



February 14, 2024

Concord Zoning Board of Appeals
Theo Kindermans, Chairperson
22 Monument Square
Concord, MA 01742

Subject: The Residences at Thoreau – Comprehensive Permit
275 Forest Ridge Road, Concord, MA

Dear Mr. Chairman:

Hancock Associates has been hired to assist the Board of Appeals in their review of the proposed Comprehensive Permit Project at 275 Forest Ridge Road, Concord, MA to be known as The Residences at Thoreau through a grant from the Technical Assistance Program of the Massachusetts Housing Partnership (MHP). MHP engages qualified consultants to assist the Zoning Board of Appeals (ZBA) in navigating and understanding underlying development issues and impacts as they relate to the process and regulations associated with evaluating a Comprehensive/40B permit. Consultants also help facilitate productive discussions with developers and in most cases, communities receiving technical assistance from MHP have successfully negotiated comprehensive permits on terms mutually agreeable to both the municipality and developer.

Hancock Associates has completed an initial review of the Comprehensive Permit submission and offer the following as initial guidance to the Board.

Documents Reviewed

1. Comprehensive Permit Application dated 12/21/23.
2. The Residences at Thoreau Project Narrative
3. Certified List of Abutters
4. Project Team Overview
5. Entity Information for the Applicant
6. Evidence of Site Control
7. List of Project Waivers
8. Project Eligibility Letter dated 12/20/23.
9. Tabulation Summaries
10. Preliminary Civil Site Plans prepared by Allen & major Associates, Inc., dated 12/20/23.
11. Stormwater Management Report prepared by Allen & Major Associates, Inc.

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185 Centre Street
Danvers, MA 01923
Phone: (978) 777-3050
Fax: (978) 774-7816

MARLBOROUGH OFFICE
315 Elm Street
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CHELMSFORD OFFICE
34 Chelmsford Street
Chelmsford, MA 01824
Phone: (978) 244-0110
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- dated 12/2023.
12. Traffic Impact Study prepared by MDM Transportation Consultants, Inc. dated December 2023.
 13. Wetlands, Habitat and Groundwater Maps and Exhibits.
 - a. FEMA Floodplain Map
 - b. GIS Wetlands Map
 - c. Habitat Mapping

Initial Review of Submission

The governing regulations (760 CMR 56) require an applicant to meet three main criteria for consideration of a Comprehensive Permit before a Zoning Board of Appeals:

- The Applicant is required to have site control.
Thoreau Real Estate LLC. Malachy Burke and Jarad Gough, signatories owns the subject property per Quitclaim Deed Middlesex North District Registry of Deeds Book 80075 Page 249 from Camp Thoreau Inc. The Applicant is Thoreau Residences LLC having the same two signatories is a duly established limited liability corporation. The Applicant has provided an operating agreement between the two entities and therefore has provided proof of site control.
- The Applicant must have received a Site Eligibility Letter
Mass Housing issued a Project Eligibility Letter (PEL) on December 23, 2023. The project does not appear to have changed since the letter was issued.
- The Applicant must be a Limited Dividend Organization (LDO)
Thoreau Residences LLC would become a Limited Dividend Organization upon execution of the required Regulatory Agreement. The firm of the Regulatory Agreement is standard issued by the subsidizing agency prior to Final Approval.

760 CMR 56.05 contains the required elements of a submission of a Comprehensive Permit to the Zoning Board of Appeals. The following is a review of the submission regarding these requirements:

- Preliminary site development plans with the locations and outlines of proposed buildings; the proposed locations, general dimensions, and materials for streets, drives, parking areas, walks and other paved areas; and proposed landscaping improvements. Any project of five or more units must have a site plan stamped by a registered professional architect or engineer.
The applicant has satisfied this requirement. A Plan set has been submitted prepared by Allen & major Associates, Inc. dated December 20, 2023, stamped and signed by Timothy J. Williams, P.E., containing 34 sheets.

- An existing condition report on the proposed site and the surrounding areas.

The applicant has partially complied with this requirement. An existing condition plan prepared by Allen & Major Associates, Inc. dated November 1, 2023, signed and stamped by Norman I, Lipsitz, P.L.S. The Applicant should provide an existing conditions report detailing the availability of municipal water and comment on the adequacy of the water supply based on the projected demand.

- Preliminary, scaled architectural drawings prepared by a registered architect, with typical floor plans, elevations, and sections, including construction type and finishes.

The applicant has submitted architectural plans and elevations prepared by The Architectural Team, Inc., dated December 20, 2023, containing eighteen sheets.

- Tabulation of proposed buildings by type, size, and footprint, impervious coverage, and open space, including percentage of tract to be occupied by buildings, parking and paved vehicular areas.

The applicant has complied with this requirement through the submission of the Tabulation Summaries.

- A preliminary subdivision plan if the project involves a subdivision.
- The project is proposed on a 13.08-acre portion of the 33.2-acre Thoreau Club property. The Site Plan depicts a proposed subdivision line. The Applicant should submit a Preliminary Subdivision Plan for review by the Board.**

- A preliminary utilities plan (water, wastewater, drainage, and storm water management facilities).

