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TOWN OF CONCORD
BOARD OF APPEALS
TOWN HOUSE

Please take notice that in the matter of the APPLICATION OF THE CONCORD HOUSING DEVELOPMENT CORPORATION for an Amendment to a January 29, 2010 Special Permit, under Sections 7.1.5, 10, and 11.6 to reconstruct, extend, alter or change a non-conforming structure and for an eight unit Planned Residential Development at 1245 Elm Street, Concord, Massachusetts, the Board of Appeals has this day rendered a decision GRANTING said application, 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.

Paula Irbino
CLERK, BOARD OF APPEALS

June 16, 2010
DATE

1245 Elm Street, Concord, Massachusetts

Please return to: D'Agostine, Levine, Parra & Netburn, P.C. P. O. Box 2223,
Acton, MA 01720

TOWN OF CONCORD

BOARD OF APPEALS

The Application of THE CONCORD HOUSING DEVELOPMENT CORPORATION for an Amendment to a January 29, 2010 Special Permit, under Sections 7.1.5, 10, and 11.6 to reconstruct, extend, alter or change a non-conforming structure and for an eight unit Planned Residential Development at 1245 Elm Street, Concord, Massachusetts.

RECORD OF PROCEEDINGS

The Applicant, THE CONCORD HOUSING DEVELOPMENT CORPORATION, filed with the Board of Appeals on May 3, 2010 an application.

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

Concord Housing Development Corp
Town Of Concord
Commonwealth Of Massachusetts
Yi-Ting Chang
Ayesha Kapadia
Ravi K Chikkala & Ekaterina Andreeva
Michael B Bowdoin
Anton Z & Yordanka G Shtiliyanov
Manish Kumar
Matthew B & Elizabeth A Frank
John F O'Neill & Melissa A Cutler
John D & Stacey G Durkin

The Board set the 10th day of June, 2010 at 8:15 P.M. as the time, and the First Floor Meeting Room, 141 Keyes Road, Concord, Massachusetts, as the place of the public hearing upon said application.

The following notice was published in *THE CONCORD JOURNAL* in the issues of May 27, 2010 and June 3, 2010, and a copy of said notice was sent by mail to each of the aforementioned parties in interest and property owners.

BOA/1245 ELM ST.
LEGAL NOTICE
Board of Appeals
Public Hearing

A public hearing of the Concord Zoning Board of Appeals will be held on Thursday, June 10, 2010, in the First Floor Meeting Room, 141 Keyes Road, Concord, Massachusetts, at 8:15 P.M. on an application by the Concord Housing Development Corporation for an Amendment to a January 29, 2010 Special Permit, under Sections 7.1.5, 10, and 11.6 to reconstruct, extend, alter or change a non-conforming structure and for an eight unit Planned Residential Development at 1245 Elm Street.

AD#12261289
Concord Journal 5/27, 6/3/10

The following persons appeared in support of the Application:

NONE

The following persons appeared in opposition thereto:

NONE

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

See Recommendation Letter dated May 26, 2010.

The Natural Resources Commission reported its action of the matter as follows:

See Letter dated June 8, 2010.

The Board thereupon took the following action:

VOTED: To grant to the Applicant, the Concord Housing Development Corporation, an Amendment to a January 29, 2010 Special Permit, under Sections 7.1.5,

10, and 11.6 to reconstruct, extend, alter or change a non-conforming structure and for an eight unit Planned Residential Development at 1245 Elm Street, adopting the conditions of the May 26, 2010 Planning Board Recommendation, subject to the Order of Conditions issued on January 8, 2010 and the minor modifications to DEP File No. 1048 approved by the Natural Resources Commission on June 2, 2010, finding that the adverse effects of the proposed use will not outweigh its beneficial impacts to the public interest, the Town and the neighborhood, in view of the characteristics of the site and the proposal in relation to that site, as submitted, according to the following conditions:

