. Any increase of pavement area for parking, loading or vehicular access by more than 300 square feet.
12. The applicant shall reserve at least 16 units as affordable units for income-qualified individuals, as outlined in a memorandum by Alan Zimlicki of ASZ Associates, Inc., dated May 18, 1999.
13. The applicant shall return to the Planning Board for approval of the proposed modifications.

The members of the Board voted thereon as follows:

ELISE F. WOODWARD	GRANTED
MICHAEL J. FADDEN	GRANTED
MICHAEL E. SARDINA	GRANTED

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

The applicant seeks to construct and operate a 78-unit assisted living facility at 68 Commonwealth Avenue. The site consists of approximately 9.2 acres of land and currently supports a recently vacated Boston Gas Company operation center and storage shed. The proposed development will include a 78-unit assisted living residence, 16 of which will be Alzheimers units. The 2-1/2-story building will be approximately 64,500 square feet in floor area with individual residential units ranging in size from 350 to 450 square feet. Approximately 45% of the building's square footage will be dedicated to common areas which will include a variety of function rooms incidental and necessary to the operation of an assisted living facility. The property will also include the construction and maintenance of a river walk and picnic area, both of which will be accessible for use by the general public. The Zoning Bylaw requires 39 parking spaces on the property, which are provided. No one appeared to speak in favor of or in opposition to the application.

The applicant additionally requests variances under various sections of the Sign Bylaw for a directional sign to be attached to a fence or similar landscaping amenity; the street identification sign and directional sign as both signs would be located on different premises than the facility location; and to maintain three (3) signs. The applicant submitted documentation depicting the location, dimensions and illustration of each sign.

The Board found that the request of the applicant was reasonable and necessary to provide safe, effective and informative signage to the premises and that to do otherwise would involve practical difficulty or unnecessary hardship. The Board found that desirable relief may be granted without substantially derogating from the intent and purpose of the Bylaw.

The Board finds that the use proposed requires a special permit under the Zoning Bylaw and does not reverse, alter or vary any provision of the Bylaw applicable thereto. The Board finds that the proposed use is 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.

A TRUE COPY: ATTEST

Christy G. Macpherson
Clerk, Board of Appeals

October 23, 1999
Date

Filed with Town Clerk

Volunteers of America

BK 31548PG558

TOWN OF CONCORD

BOARD OF APPEALS

THE BOARD OF APPEALS CERTIFIES as follows:

Name and Address of Owner: Volunteers of America Assisted Living Inc.
441 Centre Street
Jamaica Plain, MA 022130

Property Identification: 68 Commonwealth Avenue
Concord, Massachusetts
D09227-0522

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.

U/V
Arlene Woodward
MCJudson

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.

Anita S. Tekle
November 18, 1999

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.