

Project Narrative: Accessory Dwelling Unit, 262 Virginia Rd

October 11, 2024

Preamble

We are submitting this revised project for an accessory dwelling unit (ADU) pursuant to the Remand Order of the Land Court dated 9/30/24. The project is substantially the same, with the only modification being the reduction of the basement ceiling height to comply with the Order.

We note that the Remand Order specifically requires the ZBA to consider the effects of recent amendments to the Zoning Act regarding accessory dwelling units, specifically the amendment to Chapter 40A, §3 as it pertains to accessory dwelling units. The new language reads, inter alia:

“[n]o zoning ordinance or by-law shall prohibit, unreasonably restrict or require a special permit or other discretionary zoning approval for the use of land or structures for a single accessory dwelling unit, or the rental thereof, in a single-family residential zoning district; provided, that the use of land or structures for such accessory dwelling unit under this paragraph may be subject to reasonable regulations, including, but not limited to, 310 CMR 15.000 et seq., if applicable, site plan review, regulations concerning dimensional setbacks and the bulk and height of structures...”

(MA General Laws, Session Law - Acts of 2024 Chapter 150, §8.)

Existing Conditions

262 Virginia Road is a “J” shaped 1.64 acre parcel extending southwards from Virginia Road to the Town wetland. The parcel is zoned Residential A and is a conforming “reduced frontage lot” in that the frontage on Virginia Rd is 120’ vs. the 150’ typically required. Access to the parcel is via a shared drive running down the low-lying boundary between two adjacent parcels to the west, #s 260 and 244 Virginia Rd. The shared drive is an asphalt single lane in poor condition that serves all three houses. There is

currently no direct access to 262 from Virginia Road. The parcel is flat to the north, slopes up to a rocky crest to the east of the dwelling adjacent #50 Quail Run Drive and then drops off towards the wetland to the south and westward towards #244.

The existing two-story Colonial-style house (2,786 GSF) with gable roof is situated on the southern third of the parcel, just on the cusp of the "J," adjacent the rocky crest to the east of the house. The house was built circa 1985 and is oriented approximately east-west, like the houses at #s 260 and 244. The front porch and door are on the north side and the deck is on the south side, facing the wetland. The ground floor consists of an entrance hallway and stair, living-dining room with a fireplace, kitchen, guest-room/office, and bathroom/laundry. The upper floor has four bedrooms, two bathrooms, and a parlor with a fireplace at the landing. The unfinished basement has an oil-furnace, boiler, a sump pump, a radon removal system, an electrical panel and sub-panel, a water main shut-off, an alarm system, an Xfinity cable connection, and an internet router. The double-car garage under the house also houses the oil tank. The house is served by the original concrete septic tank and the leachfield, which are to the south, between the deck and the wetland. The grounds feature large trees, numerous shrubs, fruit bearing trees and bushes, and grass.

No alterations to the existing house are envisaged in the proposed ADU project.

Proposed ADU Project

The proposed ADU of 999 GSF is to be located on the northern part of the parcel, set back approximately the same distance from Virginia Rd as the neighboring houses at #s 260 and 300 Virginia Rd. The ADU is located further from the street and side zoning setbacks than is required:

Street: required: min. 40'; as designed: >155'
West: min. 15'; as designed: 21'-8"
East: min. 15'; as designed: 41'-1"

The ADU is also oriented east-west, with two bedrooms, a double-height living-dining, an open plan kitchen, and master and common bathrooms on the ground floor. The front door is to the east, leading to the parking area for two cars. A new drive connects these directly to Virginia Road via a new entrance off Virginia Rd, which is as-of-right.

The new septic tank system is to the north of the house and west of the drive. There is a deck on the south side, and both bedrooms as well as the living room open onto the deck. Hot water is supplied by two Instahot units. The unfinished non-habitable basement (6'-7 ½" clear height) includes storages rooms, a sump pump, radon removal system, electrical panel, water main shut-off, alarm system, Xfinity cable service, and internet router. The attic has additional storage space.

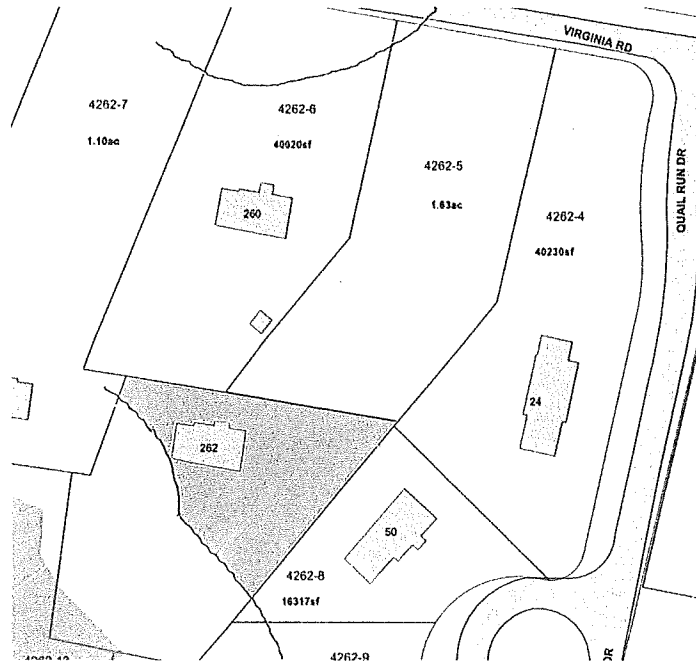
Relief Requested

The Board denied our original application in a decision dated July 28, 2024, citing Section 6.2.3 and Table III of the Zoning Bylaws, which requires that a dwelling on a reduced frontage lot must be situated in a location such that the lot width at the nearest point on the front wall of the dwelling meets the minimum lot frontage for the zoning district. The existing dwelling complies with this requirement.

