



December 20, 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
Referencing: Black Birch Association letter dated February 25, 2024 ‘BB Association Thoreau
Project Input Letter and Black Birch Association letter of September 23, 2024.***

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 an additional submission on behalf of the 25 homeowners of the Black Birch Condominium Association (Community) to the Town of Concord’s Zoning Board of Appeals regarding the proposed development plan and its impact on our respective Community.

Also, as members of the Forest Ridge Road Association and abutters of the Project, the Community has 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 the Community. This Road also provides the only point of emergency access to the nearby 350-unit Prescott residential complex as well as access to the Minuteman Arc Center and the Concord Municipal Light Plant substation that distributes electricity to the entire Town of Concord.

Ongoing Concerns:

1. Site & Environmental Impacts Associated with Extensive Tree Removal:

As noted in our previous correspondence with the Board, the east/southeast boundary of the Black Birch Community 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 of the Community and the residents of the proposed project as well as to protect the existing publicly accessible walking trail.

Specifically, there are several key actions that the Board must address to avoid and mitigate the immediate and long-term adverse impacts associated with the removal of trees on the steep slope of land that abut adjoining private properties.

- Eliminate the proposed parking envisioned along the common boundary of the Black Birch Community. A serious flaw with the design of the Project is the extent of paved parking areas. The paving is excessive and unfortunately dominates the appearance and use of the site and adds significantly to the negative environmental impacts associated with the proposed development. Paved surface parking can be accommodated, in part, beneath Building A. Furthermore, a low retaining wall constructed adjacent to the proposed roadway and at the base of the slope can eliminate impacts to the existing vegetative slope. Relocating Building A a modest distance from its proposed location and away from the slope will also mitigate adverse impacts.
- The most significant generation of noise from the site impacting the Black Birch Community (other than vehicular traffic) will be the rooftop mechanical equipment. Since the roof height of the proposed buildings will put that equipment at the same level as the abutting residences, we support the Davis Square Architects (the Town consultant) proposal for low-noise mechanical equipment on the roofs of the buildings and rooftop fencing to provide additional noise reduction (see Section 5c and 5n of their report).
- To further assess several of the issues noted above, we strongly support the recommendation of Davis Square Architects to conduct a “screening survey”. Such a survey will provide the basis for determining the buffering needed to be effective in screening the proposed Project from those residences on a year-round basis (See Section 5c of their report). Please note, the survey is only needed within the Community for four residential units that are situated within two duplex structures. These are the residential units that will be most affected in terms of noise, nighttime lighting and other visual impacts to the Community.
- In order to maintain the long-term integrity of the natural features of the steep slope associated with the common- boundary of the Project and our Community, we advocate that the applicant convey to the Town of Concord a permanent conservation restriction on the vegetative slope and the area between the proposed driveway and the current conservation restriction on the Black Birch property. This action benefits the future residents of the proposed project, the residents of the Community and the public that actively utilizes the public walking trail in the immediate area. This pattern of landscape design and protection was instituted through the original siting and construction of the Thoreau Club and surrounding neighborhood. We expect this pattern of development can be readily accommodated with the proposed Project.

2. Construction Impacts on Neighboring Properties and Forest Ridge Road

As we have noted in previous correspondence that as the site restoration 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. The US EPA installed an extensive monitoring system to track such disturbances, and ensure they remain within acceptable limits.

Our Community faces a two-fold problem:

- 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 Board 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.

Forest Ridge Road is currently a private way. As a member of the Forest Ridge Road Association that owns and manages the road, there remains a high degree of concern among the Association’s families and institutions due to the amount and duration of site work associated with the proposed Project. Heavy and sustained truck traffic as well as future additional traffic that occurs due to the Project will undoubtedly have a significant impact and over-burden the condition of Forest Ridge Road and will unfairly impose large costs to the abutters who constitute the members of the Association. The broad and sweeping scope of an affirmative action by the Board regarding this Comprehensive Permit application on behalf of the Town of Concord cannot impose significant new costs on the current members of the Association. We expect the Board to engage the project applicant to resolve these critical issues.

Sincerely,

Gary Clayton, Joe Kelly, Brian O’Donnell

The Black Birch Association 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

Andrea Fountain. Executive Assistant to the Select Board