1. Approval is based on the following plans prepared for a Planned Residential Development at 1245 Elm Street:
 - a. Cover Sheet & notes, 1245 Elm Street, Concord, Massachusetts, prepared for Concord Housing Development Corporation, dated September 2009 and revised on 11-04-09, 12-04-09 and 4-30-10, prepared by Places Associates, Inc., 510 King Street, Suite 9, Littleton, MA, 01460.
 - b. Demolition Plan/Erosion and Sedimentation Control Plan, 1245 Elm Street, Concord, Massachusetts, prepared for Concord Housing Development Corporation, dated September 2009 and revised on 11-04-09, 12-04-09 and 4-30-10, prepared by Places Associates, Inc., 510 King Street, Suite 9, Littleton, MA, 01460.
 - c. Layout & Utilities Plan, 1245 Elm Street, Concord, Massachusetts, prepared for Concord Housing Development Corporation, dated September 2009 and revised on 11-04-09, 12-04-09, 04-12-10 and 4-30-10, prepared by Places Associates, Inc., 510 King Street, Suite 9, Littleton, MA, 01460.
 - d. Grading & Drainage Plan, 1245 Elm Street, Concord, Massachusetts, prepared for Concord Housing Development Corporation, dated September 2009 and revised on 11-04-09, 12-04-09 and 4-30-10, prepared by Places Associates, Inc., 510 King Street, Suite 9, Littleton, MA, 01460.
 - e. Landscape Plan, 1245 Elm Street, Concord, Massachusetts, prepared for Concord Housing Development Corporation, dated September 2009 and revised on 11-04-09, 12-04-09 and 4-30-10, prepared by Places Associates, Inc., 510 King Street, Suite 9, Littleton, MA, 01460.
 - f. Construction Details, 1245 Elm Street, Concord, Massachusetts, prepared for Concord Housing Development Corporation, dated September 2009 and revised on 11-04-09, 12-04-09 and 4-30-10, prepared by Places Associates, Inc., 510 King Street, Suite 9, Littleton, MA, 01460.
 - g. Drainage Details, 1245 Elm Street, Concord, Massachusetts, prepared for Concord Housing Development Corporation, dated September 2009 and revised on 11-04-09, 12-04-09 and 4-30-10, prepared by Places Associates, Inc., 510 King Street, Suite 9, Littleton, MA, 01460.
 - h. Sewage Disposal System Plan, System 1-Units 2-5, 1245 Elm Street, Concord, Massachusetts, prepared for Concord Housing Development Corporation, dated September 2009 and revised on 10-27-09 and 4-30-10, prepared by Places Associates, Inc., 510 King Street, Suite 9, Littleton, MA, 01460.
 - i. Sewage Disposal System Plan, System 2-Units 6-8, prepared for Concord Housing Development Corporation, dated September 2009 and revised on 10-13-

- 09 and 4-30-10, prepared by Places Associates, Inc., 510 King Street, Suite 9, Littleton, MA, 01460.
- j. Resource Area Delineation Plan in Concord, Massachusetts for Acton Management, Inc., dated December 1, 2008 and revised on March 24, 2009, prepared by Stamski & McNary, Inc., 80 Harris Street, Acton, Massachusetts, 01720.
 - k. A-1 Plans, Foundation Plan Units 2 & 3, Lalli Woods, Concord Housing Development Corporation, 1245 Elm Street, Concord MA, Design Development, April 28, 2010, prepared by Mahoney Architects, 70 Seven Star Lane, Concord, MA, 978-287-4223.
 - l. A-2 Plans, First and Second Floor Plans, Units 2 & 3, Lalli Woods, Concord Housing Development Corporation, 1245 Elm Street, Concord MA, Design Development, April 28, 2010, prepared by Mahoney Architects, 70 Seven Star Lane, Concord, MA, 978-287-4223.
 - m. A-7 Plans, Foundation and First Floor Plans, Units 4 & 5, Lalli Woods, Concord Housing Development Corporation, 1245 Elm Street, Concord MA, Design Development, April 28, 2010, prepared by Mahoney Architects, 70 Seven Star Lane, Concord, MA, 978-287-4223.
 - n. A-8 Plans, Second Floor Plan, Units 4 & 5, Lalli Woods, Concord Housing Development Corporation, 1245 Elm Street, Concord MA, Design Development, April 28, 2010, prepared by Mahoney Architects, 70 Seven Star Lane, Concord, MA, 978-287-4223.
 - o. A-12 Plans, Foundation and First Floor Plans, Units 1, 6, 7, 8, Lalli Woods, Concord Housing Development Corporation, 1245 Elm Street, Concord MA, Design Development, April 28, 2010, prepared by Mahoney Architects, 70 Seven Star Lane, Concord, MA, 978-287-4223.
 - p. A-13 Plans, Second Floor Plan Units 1, 6, 7, 8, Lalli Woods, Concord Housing Development Corporation, 1245 Elm Street, Concord MA, Design Development, April 28, 2010, prepared by Mahoney Architects, 70 Seven Star Lane, Concord, MA, 978-287-4223.
2. The Applicant shall notify the Building Inspector in writing of any proposed changes to the project herein approved so that he can determine if further approvals or amendments to existing approvals are required. A shift of up to ten (10) feet in the location of any building on the plan may be approved by the Building Inspector if the Building Inspector determines that:
 - a. There is no substantial change in site engineering and
 - b. There is no violation of setback requirement and
 - c. No unit will be located closer than fifteen (15) feet to any other unit.
 3. In order to preserve the desired diversity and provide flexibility to the Applicant, the Applicant shall adhere to the following items:
 - a. The Applicant shall ensure that no two adjacent buildings are of the same orientation.
 - b. The Applicant shall be allowed flexibility in the exterior design of the housing (i.e. altering exterior, roof, porch, window design) so long as the changed designs are an alternative of the housing styles mentioned above and do not constitute a substantial change in the design or the gross floor area. A substantial change

