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1918-1987

February 23, 2026
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1947-1987

Mr. Kevin Pickering, Building Enforcement Officer
Town of Concord Building Inspector
141 Keyes Road
Concord, MA 01742

Concord Zoning Board of Appeals
141 Keyes Road
Concord MA

Re: 74 Hayward Mill Road, Concord, Ma.
Special Permit Application to Reconstruct a Nonconforming Structure pursuant to Section 7.1.5, of the Concord Zoning Bylaw, specifically, to extend a non-conforming side line setback along the same linear dimension as existing, and to allow an increase in gross floor area of the structure in excess of 50% greater than existing.

Officials and Board Members:

This office represents the Applicant, Kyle J. Mann, who is the Purchaser under Contract to Purchase 74 Hayward Mill Road, Concord, MA. Mr. Mann seeks a Special Permit pursuant to Section 7.1.5 of the Zoning ByLaw to allow the reconstruction of the non-conforming pre-existing structure at 74 Hayward Mill Road, to replace it with a newly constructed residential dwelling with no new non-conformities.

Specifically, the proposal seeks a Special Permit for the following two reasons:

1. To extend one exterior wall along the same non-conforming distance within a required side yard setback, and
2. To increase the gross floor area by more than 50% of the existing structure.

The proposed new structure will create no new non conformities. The proposed new structure will contain approximately 1812 square feet. The existing structure is 875 square feet.

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The subject property is a pre-existing residential dwelling which is located on a nonconforming lot within the Residential B (RB) Zoning District. There is evidence that it was built around 1916. (A deed history is attached). The non-conformities are lot size, frontage, and side setback. Current zoning requires a 40,000 s.f.; lot size; this lot has 7046 s.f.; frontage of 125 feet; this lot has 50' of frontage; and a side setback of 15 feet, this lot has 12 feet on the northeasterly side. The other dimensional setback distances are met.

The property is subject to relief under Section 7.1 if the Board finds the reconstruction will not be substantially more detrimental than the existing nonconforming structure to the neighborhood. In this case, Applicant believes that the replacement of this abandoned and neglected residential structure will enhance the neighborhood, particularly because no new nonconformities are being proposed and the proposed new home will be scaled to fit the small lot in this neighborhood.\

Accordingly, I am submitting an Application for Special Permit under Section 7.1.5 as follows:

Nonconforming structures which pre-date zoning are protected by Section 7-1.3 of the Bylaws and G. L. Ch. 40A, Section 6. The first sentence of G.L. c. 40A Section 6, states that legal nonconforming structures including "structures...lawfully in existence or lawfully begun and structures authorized by a building or special permit issued before the first publication of notice of the public hearing on any ordinance or by-law rendering the structure nonconforming". Special Permits for reconstruction, extensions, alterations or changes to legal nonconforming structures are governed by Sections 7.1.5 of the Concord Zoning Bylaw. This application seeks a Special Permit under Sections 7.1.5.

Section 7.1.5 allows the Board to allow such reconstruction, alteration or structural change where it determines that the proposed modification will not be substantially more detrimental than the existing. In this application, two changes are requested:

First: One allowing the extension of an exterior wall at or along the same nonconforming distance within a required side yard (the northeast side), which is only slightly less than the currently required 15 feet (13.3 feet) (see ie. "The extension of an exterior wall at or along the same nonconforming distance within a required yard shall require a special permit", cite: 7.1.4); and

Second: The second allowing an increase in the gross floor area beyond an increase of more than 50% if it finds that the "proposed modification will not be substantially more detrimental than the existing nonconforming structure to the neighborhood." Cite: 7.1.5.

The proposal is to replace the 875 square foot residence with a cape approximately 1812 square feet in size.

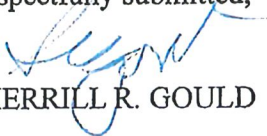
The Applicant seeks to replace a vacant abandoned and obsolete dwelling with a modest new cape style dwelling approximately 20' x 46', with design features and materials consistent with the New England style of homes in the neighborhood. It will be scaled properly for the undersized lot and will not be more detrimental to the neighborhood as it will enhance property values, It does not substantially derogate from the intent and purpose of the zoning bylaw as it

will maintain all requisite setbacks but for continuing the existing nonconformity linearly along northeast side, placing it no closer to the abutter on that side than current.

No new or increased non-conformities are being proposed. The structure is preexisting.

A full application is submitted herewith.

Respectfully submitted,


SHERRILL R. GOULD