

December 5, 2024

Theo Kindermans, Chair
Board of Appeals
via email: planningdivision@concordma.gov

RE: Letter in opposition to Application for Special Permit under §4.2.2.2 of the Zoning Bylaw at 262 Virginia Road

Dear Mr. Kindermans and Members of the Board:

We are writing in continued opposition to the revised Application of Michael Gresty for a Special Permit to construct a new separate dwelling unit on his property at 262 Virginia Road, for the purposes of providing an Additional Dwelling Unit (ADU). The reasons for our objections are noted below.

1. The only change to the proposed new application is a slight reduction in the ceiling height of the basement so that it will technically not be habitable (6' to 7½' clear height), although with ceilings of that height there is nothing that would preclude informal use of the space as an office, playroom or family room. There have been no changes that address the many concerns raised by the abutters concerning the size of the ADU and massing effect on the property, the impact on the wetlands and groundwater, the excessive number of parking spaces not consistent with an ADU, and the location of the curb cut on Virginia Road in a blind area at the crest of the hill. These significant concerns were not even acknowledged or addressed in the revised application.
2. The owner's original intent with this property was to subdivide, build a second home, and sell off the extra unit. This is documented through correspondence in the ZBA file for the property, when the Town Planner informed the owner that there was neither the frontage nor the acreage to subdivide the property. The applicant's decision to locate the ADU in the front of the property is in essence an effort to circumvent the subdivision control law. By the applicant's own admission, the location in the front of the property is to provide as much privacy as possible to the primary home (it is located approximately 200' from the primary home). This is certainly not in the spirit of an "accessory dwelling unit," which is intended to be accessory to the main dwelling.
3. Although the ceiling height of the 1,050-sf basement has been reduced from the original 9-10', there is still a separate exterior entrance and above-ground windows. The 709' attic has two skylights and walk-up stairs, allegedly to be used exclusively for storage. Four parking spaces have been delineated on the lot. There is a 927-sf terrace. None of these features is consistent with the intended use as an affordable ADU for visiting elderly relatives or an affordable rental unit.
4. The applicant is citing a financial hardship to locate the ADU elsewhere on the property, implying that there is a given right for all single house lots in Concord to be entitled to construct

an ADU on their property. I suspect that more than half of the single-family house lots in Concord do not have sufficient acreage, setbacks, or septic conditions to accommodate a stand-alone ADU on their property. He is ignoring the fact that essential compliance with the Zoning Bylaw and Title V is required in citing the ADU on the property—if that is not possible, then an ADU cannot be constructed. The “hardship” is the reality that a second large single-family home on the property is not possible, given the acreage, frontage, and width of the property.

In summary, I cite the five objections raised in my March 13, 2024 letter, which are still relevant:

1. Negates the environmental benefit of the 1985 common driveway by adding a new 170’ driveway, a new curb cut, and new utilities separate from the main house.
2. Does not meet either of the two purposes of §4.2.2.2 of the ZBL—does not provide a small unit to rent to increase the diversity of housing in the community; and does not share space with the existing owners, thereby decreasing the burdens of homeownership.
3. The proposed ADU is large, and takes up all but 42’ of the lot width, and at approximately 26’ high creates a large massing effect, is fully visible from the street, replacing the existing open space/orchard, and is close to and visible to several abutters (while maintaining a distance of 200’ from the primary house).
4. The impact on the already challenged and significant groundwater issues for the neighbors is unknown, and should be evaluated and determined prior to the issuance of any special or building permit. All of the abutters are experiencing increased water in basements and ponding on their lawns and property. This will only get worse with the addition of a large single-family home squished between the existing homes.
5. The proposed location of the curb cut in a blind area at the crest of the hill adjacent to the school bus stop is potentially dangerous.

Thank you for your consideration of our concerns,

Sincerely,

Anita S. Tekle
260 Virginia Road
Concord, MA 01742



Hagos Tekle