would be an increase or decrease in the gross floor area of more than 5% or as determined by the Building Commissioner.

4. Affordable Housing:

- a. The affordable units (at least 75%) shall be restricted to households whose maximum income does not exceed one-hundred fifty percent (150%) of the Boston Metropolitan Area median family income as determined by the U.S. Department of Housing and Urban Development.
 - b. Prior to the issuance of the first Certificate of Occupancy, the Applicant shall submit an Affirmative Fair Housing Marketing Plan. The designation of potential owners shall be done by lottery. To the extent possible, there shall be a local preference for the Affordable Units for qualified households who meet one of the following criteria:
 - A current resident of Concord who has been a resident for at least six months from the date of the application;
 - A current employee of the Town of Concord;
 - A current employee or student of the Concord public and regional school district serving the Town of Concord.
 - A current employee of any business or public or private institution within the Town of Concord.
 - d. Prior to issuance of the first Certificate of Occupancy, the Applicant shall provide the Planning Division a copy of a typical deed restriction for review and acceptance as evidence to maintain the long-term affordability of the units; and upon the sale and closure of the units, the Applicant shall provide the Planning Division with recorded copies of the deed. Said deed or other suitable affordable housing restriction shall include allocation of any windfall or profit to the Town or its designee.
5. The Applicant must comply with all conditions listed in the Order of Conditions (DEP File no.137-1048) set forth by the Natural Resources Commission and the minor modifications to DEP File No. 1048 approved by the Natural Resources Commission on June 2, 2010.
 6. Prior to the issuance of the first Certificate of Occupancy, the Applicant shall provide a calculation of the total common open space area to the Planning Director.
 7. Prior to the issuance of the first Building Permit for the first unit, the Concord Municipal Light Plant (CMLP) will need a digital copy of the site plans (AutoCAD format). This will allow CMLP to issue an underground primary electrical design, determine transformer locations (requested transformer locations will be helpful), splice vault locations and issue an estimate for the construction cost.
 8. If it is determined that a Town streetlight is required, CMLP will include the cost in its Advance for Construction package to assure it matches area lighting.
 9. Prior to the issuance of the first Building Permit for the first unit, the Applicant shall submit a lighting plan showing outside lighting fixtures that are night-sky friendly and comply with the requirements of the Bylaw. The Applicant shall not propose the use of spot lights or flood lights. Exterior fixtures for houses should be recessed into overhangs or downward facing lamps a maximum of 10-feet in height.

