

Smith
South East Abutter to 262 Virginia Rd.

54 Quail Run Dr.
Concord, MA.
01742

Town of Concord Board of Appeals
141 Keyes Rd.
Concord MA.
via email: planningdivision@concordma.gov

5 December, 2024

Subject: 262 Virginia Rd application for a Front yard ADU in excess of 750 Sq. FT.

Dear Chair and Members of the Board of Appeals,

We are writing to notify the board of our opposition to the application for a front yard Additional Dwelling Unit (ADU) in excess of 750 sq. Ft at 262 Virginia Rd as proposed by Mr. Michael Gresty. We are respectfully requesting that the application to the board of appeals be denied. **We understand this application is being revisited for consideration under the Healey affordable care act which we understand only applies to ADU's under 900 Sq. Ft.**

For your consideration, we contend that the application as proposed is of a scale that will have an adverse impact to the groundwater and to the traffic situation for abutters and the broader neighborhood. Additionally, we suggest for your consideration, that the application as proposed is inconsistent with the intent, and in excess of what is necessary to meet the spirit of the ADU bylaw. In fact, the proposal gives the impression that the ADU bylaw is being leveraged by the applicant to circumvent the towns sub-division control laws.

The ground water situation, both surface and sub-surface local to the abutters, and the broader Old Bedford Rd., Virginia Rd., Elm Brook neighborhood has proven to be both precarious and dynamic. We have resided in the neighborhood since 1996 and continue to see standing water over and adjacent to pre-title V septic systems for days. (an indication of groundwater mixing with septic system leaching fields as well as flooded roads and basements). In the year 2000, we worked collaboratively with the town Select Board representative, in an evaluation of the geological survey and groundwater study of our neighborhood. The study ultimately led to the funding and expansion of sewers to old Bedford and east Virginia rd. becoming a priority. As the first occupants of the Quail Run Dr. development, we observed firsthand the struggle the builder had with groundwater when digging and building the foundations for the houses abutting the East side of 262 Virginia Rd. The contractor cited "an underground river" (flow) which forced them to install external water pumps for the basements. In spite of these abatements, flooding persists and is worsening in our neighbors' yards and basements. The area on the applicant's lot where the development is proposed slopes increasingly downward towards the West and South. Both the applicant's property and the abutting Quail Run Dr. properties slope south in the direction of our property which is furthest south. The back of our property has a

drainage easement to support the water flow through the back wetlands along the eastern boundary of 262 Virginia RD. The proposed construction will ultimately have greater than the proposed 999 SQ. ft of impact to the water flow and surface water permeability. As standard for construction, the land adjacent to the home will be graded to flow away from the home's foundation in the direction of abutters. There is a large deck and the additional large driveway with parking for 4+ cars will ultimately end up paved as gravel parking and drives are not a realistic, nor a viable parking solution in New England. As a result, we posit that the ground water permeability and flow impact could be up to 3 or more times as great as the size of the foundation (footprint) of a 750 SQ Ft ADU.

The applicant's current proposal reveals a grandeur vision for the site that what is allowed per the ADU bylaw. This proposal design appears to be an attempt to sub-divide a property without sufficient frontage under the guise of an ADU. **The design exhibits a permanent staircase from the first floor to the attic with a full-size access door and skylights. The result is roughed in living space of approximately 800 SQ. FT., ready for the finish trades. This detail in itself adds is unnecessary for an ADU and results in additional height and visual impact to the project.** Additionally, the basement with exterior stair and door access, along with abundant windows for lighting and egress provide the opportunity to easily convert to additional future living space well in excess of the scoped square footage. In total, the proposed application results in a net current and potential impact that we contend is significantly beyond the ADU bylaw intent.

The application would also require a new and separate curb cut, for a driveway exiting onto Virginia road. The location is in an area that approaches the crest of a knoll at the intersection of Quail Run Dr. There is reduced visibility from the grade in the road and the dense growth adjacent to the sidewalk on the south side of Virginia Rd. in the vicinity of the proposed driveway. Given that this is a proposal for an ADU we contend that the request for the large driveway, parking and curb cut is excessive, inconsistent with the spirit of the ADU, and imposes a traffic risk for the occupants, abutters, and commuters. The existing dwelling on the lot has an existing 2 car garage with a large, paved area adjacent that could provide ample parking for the ADU dwellers. Thus, additional parking and a driveway is not a necessity for the proposed ADU but increases the probability of the projects detrimental effect.

With regards to the proposals planned septic system it is unclear what the proposal is , but it seems environmentally unsound to permit 2 septic systems on a single unit lot. The property has a pre-Title 5 septic system located in an area of seasonal high groundwater. This situation has the potential for mixing of the effluent in the system with the groundwater prior to adequate filtration. Adding additional load on a pre-title 5 unit located in close proximity to wetlands should not be permitted.

To close, the subject ADU special permit application is of a scale that poses a high probability of adverse impact to neighbors and abutters in the areas of groundwater flooding and traffic safety. **We oppose the project in the location proposed** and of the size currently proposed. We respectfully urge the board to deny the application. We would also like to thank the board of appeals for your evaluation and consideration of the impacts of this Front yard ADU project as proposed.

Best Regards,

Michael & Joanne Smith
Abutters
54 Quail Run Dr.

