

3/13/24

Dear Mr Kindermans and the Zoning Board of Appeals,

My understanding is that you, as the Chair of the Zoning Board of Appeals in the Town of Concord, should receive comment from the abutters to the proposed Accessory Dwelling Unit (ADU) at 262 Virginia Road.

I live at 232 Virginia Road and, due to my proximity (within 300 feet of the aforementioned property), am an abutter to this proposed project. I have received a copy of the proposal, dated January 25, 2024, from the “applicant”, Michael Gresty, and he has come to discuss this project with me. The “owner”, his wife, Irina Mladenova, has not approached me on this matter.

It is my understanding that Mr Gresty and Ms Mladenova are seeking at least two variances from the allowances for an ADU in the Town of Concord. It is further my understanding that if their proposed ADU complied with the town’s bylaws, we, as abutters, would have no say in their plans to build.

One variance has to do with the ADU lot width requirement of 150’, which they propose be reduced by exception to 120’. Since their lot is a “J” shape with their current house at the back of the lot, I do not understand the implications of reducing the frontage requirement.

The second variance requested by Mr Gresty is to expand the allowable square footage from 750 sq ft to 999.17 sq ft (for all intents and purposes: 1000 sq ft). I am opposed to this increase for the following reasons:

Mr Gresty has proposed to the neighbors that this ADU is to house visiting relatives including “aging parents” (as articulated in a “Project Narrative” dated January 22, 2024) beyond what their four-bedroom house apparently accommodates. It is my contention that visiting guests including family members do not require the expanse of 1000 sq ft including two bathrooms while still being able to enjoy the larger house on the same property. One could also argue that there is also not the need for two bedrooms—one bedroom and a sleeper sofa should be sufficient.

In addition, the proposed ADU has a full basement that is insulated and contains the laundry. Basement laundry is not ideal (much less intended) for aging parents. Including plumbing for laundry into the basement from the start, however, does allow for possible future bathroom/kitchen renovations in the basement.

Though in its current design, the basement is not “conditioned space”, this could easily be accomplished after the main construction is complete, thus doubling the livable space from the maximum 1000 sq ft allowed by the town for an ADU to 2000 sq ft.

Mr Gresty has told us that this additional renovation would not be allowed by the Town of Concord and assured me it would not happen. But Paul Creedon, the town's building commissioner, has apparently stated that once an ADU has been completed, his office could not deny a permit to build out the basement to become livable space. I suspect Mr Gresty and Ms Mladenova know this.

In addition, the attic space would allow for living space expansion, limited only by some of the roof line so it also could conceivably be finished after the fact to expand the size of the ADU beyond even 2000 sq ft. In fact, there are two skylights proposed in the attic beyond the one that will be exposed to the main floor. When asked about the need for skylights in the attic, which is designated for storage, Mr Gresty replied that it would allow light for seeing into the space and a decreased need to turn on lights.

When asked about the need for so much storage space (full basement and attic) in a dwelling designed to house visitors, Mr Gresty replied that he and Ms Mladenova need more space for things in their main house.

There are four proposed parking spots in the plans. One pair of spots, Mr Gresty stated, would become a detached garage. What is the need for four parking spots, much less a full garage, for visiting family members who would have at most two cars?

Mr Gresty said that the septic tank is the smallest they could propose and it is sized for 3 bedrooms, which could mean up to six people year-round.

When asked about the heating/cooling plans for the structure, Mr Gresty explained that he thinks it will be a combination of heat pumps and propane. It is my understanding that the town voted to require all new construction be required to be net zero and no fossil fuels be utilized to power any new buildings. It is important to the town as well as to me that a new ADU be completely electrically powered from heating and cooling to stove and hot water.

Mr Gresty said that "eventually" they may rent the ADU for income. I suspect that financial payback for the hundreds of thousands of dollars they would spend on this project is ultimately what they are after. If they finish the basement (which has a proposed exterior entrance that could allow for two unrelated tenants: basement and main floor) and possibly the attic, suddenly this becomes housing for more than a few visiting relatives. Though the Town of Concord needs more affordable housing, I would need to be assured that this property would, in fact, be affordable. If the square footage increases up to 2400 as a separate dwelling with four or more bedrooms, several bathrooms, and four parking spaces, it will not be affordable.

The water table in our area is also a concern. Climate change and the resulting persistent wet weather has resulted in all of us in the neighborhood experiencing more yard lakes forming, as well as more water into our basements in spite of previous mitigation work. Displacing 10,000 cubic feet of soil for the basement and more for the septic tank may result in groundwater shifts and compound problems for all the surrounding neighbors. At minimum, I request a hydrology evaluation and report to assure us that this new house would not impact our properties.

Finally, though I have been assured that this ADU property could not be severed from the main property and sold separately—breaking the intent of the ADU bylaw – it is my understanding that a legal loophole exists that would allow the owner to sell the ADU, whether as a condominium or as a distinct property. Though I admit this is hearsay, it does concern me and I would want to be reassured that there are no such legal loopholes.

If Mr Gresty and Ms Mladenova had proposed an ADU of no more than 750 sq ft of living space, never mind if it included a corresponding basement and attic which presumably could be finished after the initial structure was completed, we neighbors could not object in any impactful way. All of the concerns I listed above could be actualized albeit on a smaller scale. Therefore, I am submitting my objection to the requested variance of an increased size to the maximum of 1000 sq ft. The requested size variance, along with the potential for more than doubling the livable space, puts into question whether the spirit of the ADU bylaws is being strategically bypassed.

I will not be able to attend the formal Zoom meeting scheduled for 7P on March 28 but let the record show my concerns and objections.

Sincerely,  
Jill M Sandeen  
232 Virginia Rd