10. Prior to the issuance of the Certificate of Compliance for the onsite wastewater systems, the Health Division will need to review and approve all of the condominium documents, including the Master Deed, Bylaws, and Rules and Regulations.
11. Prior to making application for a Building Permit, a Form C: Request for Title 5 Building Review will need to be filed, along with the appropriate fee, with the Health Division for review.
12. Prior to making application for the first Building Permit for the first unit, the Applicant shall submit revised materials to CPW-Engineering for its review and approval at least two weeks before the application is filed. Failure to do so may result in a delay of the issuance of the Building Permit.
13. Prior to the issuance of the first Building Permit for the first unit, the Applicant shall submit to the Engineering Division an "operation and maintenance plan", including responsible parties during construction and post construction. The O&M plan should also include recommended inspection times and maintenance activities for each of the BMP's (water quality swale, forebay, bioretention area and drywell/diffuser) proposed within the drainage design.
14. Prior to approval of the Water Service Application, the Applicant shall arrange a meeting with the Conservation Coordinator, Melissa Simoncini, early in the design process to ensure that water conservation opportunities can be maximized.
15. Prior to the issuance of the first Building Permit for the first unit, the applicant shall submit to the Concord Water and Sewer Division an application for service for any proposed changes to the water service configuration or the addition of any new service pipes. Such an application shall include submittal of detailed utility design plans, including all existing and proposed utilities onsite. All applications must be in accordance with the eligibility requirements of the Division's Water Rules and Regulations. Any deviations from these Rules and Regulations must be approved by the Public Works Commission prior to issuance of a building permit. It is the applicant's responsibility to ensure these requirements have been met. The building permit may be issued prior to receipt of a service application approval letter from the Water and Sewer Division. However, construction of water and sewer utilities is not permitted until an approval letter has been issued and an inspection scheduled. The Division does not intend to review the engineering and design details for the purposes of the PRD, as this review will be performed as part of the service application review process.
16. All utility mains, services, and appurtenances shall be constructed in accordance with Town standards. As-built drawings of any water or sewer utility work connected to the Town's system shall be submitted to the Water and Sewer Division upon completion of the project.
17. Prior to the issuance of the Certificate of Occupancy for the final unit, Planning Staff shall review the landscape installation to confirm that work has been done in accordance with the above mentioned plan. The substitution of native plants for non-native plants as shown in the landscape plan is encouraged and shall be acceptable if approved by the Planning Director.
18. One year and three years following the project approval, the Applicant shall submit a report to the Planning Board noting viability of the established landscaping.

19. Prior to the issuance of the first Certificate of Occupancy for the first unit, the Applicant shall submit a snow removal and storage plan that mitigates any adverse effects to the on-site ecology and emergency response.
20. Prior to the issuance of the first Certificate of Occupancy for the first unit, areas of roadway inside the development not intended as parking areas should be marked to ensure parking of vehicles does not hinder emergency vehicle access.
21. Prior to the issuance of the first Building Permit for the first unit, the Applicant shall amend the plans to show locations for shared storage buildings or individual sheds for each unit for review and acceptance by the Planning Division and/or the Planning Board. All shed setbacks shall be noted on the plans. Sheds shall be located at least 3 feet from the lot lines and shall be approved by the Building Commissioner.
22. The house identified on the Plans as Unit 1 shall meet the 30-foot front yard setback requirement established for Planned Residential Developments within the Residence A Zoning District and shall otherwise be substantially within the footprint of the existing house as determined by the Building Commissioner and shall be consistent in design and materials with the other buildings as determined by the Building Commissioner and shall be a three bedroom unit.
23. Prior to the issuance of the first Building Permit for the first unit, the Applicant shall submit scaled and dimensioned floor plans and building elevations, for each proposed unit type, prepared by a MA Registered Architect to the Planning and Building Divisions for review.
24. Prior to the issuance of the last Certificate of Occupancy for the final unit, the Engineering Division shall review and approve an as-built plan of the drainage system and site grading that demonstrates that the development was constructed as designed. The as-built plan shall be stamped by a registered professional engineer and/or land surveyor.
25. Prior to the issuance of the first Building Permit for the first unit, the Applicant's engineering consultant shall provide an adequate analysis of the sight distance at the proposed driveway satisfactory to the Concord Public Works Engineering Division. If the minimum sight distance cannot be met, the Applicant shall arrange for the removal of the oak tree as shown on the plans and the installation of low landscape materials satisfactory to the Planning Director.
26. The Applicant shall install a split-rail or picket fence with a maximum height of four (4) feet in place of the six-foot stockade fence shown on the plans.

