

Robert J. McMorrow
Margaret K. Cho
75 Hayward Mill Road
Concord, MA 01742

April 6, 2026

To: Concord Zoning Board of Appeals

Re: Application for reconstruction/expansion of pre-existing nonconforming residence at 74 Hayward Mill Road

Dear Members of the Zoning Board of Appeals,

We are writing as the direct across-the-street abutters at 75 Hayward Mill Road regarding the proposed reconstruction and expansion of the residence at 74 Hayward Mill Road, scheduled for the April 16, 2026, public hearing. We respectfully submit these written comments for the Board's consideration and inclusion in the official public record.

1. Abutter Notification

We would like to bring to the Board's attention that we did not receive the standard abutter notification regarding this application following its filing on March 2, 2026. As proper notification for "parties in interest"—including those directly across a way—is a requirement under M.G.L. c. 40A, § 11, we hope the Board will ensure all procedural steps are complete, so this process moves forward fairly.

2. Streetscape and Massing (Bylaw Section 7.1)

We appreciate the Town's Building Enforcement Officer correcting the applicant's math in red ink. While the attorney's letter framed this as replacing an 875 sq. ft. home, the Town verified the existing structure is only **396 sq. ft.** The proposed 1,812 sq. ft. house represents a **357% increase** in gross floor area. On a lot that is only 7,046 sq. ft. where 40,000 sq. ft. is now required, we believe this massive expansion is "substantially more detrimental" to the neighborhood character.

3. Minimum Off-Street Parking Violation

The submitted Plot Plan fails to depict any proposed driveway or parking area, and the GFA worksheet lists "n/a" for garages. Concord Zoning mandates a **minimum of two (2) off-street parking spaces** per dwelling. Without a designated parking plan, this project will inevitably force vehicles onto our narrow, single-lane private road, creating a permanent obstruction and safety hazard.

4. Fire Safety and 20-Foot Access Code

Hayward Mill Road is a narrow private way. Under the Massachusetts Fire Code, fire apparatus access roads must maintain a **minimum unobstructed width of 20 feet**. We note the existing structure is labeled "TO BE RAZED", and we respectfully urge the Board to require a formal review by the **Concord Fire Chief** to ensure that this 357% expansion and the resulting construction traffic will not compromise emergency access for our home and our neighbors.

5. Speculative Development and Property Protection

As the applicant is a "Purchaser under Contract" rather than a long-term resident, they will not be present to manage the long-term impacts of increased runoff or road blockages. We explicitly oppose any use of our land or frontage for construction staging or parking.

Requested Conditions for Approval

If the Board grants this Special Permit, we respectfully request the following enforceable conditions:

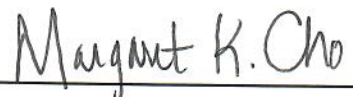
1. **Certified Staked Survey:** A requirement for a certified survey with physical boundary stakes to be maintained throughout construction to ensure zero encroachment on the narrow roadway or abutting lots.
2. **Fire Chief Sign-off:** Confirmation that the narrow way meets the necessary unobstructed width required for safety.
3. **On-Site Parking Plan:** An updated, code-compliant site plan proving the lot can accommodate the **minimum of two (2) off-street parking spaces**.
4. **Construction Management Plan:** Prohibiting all staging and parking on abutting properties and ensuring the road remains passable.
5. **Stormwater Containment:** Engineering to ensure zero net increase in runoff onto the private road or our property.

Thank you for your time and your dedication to the Concord community.

Sincerely,



Robert J. McMorrow



Margaret K. Cho

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[REDACTED]

HON. MORRIS N. GOULD
1918-1987

February 23, 2026
H. MITCHELL GOULD, ESQ.
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.

396

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

Town of Concord
 Building Division
 and
 Zoning Enforcement
 141 Keyes Road
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Gross Floor Area and Floor Area Ratio

Calculations Worksheet

Reference Zoning Bylaw Section 6.2.13 Maximum Floor Area Ratio &
 7.1.5 Non-conforming Structures

Existing house measurement includes all areas with 6'8" headroom or greater
 excluding basements, open or screened porches, and decks.

Extension of a structure by more than fifty percent (50%) is based on the aggregate of all
 expansions undertaken within a consecutive five(5) year period.

All measurements are taken from the outside corners of exterior walls

A Special Permit is required if your allowed GFA allowed exceeds your allowable FAR

PROPOSED WORK MUST MEET ALL DIMENSIONAL REGULATIONS
 SPECIFIED BY THE TOWN OF CONCORD ZONING BYLAWS

1 Property Information

Address: 74 Hayward Mill Road

Parcel ID #:

Zoning District: RB

Total Land Area: 7,046

Property is Non-conforming by (circle all that apply): Frontage/Area/Setbacks

2 Existing GFA (6'8" headroom or greater)

1st Floor Area: 396

2nd Floor Area:

Attic Area:

Enclosed Porch: ~~24~~

Attached Garage:

Detached Garage:

Other

Total Existing GFA: ~~420~~ 396

3 Proposed GFA (6'8" headroom or greater)

1st Floor Area: 882

2nd Floor Area: 930

Attic Area: n/a

Enclosed Porch: n/a

Attached Garage: n/a

Detached Garage: n/a

Other: n/a

Total Proposed GFA: 1,812

4 ZBA Section 6.2.13 (Maximum Floor Area Ratio Allowed)

Calculate the following:

$$1200 \div (\text{lot size}) 7,046 = 0.17 + .24 = 0.41 \times (\text{lot size}) 7,046 = 2,891.04 \text{ MAX FAR Allowed}$$

5 ZBI Section 7.1.5 (Non-Conforming Structure - Gross Floor Area 50% greater than existing)

Calculate the following:

$$1.) \text{ Total Existing House GFA } 420 \times .5 = 210 \text{ Add these two numbers together } = 630 \text{ 596}$$

This is your maximum gross floor area allowed by right without a Special Permit.

2.) Does your proposed project exceed the 50% allowed by right? Yes or No

If yes, a Special Permit is required.

3.) To determine what the percentage of the proposed addition that is over the 50% allowed by right, divide the sq. ft. of the proposed addition by the sq. ft. of the existing home.

EXAMPLE: (proposed sf) 1400 \div (existing sf) 1600 = .88 (or 88%) - 50 = 38% (over the 50% allowed by right)

$$\text{Proposed Addition GFA SF } 1,812 \div \text{Existing GFA SF } 420 = 4.31 - 50 = 45.43\% \text{ (Cannot exceed FAR above)}$$

6 Building Inspections Division Review

Measurements and Calculations Prepared by: Damon McQuaid AIA

Date: 2/23/2026

Building Inspector Reviewed and Approved by: *[Signature]*

Date: 3/2/26