



BLACK BIRCH
CONCORD

February 25, 2024

By Electronic Mail

Town of Concord
Zoning Board of Appeals
c/o Elizabeth Hughes, Town Planner
22 Monument Square
Concord, MA 01742
ehughes@concordma.gov

Re: Proposed 40B Project – The Residences at Thoreau, Concord, MA MH ID No. 1206

With respect to the Proposed 40B Application of Thoreau Residences, LLC for the construction of 216 units of rental housing on approximately 13.08 acres of land located at 275 Forest Ridge Road in the Town of Concord (the “Project”), this letter serves as a combined submission of the Associations on the behalf of the Black Birch and Black Birch II (Sweet Birch Lane) Condominiums (41 homes, the “Communities”) to the Town of Concord’s Zoning Board of Appeals regarding the proposed development and its impact on our respective Communities.

The Communities support the Town of Concord Housing Production Plan, and the efforts of Concord Municipal Affordable Housing Trust and the Town of Concord to work towards a Smart Growth approach to developing affordable housing throughout the town of Concord. In fact, affordable housing units are included in 10% or more of both the Black Birch and Black Birch II Communities. Given the following concerns, however, The Residences at Thoreau project is not consistent with the Towns long-term housing development plans. Moreover, the Project will cause an unreasonable and inequitable burden to the abutters along Forest Ridge Road, which is a private road funded by them.

Key Concerns:

Forest Ridge Road:

As members of the Forest Ridge Road Association and abutters of the Project, our Communities have a material interest in the issues surrounding the proposed development, its prospective impact on the Forest Ridge Road community as a whole, and specifically on the private road which accesses and services our Communities. This Road also provides the only point of emergency access to the nearby 350-unit Prescott residential complex, as well as access to the CMPL substation, that provides electricity to the entire Town of Concord. These include, but are not limited to the following:

1. **Forest Ridge Road is a private road:** As parties to the Forest Ridge Agreement and members of the Forest Ridge Association (which is responsible to maintain and manage Forest Ridge Road), Black Birch (25 units) and Black Birch II (16 units), Minute Man Arc, Riverbend Condominium (22 units), Concord Municipal Light (CMLP), and the Thoreau Club collectively pay for the short and long-term maintenance and operation of Forest Ridge Road. The road was originally zoned for light industrial uses, and was not designed and constructed to support large scale residential traffic flows. Budgeted expenses are determined by the respective acreage of the parties. As an example, Concord Municipal Light owns 5.6 acres of the land at Forest Ridge, which represents 6% of the total acreage of the Forest Ridge development. As such, CMLP will continue to contribute roughly 6% of the Forest Ridge operating budget. This explanation is offered to illustrate that the Forest Ridge Association receives no additional income from the proposed development. Simply stated, the Thoreau Lot's current share/percentage interest is simply being divided into smaller shares with no resulting change in the road maintenance expense sharing allocations borne by the other lot owners/members, despite a dramatic change in the land use of the Thoreau Project lot.

The "quid pro quo" of this transaction is materially out of balance. The developer will profit from their project by adding 216 rental units to the road, the town receives property tax revenues, and the parties to the Forest Ridge Agreement, the 63 homeowners, CMLP, and non-profit Minute Man Arc bear the increased costs associated with the significantly increased use of the Forest Ridge Communities single most important asset – the road. This proposal is far from equitable.

2. **Proposed Project Driveway location, Rotary Design & Capacity:** The Thoreau Residences' access drive would be situated between the existing curb cuts of the Thoreau Club, and the rotary entrance to the Black Birch community. It is difficult to understand how a new drive accessing 216 residential units and the estimated 980 daily vehicle trips can be safely sandwiched within the very limited available frontage of the rotary. Also, as noted in the Town of Concord's Planning Board formal response to the Project, "The location of the proposed driveway does not take into consideration the location of existing driveways and the design capacity of the private roadway and small rotary, which was not designed or constructed to accommodate the level of vehicular or pedestrian traffic that will be generated from this type of development."
3. **Increased Traffic Volume:** As stated in the Town of Concord's 40B response letter, "Forest Ridge is one of the busiest private roads in Concord." Based on membership visitation data provided by the Thoreau Club, the Club alone generates approximately 700 trips per day on Forest Ridge Road. Further, the estimates for traffic generated by the developers' consultant for the proposed 216 residential units will approach an additional 980 vehicle trips per day. To put this into perspective, under existing Town of Concord zoning, this site is situated in a Limited Industrial Park 2, which allows an office

use of 39,300 square feet, requiring 131 parking spaces. The Project proposes 397 parking spaces. Combined with the design and capacity issues noted above, and the already challenging sloping intersection at Rte. 62 (including the nearby hockey rink access/egress to Rte. 62), this increased volume, which is far above that permitted by current zoning, will increase traffic and pedestrian incidents, especially in winter conditions.

