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Bk: 54842 Pg: 392 Doc: DECIS
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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 a Special Permit, under Sections 7.1.5, 10 and 11.6, to reconstruct, extend, alter or change a non-conforming one-family structure and for a 8-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.

1245 Elm Street, Concord, MA

Paula Febino
CLERK, BOARD OF APPEALS

January 29, 2010
DATE

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

Deed Reference: Book 52588, Page 512

TOWN OF CONCORD

BOARD OF APPEALS

The Application of THE CONCORD HOUSING DEVELOPMENT CORPORATION for a Special Permit, under Sections 7.1.5, 10 and 11.6, to reconstruct, extend, alter or change a non-conforming one-family structure and for a 8-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 October 1, 2009 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 12th day of November, 2009 at 8:35 P.M. as the time, and the Hearing Room, Town House, Monument Square, Concord, Massachusetts, as the place of the public hearing upon said application. The Hearing was continued to the December 10, 2009 and January 14, 2010 Meetings at the request of the Applicant.

The following notice was published in *THE CONCORD JOURNAL* in the issues of October 29, 2009 and November 5, 2009, and a copy of said notice was sent by mail to each of the aforementioned parties in interest and property owners.

BOA/1245 ELM STREET
LEGAL NOTICE
Board of Appeals
Public Hearing

A public hearing of the Concord Zoning Board of Appeals will be held on Thursday, November 12, 2009, in the Hearing Room, Town House, Monument Square, Concord, Massachusetts, at 8:35 P.M. on an application by Concord Housing Development Corporation for a Special Permit, under Sections 7.1.5, 10 and 11.6, to reconstruct, extend, alter or change a non-conforming one or two-family structure and for a 13-unit Planned Residential Development at 1245 Elm Street.

AD#12097843
Concord Journal 10/29, 11/5/09

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 December 22, 2009.

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

See Order of Conditions issued on January 8, 2010.

The Board thereupon took the following action:

VOTED: To grant to the applicant, Concord Housing Development Corporation, a Special Permit, under Sections 7.1.5, 10 and 11.6, to reconstruct, extend, alter or change a non-conforming one-family structure and for an 8-unit Planned Residential Development at 1245 Elm Street, according to the conditions of the December 22, 2009 Planning Board Recommendation as amended by the Board, subject to the Order of Conditions issued on

January 8, 2010 by the Natural Resources Commission, 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, with the following conditions:

1. Approval is based on the following plans prepared for prepared for a Planned Residential Development at 1245 Elm Street:
 - a. Cover Sheet & Notes, prepared for Concord Housing Development Corporation, dated September 2009 and revised on 11-04-09 and 12-04-09, prepared by Places Associates, Inc., 510 King Street, Suite 9, Littleton, MA, 01460.
 - b. Demolition Plan/Erosion and Sedimentation Control Plan, prepared for Concord Housing Development Corporation, dated September 2009 and revised on 11-04-09 and 12-04-09, prepared by Places Associates, Inc., 510 King Street, Suite 9, Littleton, MA, 01460.
 - c. Layout & Utilities Plan, prepared for Concord Housing Development Corporation, dated September 2009 and revised on 11-04-09 and 12-04-09, prepared by Places Associates, Inc., 510 King Street, Suite 9, Littleton, MA, 01460.
 - d. Grading & Drainage Plan, prepared for Concord Housing Development Corporation, dated September 2009 and revised on 11-04-09 and 12-04-09, prepared by Places Associates, Inc., 510 King Street, Suite 9, Littleton, MA, 01460.
 - e. Landscape Plan, prepared for Concord Housing Development Corporation, dated September 2009 and revised on 11-04-09 and 12-04-09, prepared by Places Associates, Inc., 510 King Street, Suite 9, Littleton, MA, 01460.
 - f. Construction Details, prepared for Concord Housing Development Corporation, dated September 2009 and revised on 11-04-09 and 12-04-09, prepared by Places Associates, Inc., 510 King Street, Suite 9, Littleton, MA, 01460.
 - g. Drainage Details, prepared for Concord Housing Development Corporation, dated September 2009 and revised on 11-04-09 and 12-04-09, prepared by Places Associates, Inc., 510 King Street, Suite 9, Littleton, MA, 01460.
 - h. Sewage Disposal System Plan, System 1 Units 1-4, prepared for Concord Housing Development Corporation, dated September 2009 and revised on 10-27-09, prepared by Places Associates, Inc., 510 King Street, Suite 9, Littleton, MA, 01460.
 - i. Sewage Disposal System Plan, System 2 Units 5-7, prepared for Concord Housing Development Corporation, dated September 2009 and revised on 10-13-09, 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.
2. 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 design and 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 Building Permit for the first unit, the Applicant shall submit a Regulatory Agreement regarding the affordability of the units to the Board of Appeals in a form similar to that required by MassHousing.
 - c. Prior to the issuance of the first Certificate of Occupancy, the Applicant shall submit an Affirmative Fair Housing Marketing Plan and shall work with a Monitoring Agent in the selection of the owners/occupants. The designation of potential owners shall be done by lottery in accordance with the standards required by MassHousing. To the extent permitted by MassHousing, 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;
 - Current employees of the Town of Concord;
 - Current employees and students of the public and regional school district serving 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.
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 S: 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.
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 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 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
STEVEN NG	GRANTED
DAVID FISHER	GRANTED