The members of the Board voted thereon as follows:

PATRICK C. TOOMEY	GRANTED
ALICE KAUFMAN	GRANTED
DAVID FISHER	GRANTED

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

The Applicant sought permission to amend a January 29, 2010 Special Permit to allow: larger floor plans; the flexibility to change the unit mix to five 3-bedroom units and three 2-bedroom units from the current four 3-bedroom units and four 2-bedroom units; a change to Condition 4b to eliminate the need for a regulatory agreement; and a change to Condition 4c to eliminate the reference to "the monitoring agent", to eliminate the reference to "standards required by Mass Housing" and to add "employees of Concord businesses" to the definition of local preference. The change in unit mix will increase the overall bedroom count by 1.

According to the Application, the size of the units will be 150 to 200 square feet greater than the previously approved units, and will be 16 feet wide instead of 14 feet wide. The locations of the units have been shifted slightly to allow for greater privacy and to minimize the amount of ledge that would be required to be removed.

Pursuant to Section 3.1 and 4.2.7 of the Bylaw, Planned Residential Developments are permitted in Concord Zoning Residential District A by special permit from the Zoning Board of Appeals.

At the Hearing, the Board was advised by the Applicant that two of the eight units in the Planned Residential Development will be restricted to households whose maximum income does not exceed eighty percent (80%) of the Boston Metropolitan Area median family income.

At the Hearing, no one spoke in support of or in opposition to the Application.

Pursuant to Section 10.4.2 of the Bylaw, the Planning Board reviewed the Application for an Amendment to the January 29, 2010 Planned Residential Development Special Permit, and submitted its reports and recommendation to the Board. The May 26, 2010 Letter from the Planning Board recommended approval of the Amendment with conditions.

The Board was advised that plans are in place to demolish the existing house. The Board modified the language of Condition 22 accordingly.

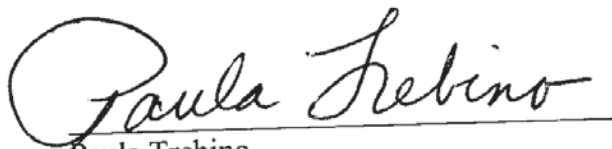
Pursuant to Section 10.4.3 of the Bylaw, the Natural Resources Commission reviewed the Application for an Amendment to the January 29, 2010 Planned Residential Development Special Permit and informed the Board in a June 8, 2010 Letter that the changes proposed in the Zoning Board of Appeals Application were unanimously approved by the Commission at their June 2, 2010 Meeting as minor modifications to DEP File No. 1048.

Pursuant to Section 10.4.4 of the Bylaw, the Board found that the amended PRD is in harmony with the general purpose and intent of Section 10 and that the amended PRD contains a mix of residential, open space, or other uses in a variety of buildings to be

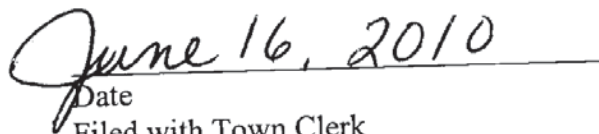
sufficiently advantageous to the Town to render it appropriate to depart from the requirements of this Bylaw otherwise applicable to Concord Zoning Residential District A, in which the PRD tract is located.

Pursuant to Section 11.6 of the Bylaw, the Board considered impacts on economic and community needs; traffic flow and safety concerns, including parking and loading; adequacy of utilities and other public services; impacts on neighborhood character; impacts on the natural environment; and fiscal impacts, including impacts on Town services, the tax base and employment. The Board imposed conditions that addressed any applicable concerns. The Board determined that the adverse effects of the proposed use will not outweigh its beneficial impacts to the public interest, the Town and the neighborhood, in view of the characteristics of the site and the proposal in relation to that site.

TRUE COPY ATTEST



Paula Trebino
Clerk, Zoning Board of Appeals



Date
Filed with Town Clerk
1245 Elm Street Concord Housing Development Corporation Amendment



TOWN OF CONCORD
DEPARTMENT OF PLANNING AND LAND MANAGEMENT
 141 KEYES ROAD, CONCORD, MASSACHUSETTS 01742
 TEL. (978) 318-3290 FAX (978) 318-3291

May 26, 2010

Mr. Roberto Braceras, Chairman
 Concord Board of Appeals
 Concord, MA 01742

Re: Recommendation to the Board of Appeals for an amendment to a Special Permit to construct an 8-unit Planned Residential Development under ZBL Sections 10.3 & 11.6.