4. **Pedestrian Traffic and Safety:** Currently, speed limits are posted on Forest Ridge Road, crosswalks are marked, and yield signs are visible at rotary access/egress points. There is limited compliance, at best, to these markings by the current vehicular traffic. The additional volume will only exacerbate these issues, substantially contributing to safety issues for pedestrians, vehicles, and school buses. Black Birch and Black Birch II are age restricted communities, and the residents often utilize the walkways and trails in the neighborhood. Notably, the students at Minute Man Arc also frequently walk the Forest Ridge Road sidewalks and abutting neighborhoods. Residents of The Prescott and Thoreau Hills routinely utilize the trail system that connects to Forest Ridge Road and the pedestrian walkways along the road. Additionally, it is not uncommon for visitors from the nearby hockey complex to utilize the pedestrian walkways on Forest Ridge Road while waiting for their children or between tournament games. The Project will undoubtedly include families and children walking and biking on this same roadway. Traffic volume and the traffic behavior is already an issue relative to pedestrian and vehicular safety on Forest Ridge Road.

Site work, Construction, Detailed Development Plans:

The Project as proposed requires extensive and massive site work. We again quote from the Town of Concord’s Planning Board response to MassHousing dated November 15, 2023. “The design does not take into consideration the existing topography and features of the site. The change in topography on the site in some locations is almost 40 feet. The flat and level design will require the removal of almost all the existing woodland, and significant cut and fill grading of almost the entire 13 acres to create a completely level site.”

1. **The Driveway:** The plans on file for the driveway entrance show the driveway going directly through a deep kettle hole which serves as an approved drainage easement pursuant to the Planning Board’s previously issued subdivision permit. The driveway appears to be deeply and steeply cut into the slope of a wooded hillside retained by an 8’ to 10’ retaining wall and sloped approximately 20’ to the base of the drainage easement/kettle hole. Our concerns include:
 - a. As discussed above in item 2, we are extremely concerned with the location of the proposed driveway on the existing Forest Ridge Road rotary, which currently serves four other entry/exit roadways.
 - b. If constructed as proposed, which includes a deep cut into the existing hillside, all that will remain will be a narrow band (estimated 10 -30 feet wide) of dense

and poorly developed trees. This remaining band of trees will be significantly elevated (15-20 feet) above the new roadway. Our concern is with the increased wind load on these remaining trees, and their ability to withstand the change in this newly exposed location. These trees are 60-70 feet tall with relatively shallow root systems. The current tree cluster acts as a unit and disperses the wind load. The new configuration of the remaining trees will be less stable. These trees, if they fall, will be well within striking distance of up to 8 Black Birch homes.

2. **Tremors, Vibrations, Inspections and Monitoring:** As work at the adjacent Nuclear Metals/Starmet Superfund Site has progressed, it has not been uncommon for residents of Black Birch to experience “tremors” associated with the soil compaction efforts underway at the site. As the Planning Board, Town Engineer, and others are undoubtedly aware, the EPA installed an extensive monitoring system to track such disturbances, and ensure they remain within acceptable limits.

Given the two-fold problem of:

- a. Potentially concurrent “compaction work” at both the Nuclear Metals/Starmet and proposed Thoreau Residences sites, and
- b. The closer proximity of the proposed Project site to the Black Birch and Black Birch II developments,

The Town must require proper pre-construction inspections of the impacted residences, installation of appropriate monitoring and measuring equipment, and provide for appropriate reporting and repairs as necessary. These issues surfaced when work was performed an estimated 300 yards away from the impacted houses at the Nuclear Metals/Starmet site. The prospective fill and compaction work on the Thoreau Residences driveway site would be an estimated 50 yards or less away from the Black Birch homes.

Environmental: Sight lines, view sheds, buffers/barriers (noise and sight), and exterior lighting are well recognized areas of concern for abutters. We reserve the right to comment on these items until the detailed development plans are reviewed at the February 29, 2024 Zoning Board meeting.

1. **Wastewater Treatment:** Anyone that has consistently walked along Forest Ridge Road can readily identify the area where the strong smell that emanates from The Prescott’s wastewater treatment facility is strongest. Regardless of season, the odor is present. As abutters, our Associations are very concerned that a similar situation is not replicated at the proposed development, especially given its proximity to existing homes.
2. **Conservation Land:** “Loss of forested habitat, inconsistent with adjacent developments,” was an assessment of the Projects voiced by the Town of Concord in its

November 20, 2023 response to MassHousing. The Forest Ridge communities have consistently recognized and accommodated the need for green space throughout the development of the Forest Ridge subdivision. A conservation easement exists within the Black Birch development, and many additional areas within the Forest Ridge subdivision are designated as publicly accessible town conservation land. The proposed Project is a high-density development, with the majority of land covered by the buildings, parking lots, roads and outbuildings with little open space for its future inhabitants or the surrounding community. It is a poorly designed plan that ignores and is detrimental to the publicly available and protected resources of this area.

In summary, the proposed Project is seriously flawed as noted in the substantive comments provided by multiple Town departments, boards, and committees as well as those of the Black Birch Communities. The preliminary plans and engineering designs reflect a proposal with serious negative environmental, social, and economic costs that will be unfairly borne by future residents, neighbors, and the Town. To be clear, we recognize the site in question offers opportunities for a welcoming, balanced and creatively designed residential community. Unfortunately, the proposed Project fails to accomplish this.

Sincerely,

The Black Birch Association Trustees

The Black Birch II Association (Sweet Birch Lane) Trustees

Cc:

Katharine Miller – Planning & Programs Specialist Massachusetts Housing Financing Agency
Kerry Lafleur, Town of Concord Town Manager
Megan Zammuto, Deputy Town Manager/Dir. Planning & Land Development
Linda Escobedo, Select Board Liaison
Shannon McAndrews. Executive Assistant to the Select Board