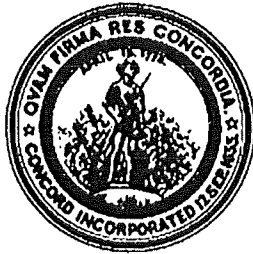


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**TOWN OF CONCORD
BOARD OF APPEALS
141 KEYES ROAD
CONCORD, MASSACHUSETTS 01742**

2024 00002105
Bk: 82378 Pg: 116 Doc: DECIS
Page: 1 of 3 01/08/2024 09:56 AM

DECISION of the Zoning Board of Appeals (the Board) on the application of Sadl Muntasir (Applicant/Owner), for a Special Permit under Zoning Bylaw Sections 5.3.15 and 11.6 to operate a tourist home at 219 Commonwealth Avenue (Parcel# 2133). ✓ 79751-348

This decision is in response to an application filed on July 10, 2023. After causing notice of the time and place of the public hearing and of the subject matter thereof to be published in *The Concord Bridge* on August 25, 2023 and September 1, 2023, posted and mailed to the Applicant, abutters and other parties of interest as required by law, the public hearing was opened on September 14, 2023.

The Applicant is seeking a Special Permit to use 3 rooms of their home for a short-term rental to help alleviate the financial burden of homeownership. The short-term rentals will not exceed more than 30 days at a time. There is adequate parking for up to 6 vehicles on the property.

After due consideration of the application, the record, presentation by the Applicant and based upon review of the issues set forth herein, the Board voted 3 to 0 (Leonard, Kindermans, Swaim) on September 14, 2023 to GRANT the Special Permit.

In reviewing the application, the Board reviewed the following Zoning Bylaw Sections:

Zoning Bylaw Section 5.3.15, Tourist Home or Bed and Breakfast

The Board determined that a Special Permit was required for the use of the home for temporary accommodations for overnight guests for a fee and found that the application meets the requirements of the Bylaw because 3 rooms will be used for such accommodations.

Zoning Bylaw Section 11.6, Special Permit

The Board finds that the adverse effects of the existing short term rental unit will not outweigh its beneficial impacts to the public interest, the Town and the neighborhood, in view of the particular characteristics of the Site, and of the proposal in relation to that Site.

11.6.1 Impacts on economic and community needs;

The Board finds the short-term rental unit will not have a significant negative impact on economic and community needs. The Applicant attempted for over a year to rent the space with a long-term lease and was not successful.

11.6.2 Traffic flow and safety concerns, including parking and loading;

The Board finds that the short-term rental unit does not create any significant safety concerns and the Site has adequate space for parking for the owners and guests so that parking on the street is not required.

11.6.3 Adequacy of utilities and other public services;

The Board finds that the short-term rental unit will have minimal effect on utilities and other public services.

11.6.4 Impacts on neighborhood character;

The Board finds that the short-term rental unit will have no impact on neighborhood character because there will not be any changes to the exterior of the dwelling.

11.6.5 Impacts on the natural environment;

The Board finds that the short-term rental unit will have no negative impact on the natural environment because there will not be any changes to the exterior of the dwelling.

11.6.6 Fiscal impacts, including impacts on town services, the tax base and employment.

The Board finds that the short-term rental unit will not have a significant fiscal impact on Town services, the tax base and employment. The Applicant will be required to pay the State Room Occupancy Tax, including the Town's local option tax rate of 6%.

The Board grants the Special Permit subject to the following conditions: ✓

1. Approval is based on the following plans prepared for 219 Commonwealth Avenue, Concord, MA:
 - Site plan showing driveway parking for 4 vehicles and garage parking for 2 vehicles, date stamped September 12, 2023
 - Floor plans showing 2 bedrooms on the second floor and 1 bedroom on the third floor, date stamped September 12, 2023
2. **Prior to the use of a room for sleeping in a Tourist Home**, the Applicant or their contractor shall contact Concord Fire Prevention for an inspection and testing for compliant smoke and carbon monoxide alarms in the dwelling.
3. **Prior to the use of a room for sleeping in a Tourist Home**, the Applicant or their contractor shall receive a Building Permit and Inspection from the Building Inspection Division to ensure compliance with Sec 310 of the State Building Code.
4. **This Special Permit is granted** for a period of one (1) year and expires one (1) year from the date that this Special Permit is filed with the Town Clerk, but, upon application to the Board, may be renewed or extended.

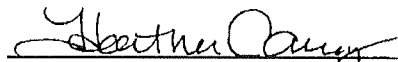
- 5. **This Special Permit shall lapse within two (2) years**, which shall not include such time required to pursue or await the determination of an appeal, from the date of grant thereof, if a substantial use has not sooner commenced except for good cause or, in the case of a permit for construction, if construction has not begun by such date except for good cause.

- 6. **Violation of any of the conditions of the Special Permit shall be grounds for revocation of the Decision**, or any building or occupancy permit granted hereunder. If at any time the guest suite is not in compliance with the Decision and any permit issued by the Town, the Building Commissioner may revoke the building or occupancy permit until the non-compliance is corrected.

- 7. **By acceptance of this Special Permit**, the Applicant acknowledges the binding effect of the conditions of the Decision. The Applicant shall record with the Middlesex South Registry of Deeds the Special Permit and provide a copy of the recorded decision to the Building Inspections Division.


Appeals, if any, shall be made in accordance with M.G.L. Ch. 40A Sec. 17 within twenty (20) days after this decision is filed with the Town Clerk.

ON BEHALF OF THE CONCORD BOARD OF APPEALS:



 Heather Carey, Office Coordinator
 Concord Planning Division

Decision filed with the Office of the Town Clerk:

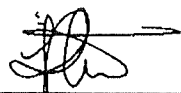


 Kaari Mai Tari, Town Clerk

10/23/2023

 Date

I, Clerk of the Town of Concord, Massachusetts hereby certify that no notice of appeal was received during the twenty days next after receipt and recording of notice from the Board of Appeals of the approval of the Special Permit, or, if an appeal was taken, that a final decree has been entered by the Court sustaining the approval of the Special Permit or the appeal taken has been dismissed by the Court.



 Kaari Mai Tari, Town Clerk

11/14/2023

 Date