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

The Applicant sought a Special Permit, pursuant to Sections 7.1.5, 10 and 11.6 of the Bylaw, for a Planned Residential Development at 1245 Elm Street with a total of eight-units, of which at least 75% would be affordable as allowed under Section 10.3.2 of the Bylaw. The eight units would consist of the renovated or reconstructed existing nonconforming house, four new 2-bedroom units in two duplex buildings, and three new 3-bedroom units in three single-unit buildings.

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

Pursuant to Section 10.1 of the Bylaw, a Planned Residential Development allows by special permit from the Board an alternative pattern of residential land development. It is intended to encourage the conservation of open space, while at the same time providing for a mixture and diversity of housing types in the Town at somewhat greater dwelling unit densities than is otherwise permitted without a significant increase in Town-wide population density. The Board found that this type of development adds affordable diversity to the Town.

Pursuant to Section 10.4.2 of the Bylaw, the Planning Board reviewed the Special Permit Application for the Planned Residential Development, the development statement and plans and submitted its reports and recommendation on the technical quality of the proposed development to the Board. These reports included evaluations of how the project meets the Planned Residential Development Standards found in Section 10.2 of the Bylaw. The December 22, 2009 Letter recommended approval of the Special Permit for a Planned Residential Development with conditions. The Board reviewed each of these conditions and made revisions to the conditions based on discussion and comment during the Public Hearing.

The Board was advised that the presence of ledge on the site might make it necessary for the Applicant to make a slight shift in the placement of the structures within the development. The Board determined that a shift of up to ten feet would be allowed as long as other conditions are met and revised Condition 2 of the Planning Board Recommendation accordingly.

The Board found that more definition about the reconstructed house was necessary and added more specific language about the size and location of the reconstructed house to Condition 22 of the Planning Board Recommendation.

The Board reviewed the proposed language for Condition 25 of the Planning Board Recommendation and found that more definition to the sight distance condition was necessary. After discussion, the Board revised the condition accordingly.

The Board was advised by the Building Commissioner that the references to timing sequence and project performance in some of the conditions need clarification. The Board revised the language of the recommended conditions accordingly.

The Board found that a split rail fence would be more appropriate than the proposed 6-foot tall lattice-topped vinyl stockade-style fence and Condition 26 was inserted accordingly.

The Board reviewed the language of Condition 17 of the Planning Board Recommendation and found that the substitution of native plants for non-native plants would be allowed. The condition was modified accordingly.


Pursuant to Section 10.4.3 of the Bylaw, the Natural Resources Commission reviewed the Special Permit Application, the development statement and associated plans for the Planned Residential Development. An Order of Conditions was issued by the Natural Resources Commission on January 8, 2010. The Board granted the Special Permit subject to this Order of Conditions.

Pursuant to Section 10.4.4 of the Bylaw, the Board found that the PRD is in harmony with the general purpose and intent of Section 10 and that the 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. The Board imposed conditions as recommended by the Planning Board, the Natural Resources Commission, and upon its own initiative. The Board gave due consideration to the report of the Planning Board and the Order of Conditions issued by the Natural Resources Commission and came to the decision that was recommended by the Planning Board.