Dear Mr. Braceras:

At its meeting held on Tuesday, May 25, 2010, the Planning Board met with the Applicant, Concord Housing Development Corporation, and reviewed the Planning Division report for the application for an amendment to a Special Permit to construct an 8-unit Planned Residential Development at 1245 Elm Street under the Zoning Bylaw Section 10.3.2 Special provisions for non-profit entity.

The Planning Board voted 4-0 to recommend that the Board of Appeals **grant** the amendment to the special permit subject to the following conditions:

- 1) Approval is based on the following plans prepared for a Planned Residential Development for 1245 Elm Street:

Places Associates, Inc., 510 King Street, Suite 9, Littleton, MA, 01460:

- a. Cover Sheet & Notes / SP-1: "Lalli Woods" PRD, Concord, MA, Latest Date 4/30/10.
- b. Demolition Plan / Erosion and Sedimentation Control Plan / SP-2: "Lalli Woods" PRD, Concord, MA, Latest Date 4/30/10.
- c. Layout & Utilities Plan / SP-3: "Lalli Woods" PRD, Concord, MA, Latest Date 4/30/10.
- d. Grading & Drainage Plan / SP-4: "Lalli Woods" PRD, Concord, MA, Latest Date 4/30/10.
- e. Landscape Plan / SP-5: "Lalli Woods" PRD, Concord, MA, Latest Date 4/30/10.
- f. Construction Details / SP-6: "Lalli Woods" PRD, Concord, MA, Latest Date 4/30/10.
- g. Drainage Details / SP-7: "Lalli Woods" PRD, Concord, MA, Latest Date 4/30/10.
- h. Sewage Disposal System Plan – System 1 / Units 2-5: "Lalli Woods" PRD, Concord, MA, Latest Date 4/30/10.
- i. Sewage Disposal System Plan – System 2 / Units 6-8: "Lalli Woods" PRD, Concord, MA, Latest Date 4/30/10.

Stamski & McNary, Inc., 80 Harris Street, Acton, MA, 01720:

- j. Record Survey Plan: Dated December 1, 2008.

Mahoney Architects, 70 Seven Star Lane, Concord, MA, 01742:

- k. Foundation Plan – Units 1 & 3 / A-1: Dated April 28, 2010.
 - l. First Floor Plan – Units 1 & 3 / Second Floor Plan – Units 1 & 3 / A-2: Dated April 28, 2010.
 - m. Foundation Plan – Units 4 & 5 / First Floor Plan – Units 4 & 5 / A-7: Dated April 28, 2010.
 - n. Second Floor Plan – Units 4 & 5 / A-8: Dated April 28, 2010.
 - o. Foundation Plan – Units 1, 6, 7 & 8 / First Floor Plan – Units 1, 6, 7 & 8 / A-12: Dated April 28, 2010.
 - p. Second Floor Plan – Units 1, 6, 7 & 8 / A-13: Dated April 28, 2010.
- 2) The Applicant shall notify the Building Inspector in writing of any proposed changes to the project herein approved so that he can determine if further approvals or amendments to existing approvals are required. A shift of up to ten (10) feet in the location of any building on the plan may be approved by the Building Inspector if the Building Inspector determines that:
- a. There is no substantial change in site engineering and
 - b. There is no violation of setback requirements and
 - c. No unit will be located closer than fifteen (15) feet to any other unit.
- 3) In order to preserve the desired diversity and provide flexibility to the Applicant, the Applicant shall adhere to the following items:
- a. The Applicant shall ensure that no two adjacent buildings are of the same orientation.
 - b. The Applicant shall be allowed flexibility in the exterior design of the housing (i.e. altering exterior, roof, porch, window design) so long as the changed designs are an alternative of the housing styles mentioned above and do not constitute a substantial change in the design or the gross floor area. A substantial change would be an increase or decrease in the gross floor area of more than 5% or as determined by the Building Commissioner.
- 4) Affordable Housing:
- a. The affordable units (at least 75%) shall be restricted to households whose maximum income does not exceed one-hundred fifty percent (150%) of the Boston Metropolitan Area median family income as determined by the U.S. Department of Housing and Urban Development.
 - b. **Prior to the issuance of the first Certificate of Occupancy**, the Applicant shall submit an Affirmative Fair Housing Marketing Plan. The designation of potential owners shall be done by lottery. To the extent possible, there shall be a local preference for the Affordable Units for qualified households who meet one of the following criteria:
 - i. A current resident of Concord who has been a resident for at least six months from the date of the application;
 - ii. A current employee of the Town of Concord;
 - iii. A current employee or student of Concord public and regional school district serving the Town of Concord;
 - iv. A current employee of any business or public or private institution within the Town of Concord.

