

November 25, 2020

Town of Concord
Natural Resources Commission
141 Keyes Road
Concord, MA 01742

**Re: Response to Comments, Supplemental Information for Notice of Intent (NOI)
Lot 2A Keuka Road, CWB File #20-1**

Goddard Consulting, LLC (Goddard) is pleased to submit this Supplemental Information for the Notice of Intent (NOI) on behalf of the applicant, Steve Marsh, Westchester Company Inc.

Responses to Comments:

The following responses are provided to two separate communications an email memorandum from Delia Kaye dated 11/24/2020 titled "*RE: Keuka Road CPW Comments,*" and a memorandum from Justin Richardson, P.E., Assistant Town Engineer to Delia Kaye dated 11/19/2020 with the subject line of "*Notice of Intent Stormwater Review for Lot 2A Keuka Road*".

The following are comments from the two memos, quoted in full (in italics) with accompanying responses by Goddard in bold.

Email Comment 1:

- 1. The proposed design continues to push the 50-foot boundary in every conceivable way. At the last meeting, the Applicant agreed to document that no structures will be built in the 50-foot No Build Zone. However, it would be preferable to have a smaller house and driveway footprint to allow the future homeowner flexibility in constructing a reasonably sized deck and/or patio outside the 50-foot No Build Zone.*

Response:

The plans show no proposed structures in 50-foot Buffer Zone, which is compliant with the local 50-foot No Build Policy. This proposal includes all roof eaves, patio and deck. The applicant understands the Policy and intends to construct the house in accordance with the proposed plan, understanding that any future structures added to the house must be located outside of the 50-foot No Build Zone. After completion, an as-built plan will be prepared, verifying strict compliance with this Policy.

Email Comment 2:

- 2. FENO markers should state: "No Mowing or Disturbance Beyond This Point".*

Response:

The applicant will accept a special condition for this suggested wording of the FENO markers.

Email Comment 3:

3. *The ISMP notes that plantings will be done by hand, where practicable. Revise to clarify that no heavy equipment will occur for the invasives removal and replanting.*

Response:

The ISMP removed all language about equipment. The intention is to remove all invasive shrubs physically, with hand tools, rather than using herbicide. However, since some of the existing shrubs are of such size that full removal by hand tools is not possible, the ISMP provides for the use of herbicides on cut stumps of such specimens. The applicant will accept a special condition prohibiting the use of heavy equipment for all invasives removal and planting activities .

Email Comment 4:

4. *The stockpile location extends down the slope and should be reoriented to be completely on the new driveway.*

Response:

The proposed stockpile location was sited after thorough consideration of project construction procedures and anticipated workflow. Erosion controls will be provided on the downgradient side of the stockpile area in order to ensure that no erosion will occur and that no adverse effects will take place to the resource area. The applicant is amenable to a special condition that allows for the final stockpile location to be determined in consultation with the NRC staff at the required pre-constriction meeting.

Email Comment 5:

5. *In addition to CPW comments on the drainage, provide an Operation and Maintenance Plan to ensure that the underground structure functions as intended over time.*

Response:

The MassDEP-approved O&M Plan is attached. It should be noted that this stormwater feature was created in order to comply with State Wetlands Protection Act Regulations, and that the Concord Wetlands Bylaw does not require any stormwater management for this project. Approval of this plan by MassDEP indicates their conclusion that this project will not adversely affect the ability of the adjacent subdivision project to protect the stormwater-related interests of the Act. The applicant is willing to accept a special condition requiring that the O&M be recorded as an attachment to the Order of Conditions and that compliance with the O&M Plan be listed as a perpetual continuing condition on the Certificate of Compliance.

Email Comment 6:

6. *The riprap outfall for the proposed drainage overflow is within the 50-foot No Build Zone. Relocate this outside the 50-foot NBZ.*

Response:

We disagree with this comment. The plans do not indicate rip-rap within the 50-foot No Build Zone. Additionally, rip-rap does not meet the definition of “structure” as defined in the Policy..

Memorandum Comment 1:

1. The Nyloplast Catch Basin shown on the plans is located inside the Keuka Road right of way. While the road is private, approval for the catch basin in the right of way by all property owners is required. Please provide written approval for the catch basin’s location.

Response:

We disagree with this comment. The road is private and the driveway is fully private to a single owner (the applicant). Therefore, no permission from other owners who have frontage on Keuka road is necessary.

Memorandum Comment 2:

2. It is recommended that the Nyloplast Catch Basin structure be H-20 Load rated due to its close proximity to vehicle traffic. The Engineering Division also notes that this structure does not comply with Town Construction Standards.

Response:

The Road is private and for a single-family house. Furthermore, the catch basin is not within the driving area of the driveway. The likelihood of a vehicle driving over the structure is quite low. Therefore, the applicant’s preference is to use the currently proposed catch basin design. If the Commission finds that a H-20 Load rating is required, the applicant will accept a special condition requiring the catch basin be H-20 Load rated.

Memorandum Comment 3:

3. Stormwater calculations are provided but do not include a plan that shows the contributing area(s) that prove compliance with the requirements in the Department of Environmental Protections Superseding Order of Conditions (DEP File# 137-1461) dated August 6, 2020. Please provide plan that shows the area contribution runoff.

Response:

Stormwater calculations were provided previously as part of the record in a submittal dated 11/2/2020. Note that MassDEP found the level of detail provided in the stormwater report to be sufficient for approval under strict State stormwater standards. Stormwater compliance was only required by MassDEP because of the adjacent subdivision and not for any Concord Wetlands Bylaw requirements. We therefore feel that it is not necessary to provide any further documents or plans related to stormwater management.

Memorandum Comment 4:

4. Stormwater calculations only are provided for a small area of the site, and do not included calculations related to the development of the Lot. This development appears to increase stormwater runoff to the intermittent stream located at the northerly edge of lot. No stormwater provisions appear to be provided. Please provide stormwater calculations for all required storm events.

Response:

See Response to Memorandum Comment #3, above.

Memorandum Comment 5:

5. The "Supplemental Information for Notice of Intent (NOI) for Lot 2A Keuka Road" document includes soil testing information on site was performed. Was a Town representative present to observe the testing?

Response:

Soil testing was observed by a State-certified soil evaluator. No review by the Town is necessary under the requirements of the Concord Wetlands Bylaw. Note that MassDEP did not require any such observation of soil testing by a Town representative in their Superseding Order of Conditions.

Memorandum Comment 6:

6. Overall area of work is not stated in the provided documents. Please provide the total area of alteration.

Response:

A supplemental submission to the NOI application (dated 9/2/2020, 11/5/2020) provided detailed information about square footage of proposed alteration within the buffer zone. The narrative for this submission noted that proposed site disturbance is 8,720 SF within the 0-50-foot Buffer Zone plus 12,380 SF within the 50-100-foot Buffer Zone). The total construction disturbance within the buffer zone is therefore 21,100 SF. The supplemental information further noted that 21,075 SF (Upland) and 6,350 SF (BVW) of ISMP work would take place, totaling 27,425 SF. Since The ISMP work is temporary work being provided as an improvement to the resource area, this is not included as overall project disturbance.

Memorandum Comment 7.

7. The Engineering Divisions reserves the right to comment on future submittals related to any new or previously submitted information provided to the Town for review.

Response:

The applicant is in agreement with this comment.

Very truly yours,
Goddard Consulting, LLC



Mark R. Arnold
Wetland Engineer

CC:

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