The applicant has partially satisfied this requirement. The site plan referenced above shows utility information for connection to municipal water, gas and electric utilities in Forest Ridge Road and very schematic information regarding the proposed wastewater treatment facility. The Applicant should provide preliminary information regarding the status of the hydrogeologic information obtained to date and the preliminary design of the effluent disposal area. The project's proposed sewer output of 50,000 gallons per day will require a state issued Groundwater Discharge Permit which is beyond the jurisdiction of the ZBA. The Board should however be afforded the ability to review preliminary design elements such as grading over the effluent field, odor control and impacts to groundwater coordinated with the stormwater review.

- A list of Waivers from local bylaws and regulations.

The applicant has initially satisfied this requirement. The waiver list may change during the process requiring revision.

Additional Materials

Although the Applicant has partially complied with the minimum submission requirements of 760CMR 56.05. The Board may request additional materials as you deem necessary in review of the project. Based on our experience with projects of this size, we offer the following as suggestions that could be presented to the applicant as formal requests for additional information:

1. Soil Test Logs
2. Preliminary Fiscal Impact Analysis (voluntary)
3. Hydrant Flow Test
4. Preliminary Wastewater Design and Groundwater Design Mounding Analysis for the Effluent Fields

Procuring peer review consultants

The Board is allowed to engage peer review consultants to assist the Board and town staff with technical review. The reviews can include civil, traffic, architecture, and any other technical issues that may arise germane to the Board's review. We understand Ms. Hughes as distributed scopes of work for civil and traffic engineering and architectural peer review. Hopefully proposals for peer review consultants are ready for review at the February 29th hearing.

Comments from other municipal boards and committees, town staff

The application has been distributed to town boards and departments for comment. Hancock can assist with organizing this input as well as outreach and education to town officials regarding their important role in the process.

The Board should be receiving comments from the following:

- Planning – Elizabeth Hughes, Town Planner
- Building Official – Paul Creedon, Building Commissioner
- Natural Resources Commission – Delia Kaye, Director
- Fire Department – Chief Thomas M. Judge
- Health Department – Melanie Dineen, Public Health Director
- Police Department – Chief Thomas Mulcahy
- Public Works – Alan H. Cathcart, Director

We will review comments as they are received and work with staff to the extent needed to assist the Board in tracking comments for possible conditions.

Project Impact of Community Housing Goals

The project's 216 rental units would bring Concord from the current Subsidized Housing Inventory (SHI) status of 9.97% to 12.98% based on the current 715 SHI units of the 7,172 total housing units in the town based on the EOHLC SHI dated June 29, 2023.

Workshops

The Board may entertain conducting a narrow topic workshop with the Applicant and his team. This would be outside the realm of the Public Hearing Process and meet Open Meeting Law if only one Zoning Board member attended. The Applicant would bring his team. There is also an opportunity to invite the neighborhood to partake if they could appoint a representative. The meeting would be held during the day and be held in a public place. The purpose of the meeting would be to discuss a few of the Board's key concerns and negotiate possible resolution in a working session format around a table with the plans. While the public can observe the meeting, it would be best to restrict discussion to those at the table during the session. I could moderate the session. No decisions can be made at this meeting. All information would be brought to the next public hearing and reviewed with the rest of the board and public. I have found this to be fruitful in the past if everyone works in a spirit of cooperation with a focused agenda and goals.

Coordinating the project review schedule

The regulations give the Board 180 days from the opening of the public hearing to close the hearing. The Board opened the Public Hearing on January 18, 2024. The 180 days would bring us to Tuesday July 16, 2024. Assuming the Board uses the full 180 days, we have put together a rough schedule of potential topics for the six hearing dates.

February 29, 2024

- Overview of the 40B Process
- Initial presentation by applicant
- Initial comments from staff, boards, and departments.
- Open discussion to the public.
- Discuss future schedule and schedule site walk.
- Third Party Peer Review

March 2024

- Formal Request of Additional Information
- Discuss Engaging Civil and Traffic Engineering Peer Reviews
- Responses to Initial Departmental Comments
- Responses to Public comments from First hearing

April 2024

- Civil Engineering Peer Review
- Traffic Peer Review
- Discuss Open Issues

May 2024

- Landscape Design
- Mitigation of Neighborhood Concerns
- Landscape Design/ Buffering and Screening

June 2024

- Architectural Design Review
- Follow up on Other Open Items
- Begin discussion of possible conditions and waivers

July 16, 2024

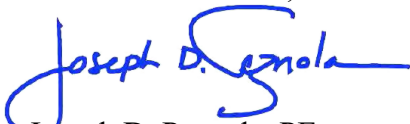
- Clean up loose ends
- Begin framework of draft decision
- Close Hearing

Third party peer review may impact the schedule due to scheduling with engineering firms.

Hancock suggests the Applicant's team compile a response letter to this letter to assist the Board with their review.

We look forward to assisting the Board in this complex and dynamic process. Please do not hesitate to contact me should you have any questions or comments.

Sincerely,
Hancock Associates,



Joseph D. Peznola, PE
MHP Consultant