- c. **Prior to the issuance of the first Certificate of Occupancy**, the Applicant shall provide the Planning Division a copy of a typical deed restriction for review and acceptance as evidence to maintain the long-term affordability of the units; and upon the sale and closure of the units, the Applicant shall provide the Planning Division with recorded copies of the deed. Said deed or other suitable affordable housing restriction shall include allocation of any windfall or profit to the Town or its designee.
- 5) The Applicant must comply with all conditions listed in the Order of Conditions (DEP File No. 137-1048 or as amended) set forth by the NRC.
 - 6) **Prior to the issuance of the first Certificate of Occupancy**, the Applicant shall provide a calculation of the total common open space area to the Planning Director.
 - 7) **Prior to the issuance of the first Building Permit for the first unit**, the Concord Municipal Light Plant (CMLP) will need a digital copy of the site plans (AutoCAD format). This will allow CMLP to issue an underground primary electrical design, determine transformer locations (requested transformer locations will be helpful), splice vault locations and issue an estimate for the construction cost.
 - 8) If it is determined that a Town streetlight is required, CMLP will include the cost in its Advance for Construction package to assure it matches area lighting.
 - 9) **Prior to the issuance of the first Building Permit for the first unit**, the Applicant shall submit a lighting plan showing outside lighting fixtures that are night-sky friendly and comply with the requirements of the Bylaw. The Applicant shall not propose the use of spot lights or flood lights. Exterior fixtures for houses should be recessed into overhangs or downward facing lamps a maximum of 10-feet in height.
 - 10) **Prior to the issuance of the Certificate of Compliance** for the onsite wastewater systems, the Health Division will need to review and approve all of the condominium documents, including the Master Deed, Bylaws, and Rules and Regulations.
 - 11) **Prior to making application for a Building Permit**, a Form C: Request for Title 5 Building Review will need to be filed, along with the appropriate fee, with the Health Division for review.
 - 12) **Prior to making application for the first Building Permit for the first unit**, the Applicant shall submit revised materials to CPW-Engineering for its review and approval at least two weeks before the application is filed. Failure to do so may result in a delay of the issuance of the Building Permit.
 - 13) **Prior to the issuance of the first Building Permit for the first unit**, the Applicant shall submit to the Engineering Division an "operation and maintenance plan", including responsible parties during construction and post construction. The O&M plan should also include recommended inspection times and maintenance activities for each of the BMP's (water quality swale, forebay, bioretention area and drywell/diffuser) proposed within the drainage design.
 - 14) **Prior to approval of the Water Service Application**, the Applicant shall arrange a meeting with the Conservation Coordinator, Melissa Simoncini, early in the design process to ensure that water conservation opportunities can be maximized.
 - 15) **Prior to the issuance of the first Building Permit for the first unit**, the applicant shall submit to the Concord Water and Sewer Division an application for service for any proposed changes to the water service configuration or the addition of any new service pipes. Such an application shall include submittal of detailed utility design plans, including all existing and proposed utilities onsite. All applications must be in accordance with the eligibility requirements of the

Division's Water Rules and Regulations. Any deviations from these Rules and Regulations must be approved by the Public Works Commission prior to issuance of a building permit. It is the applicant's responsibility to ensure these requirements have been met. The building permit may be issued prior to receipt of a service application approval letter from the Water and Sewer Division. However, construction of water and sewer utilities is not permitted until an approval letter has been issued and an inspection scheduled. The Division does not intend to review the engineering and design details for the purposes of the PRD, as this review will be performed as part of the service application review process.

