



BLACK BIRCH  
CONCORD

September 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](mailto:ehughes@concordma.gov)

Re: Proposed 40B Project – The Residences at Thoreau, Concord, MA MH ID No. 1206  
Referencing: Black Birch Association letter dated February 25, 2024 ‘BB Association Thoreau Project Input Letter’

With respect to the Proposed 40B Application of Thoreau Residences, LLC for the construction of 216 units (+10%) 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 upcoming newly proposed development plan and its impact on our respective Communities.

A reminder, 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.

**Ongoing Concerns:**

**1. Site & Environmental Impacts:**

The east/southeast boundary of the Black Birch Association (BBA) abuts the steeply sloped and well-vegetated portion of the proposed project site. The slope of this portion of the proposed project site should not be disturbed and the mature trees that are 75 -100 years old should not be removed or altered. This is necessary so that an adequate noise and aesthetic buffer remains for current residents at BBA and the residents of the proposed project. Importantly, such a vegetative buffer needs to be permanently protected through a conservation restriction conveyed to the Town of Concord. This pattern of landscape design and protection is what was

accomplished through the original siting and construction of the Thoreau Club as well as the Black Birch communities.

We also advocate for additional tree planting along the roadway extending from the Forest Ridge Road rotary to the Thoreau Club to mitigate the increased traffic noise and vehicle light impacts. The current number of trees along this roadway is inadequate. Depending upon final design of the project, additional evergreen trees may need to be planted along portions of the common boundary with the Black Birch Association.

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 September 26, 2024 Zoning Board meeting. However, due to potential odor concerns, wastewater treatment facilities (excluding septic system leaching fields) should be located more than 500 feet from any BBA property line.

Additionally, the ongoing concerns about the impact on the town's public water supply remain and will be exacerbated by a potential increase in the number of residential units. Initial design features of the proposed buildings also fail to meet Concord's sustainability goals and requirements, and will hopefully be addressed in the updated plan.

## **2. Traffic Impacts:**

The project proponent's Traffic Impact Study is flawed. See section 3.1.2, ( Background/ Development Related Growth). Specifically, the study indicates that there are " no projects in the immediate area " that would significantly affect traffic volume on Rt. 62. However, the consultant who conducted this analysis only reviewed the files of Concord, Maynard and the state MEPA Office. They failed to consider the new 40(b) project of approximately 250 new residential units now underway in Acton on Rt. 62 (Powdermill Road aka Main Street) which is less than one mile from the intersection of Rt. 62 and Forest Ridge Road. The Traffic Study fails to account for this nearby major residential development. This is especially critical if more residential units are contemplated for the Thoreau Residences proposed project.

Additionally, depending on the Town of Concord eventual plans for 2229 Main Street, there could be significant additional traffic less than a mile from the subject intersection in the other direction – driving the need for additional traffic controls.

As a result, the Communities do not support the increase of any additional residential units for the proposed project. Rather, we would advocate for at least a 10% reduction. The basis for this comment is that the increased traffic is a serious burden and cost on all the abutting property owners (members of the Forest Ridge Association, which is responsible to maintain and manage Forest Ridge Road, 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.

## **3. 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.

In summary, we advocate for a reduction in the scale of the project - and not an increase in the number of residential units. Nor do we support building structures that are much higher than originally proposed. We know such a proposed change may reduce the footprint of buildings, parking, etc., but are not convinced yet that such a tradeoff is warranted or acceptable. We also advocate for specific actions (noted above) that will eliminate or significantly reduce adverse impacts on the Black Birch Community property and its residents. In addition, we believe the ZBA should articulate specifically within its "findings" regarding a final ZBA decision on this project proposal, that the town's best long-term interests are to ultimately have Forest Ridge Road accepted as a town public road. Such a determination does not place an additional burden on the project proponent, but it may provide momentum and support for Concord Town Meeting to act affirmatively on such an action and reduce the financial burden to the Forest Ridge Association and its members.

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  
Andrea Fountain. Executive Assistant to the Select Board