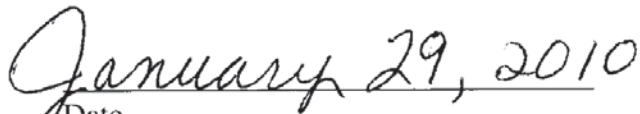
Pursuant to Section 11.6 of the Bylaw, the Board considered impacts on economic and community needs; traffic flow and safety concerns, including parking and loading; adequacy of utilities and other public services; impacts on neighborhood character;

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



TOWN OF CONCORD PLANNING BOARD

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

MARCIA A. RASMUSSEN, PLANNING DIRECTOR
December 22, 2009

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

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

Dear Mr. Braceras:

At its meetings held on Tuesday, December 1 and December 15, 2009, the Planning Board met with the Applicant, Concord Housing Development Corporation, and the Applicant's Engineer Sue Sullivan, P.E. of Places, Associates and reviewed the Planning Division report for the application 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 5-1 to recommend that the Board of Appeals **grant** 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, Dated September 2009.
- b. Demolition, Erosion Control Plan / SP-2: "Lalli Woods" PRD, Concord, MA, Dated September 2009.
- c. Layout & Utilities / SP-3: "Lalli Woods" PRD, Concord, MA, Dated September 2009.
- d. Grading & Drainage / SP-4: "Lalli Woods" PRD, Concord, MA, Dated September 2009.
- e. Landscape Plan / SP-5: "Lalli Woods" PRD, Concord, MA, Dated September 2009.
- f. Construction Details / SP-7: "Lalli Woods" PRD, Concord, MA, Dated September 2009.
- g. Drainage Details / SP-8: "Lalli Woods" PRD, Concord, MA, Dated September 2009.
- h. Sewage Disposal System Plan – System 1 / SDS-1: "Lalli Woods" PRD, Concord, MA, Dated September 2009.
- i. Sewage Disposal System Plan – System 2 / SDS-2: "Lalli Woods" PRD, Concord, MA, Dated September 2009.

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

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

- 2) The Applicant shall notify the Board of Appeals in writing of any proposed changes to the project herein approved so that the Building Inspector can determine if further approvals or amendments to existing approvals are required.
- 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 design and 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 a Building Permit**, the Applicant shall submit a Regulatory Agreement regarding the affordability of the units to the Board of Appeals in a form similar to that required by MassHousing.
 - c. **Prior to the issuance of a Certificate of Occupancy**, the Applicant shall submit an Affirmative Fair Housing Marketing Plan and shall work with a Monitoring Agent in the selection of the owners/occupants. The designation of potential owners shall be done by lottery in accordance with the standards required by MassHousing. To the extent permitted by MassHousing, 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. Current employees of the Town of Concord;
 - iii. Current employees and students of the public and regional school district serving the Town of Concord.
 - d. **Prior to issuance of a 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) **Prior to the issuance of a Certificate of Occupancy**, the Applicant must comply with all conditions listed in the Order of Conditions set forth by the NRC.
- 6) **Prior to the issuance of a Certificate of Occupancy**, the Applicant shall provide a calculation of the total common open space area.

- 7) **Prior to the issuance of a Building Permit**, 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 a Building Permit**, 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 S: 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 a Building Permit**, 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 a Building Permit**, 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 a Building Permit**, 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 a Certificate of Occupancy**, Planning Staff shall review the landscape installation to confirm that work has been done in accordance with the above mentioned plan.

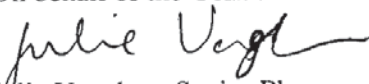
- 18) One year and three years following the project approval, the Applicant shall submit a report to the Planning Board noting viability of the established landscaping.
- 19) **Prior to the issuance of a Certificate of Occupancy**, the Applicant shall submit a snow removal and storage plan that mitigates any adverse effects to the on-site ecology and emergency response.
- 20) **Prior to the issuance of a Certificate of Occupancy**, 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 a Building Permit**, 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.
- 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.
- 23) **Prior to the issuance of a Building Permit**, the Applicant shall submit scaled and dimensioned floor plans and building elevations prepared by a MA Registered Architect to the Planning and Building Divisions for review.
- 24) **Prior to the issuance of a Certificate of Occupancy**, 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.

In addition, the Concord Public Works Engineering Division has recommended an additional condition addressing sight distance at the driveway intersection with Elm Street/Route 2A, as outlined below. This condition was not available for the Planning Board to consider at its meeting on December 15th; however, the Board of Appeals may want to consider adding this recommended condition.

- 25) The Applicant's engineering consultant shall provide an adequate analysis of the sight distance at the proposed driveway. If the minimum sight distance cannot be met, consideration should be given to some means to address the issue, keeping in mind that MassDOT has jurisdiction over this roadway.

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

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. Toomey
Sturmy
Daniel Fr

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
FEB 19 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.

Forms: Sig. pg.