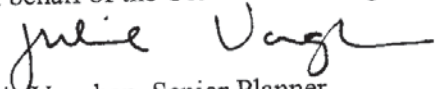
- 16) All utility mains, services, and appurtenances shall be constructed in accordance with Town standards. As-built drawings of any water or sewer utility work connected to the Town's system shall be submitted to the Water and Sewer Division upon completion of the project.
- 17) **Prior to the issuance of the Certificate of Occupancy for the final unit**, Planning Staff shall review the landscape installation to confirm that work has been done in accordance with the above mentioned plan. The substitution of native plants for non-native plants as shown in the landscape plan is encouraged and shall be acceptable if approved by the Planning Director.
- 18) One year and three years following the project approval, the Applicant shall submit a report to the Planning Board noting viability of the established landscaping.
- 19) **Prior to the issuance of the first Certificate of Occupancy for the first unit**, the Applicant shall submit a snow removal and storage plan that mitigates any adverse effects to the on-site ecology and emergency response.
- 20) **Prior to the issuance of the first Certificate of Occupancy for the first unit**, areas of roadway inside the development not intended as parking areas should be marked to ensure parking of vehicles does not hinder emergency vehicle access.
- 21) **Prior to the issuance of the first Building Permit for the first unit**, the Applicant shall amend the plans to show locations for shared storage buildings or individual sheds for each unit for review and acceptance by the Planning Division and/or the Planning Board. All shed setbacks shall be noted on the plans. Sheds shall be located at least 3 feet from the lot lines and shall be approved by the Building Commissioner.
- 22) In the event the Applicant determines that the existing house cannot be renovated and decides to tear down the existing house to construct a new house, the new house shall meet the 30-foot front yard setback requirement established for Planned Residential Developments within the Residence A Zoning District and shall otherwise be substantially within the footprint of the existing house as determined by the Building Commissioner and shall be consistent in design and materials with the other buildings as determined by the Building Commissioner and shall be a three bedroom unit.
- 23) **Prior to the issuance of the first Building Permit for the first unit**, the Applicant shall submit scaled and dimensioned floor plans and building elevations, for each proposed unit type, prepared by a MA Registered Architect to the Planning and Building Divisions for review.
- 24) **Prior to the issuance of the last Certificate of Occupancy for the final unit**, the Engineering Division shall review and approve an as-built plan of the drainage system and site grading that demonstrates that the development was constructed as designed. The as-built plan shall be stamped by a registered professional engineer and/or land surveyor.
- 25) **Prior to the issuance of the first Building Permit for the first unit**, the Applicant's engineering consultant shall provide an adequate analysis of the sight distance at the proposed driveway satisfactory to the Concord Public Works Engineering Division. If the minimum sight

distance cannot be met, the Applicant shall arrange for the removal of the oak tree as shown on the plans and the installation of low landscape materials satisfactory to the Planning Director.

- 26) The Applicant shall install a split-rail or picket fence with a maximum height of four (4) feet in place of the six-foot stockade fence shown on the plans.

Please contact me if you have any questions or require further clarification.

On behalf of the Concord Planning Board,



Julie Vaughan, Senior Planner

cc: Christopher Whelan, Town Manager
John Minty, Building Commissioner
Jack McBride, CHDC, Applicant
Sue Sullivan, Engineer



TOWN OF CONCORD
NATURAL RESOURCES COMMISSION
141 KEYES ROAD, CONCORD, MASSACHUSETTS 01742
TEL. (978) 318-3285 FAX (978) 318-3291

Delia R.J. Kaye
Natural Resources Director

June 8, 2010

Mr. Roberto Braceras, Chair
Zoning Board of Appeals
141 Keyes Road
Concord, MA 01742

RE: Planned Residential Development - Amendment, 1245 Elm Street

Dear Mr. Braceras:

At their June 2, 2010 meeting the Natural Resources Commission (NRC) unanimously approved the changes to the proposed development at 1245 Elm Street (Lalli Woods) as a minor modification to DEP File No. 1048. These changes are the same as the ones submitted to the Zoning Board of Appeals as an Amendment to the Special Permit and are minor in nature. Thank you for the opportunity to comment on this application, on behalf of the NRC.

Very truly yours,

Delia Kaye
Natural Resources Director

cc: NRC
Julie Vaughan
File

TOWN OF CONCORD
BOARD OF APPEALS

THE BOARD OF APPEALS CERTIFIES as follows:

Name and Address of Owner: Concord Housing Development Corporation
c/o Dept. of Planning and Land Management
141 Keyes Road
Concord, MA 01742

Property Identification: 1245 Elm Street
Concord, Massachusetts
D52588-512

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.

Patrick C. Torrey
Ami Kaufman
David [Signature]

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
JUL 07 2010

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.