

Good morning Brian and Christina,

Thank you for your email. I will be forwarding this to the Planning Board.

I did want to take this opportunity to clarify a few things regarding the Preliminary Plan process. Should the Planning Board approve the Preliminary Plan, it does not constitute approval of a subdivision and does not provide the applicant any rights to develop the property. A Preliminary Plan application is to provide the Applicant, the Planning Board and Town departments the opportunity to discuss and clarify development issues before the Applicant incurs the expense of preparing the Definitive Plan. Pursuant to the Planning Board's Subdivision Rules & Regulations, a Preliminary Plan only shows sufficient information about the subdivision to form a clear basis for discussion.

All of the items you specify below as part of the Subdivision Rules & Regulations would be part of the discussion during the Definitive Plan process, which requires very specific plans and information be submitted for review. The sections of the Zoning Bylaw that you have cite would be part of the discussion with the Zoning Board of Appeals during the Earth Removal Special Permit process.

I can assure you that should the Planning Board approved a Definitive Plan, there would be a condition of approval prohibiting access to and parking on Highland St of all construction vehicles. Details of how this would be enforced would also be part of the Definitive Plan discussion process.

Please let me know if you have any further questions.

Sincerely,
Elizabeth

Elizabeth Hughes, Town Planner
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978-318-3290

From: Brian Burt [<mailto:briburt@mac.com>]

Sent: Tuesday, April 21, 2020 2:45 PM

To: Nancy Hausherr; Elizabeth Hughes; Planning

Cc: Christina Scherer

Subject: Regarding Symes Development application #246 for proposed subdivision

To Town of Concord Planning Board and Concord Town Planner:

We were disappointed to learn that the proposed PRD by Symes for these parcels has been withdrawn and replaced by a "by right" subdivision proposal. As direct abutters to the site, we were generally in support of the PRD (as indicated in our previous emails to the Planning Board and ZBA). It was not a perfect plan, by any means, but we liked the green space proposal, the architecture, and some of the "green" aspects of the plan, such as no fossil fuel heating and electric vehicle support. We may be wrong, but we feel as if the opinions of direct abutters to the site were not considered during the process as highly as the objections from non-abutters who

live on Prairie and Central Streets who will not be directly impacted by the development of these parcels. Thus, as direct abutters to the site, we are writing today to voice our opinions and concerns as strongly and loudly as we can regarding the preliminary application from Symes Development for a proposed subdivision at 146B, 1440, and 1450 Main St in West Concord.

We live at 97 Highland St in Concord, which directly abuts the proposed site right across Highland Street. We have a number of safety, environmental, and health concerns regarding the proposed subdivision. Before the Planning Board votes to approve the proposal, we would like the Planning Board to consider our suggestions and requests and to implement such measures as they see fit to minimize the impact to our quality of life and our property during any construction that the Board approves.

Specifically, we urge the Planning Board to consider the following items before granting approval of the plan in order to address our concerns and reduce the impact to other abutters and direct neighbors:

- We would like to see the current plan scaled back from 22 units in order to minimize the impact to the neighborhood and environment. Under section 6.2.2 of Concord's Subdivision Rules and sections [7.5.3.2](#), [7.5.3.3](#), and 7.5.4 of the Zoning Bylaws, the parcel's current topography appears to make some of the proposed sites unsuitable to build on. Making some of the site buildable would require removal of soil in such quantities as to be, in our view, "detrimental or injurious to abutters or the neighborhood," as grading and excavation will require far more than 1000 cubic yards of earth removal. It's hard to understand how the current topographical plan seeks to "minimize changes in existing contours" of the land when such vast quantities of soil would have to be removed or moved. The high levels of truck and excavator activity (and possibly blasting) that will be required for such massive amounts of earth removal will create significant amounts of noise, ground vibration, and air pollution, so it's difficult to see how such removal will not be "detrimental or injurious to abutters or the neighborhood, either by the alteration of existing topography or by a substantial change in the use of the streets in the neighborhood" as stated in section [7.5.3.3](#) of the Zoning Bylaw.
- We'd like to urge the Planning Board to consider the full environmental impact of approving such a significant change to the landscape of the site via clear-cutting of the current trees and removal of vegetation. Section 6.2.1 of the subdivision regulations stipulates that the developer give "due regard for all natural features such as large trees," and we would expect that the Planning Board will look long and hard at whether or not the proposed plan contains such "due regard."
- If a plan is approved, we would like to see a total ban on construction traffic (including construction workers' personal vehicles) driving or parking on Highland Street. Highland Street is a very narrow street without a sidewalk, and many children and pedestrians use it regularly. Adding significant amounts of construction traffic to such a street would create a public safety hazard and would be generally harmful to the welfare of the neighborhood. Such a traffic ban should also be enforceable via fines, ticketing, and/or immediate towing and with a zero-tolerance policy. Part of this condition should stipulate that Symes fund additional clear and abundant signage about the ban on Church St, Pine

St, Main St, and Highland St. Such a ban is especially important to direct abutters and neighbors as already the construction of a single home by Symes right across the street from our house at 97 Highland is significantly impacting the quality of our life with increased early morning construction traffic on Highland (even in these supposedly quiet times), as well as increased noise, illegally idling construction trucks, large trucks blocking the street, significant ground vibration felt throughout the neighborhood, and construction activity beginning illegally before 7 a.m. on weekdays (including trucks idling right below our window before 7). Thus, we would like to see the Planning Board implement strict restrictions on construction traffic and activity, including enforcement of reasonable work hours, parking and traffic restrictions, sound limits, and so forth—and in particular, no construction activity or trucks idling before 7 a.m. on weekdays or 8 a.m. on Saturdays. In addition, we'd like to see a ban on all construction activities on Sundays.

- We'd like to see the Town require that all construction site workers follow state and CDC guidelines for social distancing and wearing face masks during the pandemic. The current Symes-contracted construction workers at the site across the street from our house seem to be completely disregarding the Massachusetts guidelines and recommendations, thereby posing a danger to public health.
- We request that Symes fund the following items:
 - continuous publicly-accessible air-pollution, noise, and ground vibration monitoring around the perimeter of the site and for all abutters during the construction period
 - pre- and post-construction inspections by a neutral third party of abutters' properties to monitor potential vibration damage from blasting and other construction activities.
 - continuous pest control and monitoring so that wildlife disturbed by the clear cutting of the forest doesn't move to neighboring basements and garages.
 - a new pedestrian crosswalk on Main St. with pedestrian-activated flashing crossing lights to account for increased foot traffic from the PRD across Main St to and from destinations such as Thoreau School.

Should the Planning Board decide to set any of these conditions, we would also like the conditions to be legally enforceable via fines and other substantial financial penalties for violations or via suspension of building permits/activities.

Thank you for your consideration.

Best regards,
Brian Burt and Christina Scherer

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