

February 23, 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 Application – The Residences at Thoreau**

Dear Zoning Board Members:

This office represents the Board of Trustees (the “Trustees”) of the Forest Ridge Association (the “Association”), a not-for-profit organization of the owners of six (6) lots located in Concord, Massachusetts. The Association’s members include the three residential condominiums known as Riverbend Condominium, Black Birch I Condominium, and Black Birch II Condominium (Sweet Birch Lane). The Association’s other members include Minute Man Arc for Human Services, Concord Municipal Light Plant, and Thoreau Real Estate, LLC (“Thoreau”). As you are aware, Thoreau’s affiliate, Thoreau Residences LLC, is the applicant for the proposed Chapter 40B project referred to as The Residences at Thoreau (the “Project”). The purpose of this letter is to address the Trustees’ initial concerns regarding the Project.

The Project, as proposed, consists of 216 residential rental units in 3 buildings on 13.08 acres of land located to the north of the Thoreau Club on Forest Ridge Road, a private way owned by the Association. Two of the Condominiums – Black Birch I and Black Birch II – abut or are within 300 feet of the Project site.

It is important for you to know that Thoreau’s development of its lot and use of Forest Ridge Road are subject to certain restrictions as expressly provided in the Association’s governing instrument, entitled the “Amended And Restated Forest Ridge Agreement,” recorded with the Middlesex Registry of Deeds at Book 27708, Page 212, as amended. The Association members “shall not injure, overload, misuse or otherwise harm the Road. Owners may use the Road for all purposes for which roads are used in the Town of Concord, except as restricted by this Agreement . . .” Agreement Section 8:05 (underscore added). The creation of a housing development with 216 rental units and nearly 400 parking spaces on Thoreau’s lot will generate 900 new daily vehicle trips on Forest Ridge Road. The Trustees have retained an engineering firm to conduct an independent study to determine the extent of the impacts of the additional

traffic on Association members' properties and the prospective wear and tear and respective short-term and long-term expenses associated with maintaining and repairing the private Forest Ridge road and its related infrastructure.

The Trustees' preliminary concerns include: (i) the large volume of new traffic generated by the Project and the traffic impacts on the residents and on Forest Ridge Road; (ii) the location of the Project's driveway at the rotary, which does not take into consideration the impacts on existing driveways and the limited design capacity of the rotary; (iii) pedestrian safety along the heavily traveled walkways and trails in the neighborhood, which is an ongoing concern even under existing conditions; and (iv) a heavy imbalance to the allocation of costs for the maintenance and repair of Forest Ridge Road such that the other Association members will bear most of the cost increases caused solely by the significant increase in use by Thoreau.

The Trustees' investigation of the Project impacts is ongoing, and the Trustees intend to participate in all public meetings and hearings in connection with the Project and will share their findings with you. Should you have any questions, please have one of your representatives contact me.

Sincerely,

MARCUS, ERRICO, EMMER  
& BROOKS, P.C.

/s/ *Thomas Aylesworth*

Thomas W. Aylesworth, Esq.

cc: Edward M. Augustus Jr., Secretary, Executive Office of Housing and Livable  
Communities (EOHLC)  
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