We request that the Board grant relief from this requirement for the ADU because there are multiple limitations that make impose hardship and make it unreasonable to locate an affordable ADU that complies with (a) this requirement (b) other Zoning Bylaws, and (c) the site conditions. The open area of the parcel to the north, aligned with adjacent homes, is the logical siting for an ADU.

The following site conditions put severe constraints on siting an ADU south of the 150' site width, and create several inconveniences for the abutters in #s 260, 244 and 50 Quail Run Dr.

- 1) There is a large Town wetland to south and the south-east corner of the parcel is in the wetland. The existing dwelling is just beyond the 100' wetland setback. The subsection of the parcel that complies with both the 150' lot width requirement (black line) and the 100' wetland setback (red line) is shown in grey in the diagram below, derived from the Concord GIS. (See photos.)



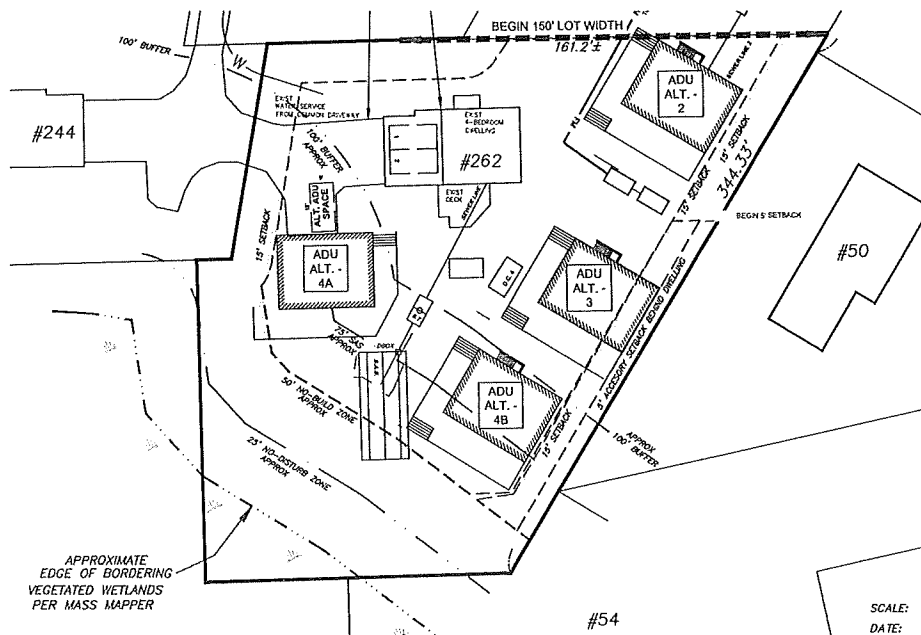
- 2) The remaining area to the south-east of the existing dwelling is a rocky outcrop, which would be extremely costly to excavate. (See photos.) This would also place the ADU very close to the east boundary with #50 Quail Run Drive. The mature pine trees (see photos) on this boundary would need to be cut down and cut back to make space for the ADU roof and to let in light. This change would also eliminate a natural privacy barrier between #s 262 and 50 Quail Run Drive. Other mature trees on the property, which provide shade for the main dwelling in summer, would also need to be cut down to make place for an ADU.
- 3) An ADU located anywhere south of the 150' width line would have to be served by the existing shared drive. This single lane drive is in poor condition due to decades of use and is slowly subsiding, exposing underlying rocks. (See photos.) The drive can barely accommodate regular delivery or contractor vehicles in addition to the 6-7 homeowner vehicles for #s 244, 260 and 252. Moreover, at the intersection of the three parcels, the drive is at its lowest point, almost on level with the wetland to the south (see photos), and is vulnerable to flooding, which regularly occurs in the adjacent lawn of 244. (It is unreasonable to suggest, as some have, that this area could be served by a new access from

Virginia Rd, as this would create a long impervious drive and destroy much of the garden.)

The diagram below illustrates some possible locations of an ADU to comply with the 150' width requirement. Two of them (4A and 4B) are located within the 100' wetland buffer and at risk of flooding. The other two (2 and 3) are on the rocky outcrop, close to the boundary with #50.

In sum, complying with the 150' site width requirement for an ADU creates extreme hardship:

- Overtaxed shared drive, inconveniencing abutters
- Location in Town wetland buffer and risk of flooding.
- Expensive excavation for foundations, basement and new septic tank.
- Tree removal and loss of privacy.



Justification for Special Permit

We are requesting a Special Permit for the full 999 GSF allowed in the ByLaw to provide adequate accommodation for family members, including aging parents and close relatives (family of four), who may stay for extended periods. We anticipate

hosting other guests who would not be able to share the existing house and we envisage that we and possible future owners might also rent out ADU, as allowed under the ByLaws.

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